



MANDATORY REPORTING POLICY

Authority	College Principal
Date of Next Review	March 2019
Definitions	<p>Child FIRST - A family services community-based intake and referral service.</p> <p>Child Protection - The statutory child protection service provided by DHHS, which is able to intervene to protect children and young people at risk of significant harm.</p> <p>DHHS - Department of Health and Human Services.</p> <p>CYFA - Children, Youth and Families Act 2005.</p>
To whom does this policy apply?	<p>Bialik College Mandatory reporting policy is a part of the broader Child Protection policy which is based on the principle of partnership and shared responsibility across a broad range of human services professionals, including schools and licensed children's services. Most children are best protected and cared for within their own family; however, when parents, carers or guardians are unwilling or unable to protect their children from significant harm, the protection of the child becomes the responsibility of the wider community and at times, requires statutory Child Protection intervention.</p> <p>All staff:</p> <p>Everyone has a <u>moral</u> responsibility to report all types of <u>known</u> or possible child abuse (physical, sexual, and/or emotional abuse and neglect). Under the <i>Children, Youth and Families Act 2005 (Vic)</i>, any person may make a report to the Department of Health and Human Services or to family services such as Child FIRST and/or Child Protection if they have a significant concern for the wellbeing of a child.</p> <p>When a member of staff or their delegate forms a belief that a child has been harmed or is at risk of being harmed, he/she must take action that is timely, respectful and coordinated. (See Procedures below)</p> <p>Under the 2013 Betrayal of Trust legislation, three new offences which apply to all adults:</p> <ol style="list-style-type: none"> 1. a grooming offence which targets communication, including online communication, with a child or their parents with the intent of committing child sexual abuse 2. a failure to disclose offence that requires adults to report to police a reasonable belief that a sexual offence has been committed against a child (unless they have a reasonable excuse for not doing so) 3. a failure to protect offence that applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but negligently failed to do so. <p>2. Mandatory Reporters</p> <p>Certain professionals are legally required to report as soon as practicable to DHHS if they form a belief during the course of their employment, based on reasonable grounds, that:</p>

	<ol style="list-style-type: none"> 1. a child has suffered, or is likely to suffer significant harm as a result of physical injury or sexual abuse; and 2. The child's parents or guardians have not protected or are unlikely to protect the child from harm of that type. <p>Within the College, Mandatory Reporters include the following types of professionals:</p> <ol style="list-style-type: none"> 1. Registered teachers 2. Persons who have been granted permission to teach 3. School principals 4. Nurses <p>As a Mandatory Reporter you are both legally and professionally protected for a report made in good faith. That means that you cannot be successfully sued or subjected to any legal liability, nor can you be disciplined for unprofessionalism.</p>
When does the policy apply?	<p>Always - schools have a responsibility in the prevention and reporting of child abuse and neglect under the <i>Children, Youth and Families Act 2005 (Vic.)</i>. If you are a Mandatory Reporter, failure to notify DHHS of your reasonable belief and the grounds for that belief, is an offence under the <i>Children, Youth and Families Act 2005 (Vic.)</i> and can lead to criminal prosecution.</p>
Policy	<p>Bialik College adheres to the belief that every child has a right to live a full and productive life in an environment that builds confidence, friendships, security and happiness irrespective of their family circumstances or background.</p> <p>The Children, Youth and Families Act (CYFA) 2005 have a unifying set of 'best interests principles'. These include:</p> <ul style="list-style-type: none"> • Supporting the child • Reporting to Child Protection all allegations or disclosures of physical, sexual or emotional abuse and neglect • Reporting to Child Protection when a belief is formed that a child has been harmed or is at risk of being harmed • Making the child's ongoing safety and wellbeing the primary focus of decision-making • Sharing appropriate information, expertise and resources with other service providers • Protecting and promoting the cultural and spiritual identity of a child and maintaining their connection to their family or community of origin • Enabling the child and the child's family to access appropriate services in order to reduce the long-term effects of abuse or neglect. <p>MANDATORY REPORTING</p> <p>A report to Child Protection (DHHS) will occur as soon as practicable after forming a belief, on reasonable grounds, that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child or they are the perpetrator.</p> <p>Please Note: Teachers are required to discuss any concerns about the safety and wellbeing of students with the Principal, Assistant Principal (Pastoral Care), School Psychologist, Head of School or Head of Student Services.</p> <p>If the Principal, Assistant Principal (Pastoral Care), School Psychologist or Head of School does not wish to make a mandatory report, this does not discharge the teacher's obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation, that teacher is still legally obliged to make a mandatory report of their concerns.</p> <p><i>Non-Mandated Staff Members</i></p> <p>Any person who believes on reasonable grounds that a child is in need of protection</p>

	<p>may report their concerns to Child Protection.</p> <p>DUTY OF CARE</p> <p>Staff or volunteers of Bialik College have a duty of care to support and protect the children and young people with whom we are professionally involved. When a staff member or volunteer forms a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person, whether or not they are a mandated reporter. Duty of care is breached if a person:</p> <ul style="list-style-type: none"> • Does something that a reasonable person in that person’s position would not do in a particular situation • Fails to do something that a reasonable person in that person’s position would do in the circumstances • Acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care. <p>Other groups where there may be special requirements include:</p> <ul style="list-style-type: none"> • Children from culturally and linguistically diverse (CALD) backgrounds • Children with refugee backgrounds • Children with disabilities • Children of Aboriginal/Torres Strait Islander background <p>http://www.vacca.org</p> <p>Please refer to the “Protecting the safety and wellbeing of children and young people” on the DHHS website.</p> <p>At no time should a member of the teaching staff attempt to hold information, manage an issue, counsel the student regarding any matter of welfare or safety concern without reporting this to the Principal, Assistant Principal (Pastoral Care), Head of School or Head of Student Services.</p>
<p>Procedure</p>	<p>Note that when implementing these procedures, fulfilling roles and responsibilities does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of abuse.</p> <p>Responding to a concern</p> <p>You are concerned about a child because you:</p> <ul style="list-style-type: none"> • Received a disclosure from a child about abuse or neglect • Observed indicators of abuse or neglect • Been aware of possible harm via your professional responsibilities <p>At all times remember to:</p> <ul style="list-style-type: none"> • Record your observations, save these on synergetic and if appropriate, ask Head of School to save these under confidential notes • Consult with the Principal, Head of School, Head of Student Services, Child Protection officer, school psychologist and/or other appropriate colleagues • Consult with appropriate external agencies • Follow appropriate protocols • Consult notes and records <p>Contacting DHHS (Child Protection)</p>

Step 1 Responding to concerns	Step 2 Forming a belief on reasonable grounds	Step 3 Making a referral to Child FIRST	Step 4 Make a report to Child Protection
<p>1. If your concerns relate to a child in need of immediate protection/ or you have formed a belief that a child is at significant risk of harm, speak with a member of the Child Protection Team and GO TO STEP 4</p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services, speak with a member of the Child Protection Team and GO TO STEP 3</p> <p>3. In all other situations, speak with a member of the Child Protection Team and GO TO STEP 2</p>	<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have a formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO</p> <p>2. If you answered YES to a) or b), GO TO STEP 4</p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services, GO TO STEP 3</p>	<p>Child Wellbeing Referral</p> <p>1. Contact your local Child FIRST provider.</p> <p>2. Have notes ready with your observations and child and family details.</p>	<p>Mandatory / Protective Report</p> <p>1. Contact your local Child Protection Intake provider immediately For After Hours Child Protection Emergency Services call 131278</p> <p>2. Have notes ready with your observations and child and family details.</p>
<p><i>* Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p> <p><i>* While Bialik College takes a team approach to all Child Protection matters, all staff members have the right and responsibility, regardless of consultation with others, including the Child Protection Team, to report if they have a reasonable belief that a child is, or has been, at risk of harm.</i></p>			

IMPORTANT NOTES:

1. If the decision made by the team (relevant Head of School, Assistant Principal (Pastoral Care) or Head of Student Services) is not to make a report at this stage, **the staff member who has formed the belief has an obligation to report if they see fit.**
2. **The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.**
 - a. Differences of opinion may occur between the School and Child Protection. In this event, the “best interests principles” provide a decision making framework. A log of differences (on synergetic) should be maintained and any recurring areas of concern should be addressed collaboratively.
3. The decision will either be:
 - a. **Well-being Concern:** (The “Documentation Regarding Protective Concerns about a Student” form is then completed and this information is logged under confidential notes on the child’s synergetic page by the relevant head of school and/or Assistant Principal (Pastoral Care) and/or Head of Student Services.
 - b. **Mandatory Report:** The report needs to be made without delay. A Mandatory Report is made to DHHS (Child Protection) by the relevant head of school and/or Assistant Principal (Pastoral Care) and/or Head of Student Services with the assistance of the teacher who has formed a reasonable belief if relevant. The form, detailing a mandatory report, will be completed and the information logged under confidential notes on the child’s synergetic page by the relevant Head of School, Assistant Principal (Pastoral Care) or Head of Student Services.
4. Any further relevant information is to be forwarded to DHHS (Child Protection).
5. Once the report has been made, DHHS (Child Protection) will then issue further instructions (based on the circumstance).

6. In order to maintain confidentiality, details relating to the report are only discussed with those involved.
7. Any external bodies/individuals seeking information regarding the report **MUST** be directed to the Assistant Principal (Pastoral Care) or a member of the Child Protection team.
8. Any staff member involved in a Mandatory Report will be offered appropriate support by the College.
9. Following a Mandatory Report, all relevant pastoral support is to be provided to the child, including regular conversations and observations to ensure that the child is safe and supported.

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. CYFA Section 184(1) The offence relates to failure to protect, failure to disclose and/or the grooming of a child. (See section: All staff)

Advising parents, carers or guardians

1. School staff do not require the permission of parents, carers or guardians to make a report to DHHS, nor are they required to tell parents, carers or guardians that they have done so.
2. In most cases, the College prefers to inform parents. This and this should occur either before or by the time the child arrives home unless DHHS has instructed them not to do so.

Protection for staff members

1. A Mandatory Reporter is legally and professionally protected and therefore cannot be successfully sued or subjected to any legal liability, nor can they be disciplined for unprofessional conduct by their professional body, for a report made by them in good faith.
2. Under the *Children, Youth and Families Act 2005 (Vic.)*, the identity of a Mandatory Reporter remains confidential unless:
 - The Reporter chooses to inform the child and/or the child's parent(s) or guardian(s) themselves
 - The Reporter consents in writing to have their identity disclosed by Child Protection and/or Child FIRST
 - The Court decides that it needs the information provided in the report to ensure the safety and wellbeing of the child
 - The court decides that it is satisfied that the interests of justice require that the evidence be given

For Courts to order disclosure of a Reporter's identity requires exceptional circumstances and is not normal practice.

REPORTING TO VICTORIA POLICE

If there is an allegation of abuse by a staff member or visitor at Bialik College, the Principal (or delegated authority) will immediately report the matter directly to Victoria Police for investigation by telephoning the **emergency number 000**.

REPORTING TO THE CCYP

If there is an allegation of abuse by a staff member or volunteer at Bialik College, the Principal (or delegated authority) will inform the CCYP via their online form within 3 working days. Within 30 calendar days after becoming aware of a reportable allegation the College must provide the Commission with detailed information about

the allegation, disciplinary or other actions undertaken, and the response of the worker or volunteer to the allegation.

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 or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

There may be reasonable grounds for forming such a belief if:

- A child or young person states that they have been physically or sexually abused
- A child or young person 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 or young person states that the child or young person 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 or young person'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, or
- A child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.

MISCONDUCT ALLEGATIONS – EMPLOYEES OF VICTORIAN SCHOOLS

- If the College receives information alleging that a teacher or other staff member has abused a child or young person, this information will be referred to the Principal and to Victoria Police. The Principal will inform CCYP within three days and again after 30 days.
- If the allegation is about the Principal, the College President should be informed, who can provide advice regarding the appropriate person to contact. Refer to the Whistle-blower Policy if misconduct is suspected.
- VIT will be informed if appropriate

If Bialik College receives information alleging that a teacher or other staff member has acted inappropriately, or abused a child, the matter will be investigated immediately.

ENSURING THAT A CHILD PROTECTION INTERVIEW TAKES PLACE

Victorian schools **do not** have the power to prevent parents, carers or guardians from removing their children from school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the Principal and/or their nominee should contact Child Protection or Victoria Police immediately.

TRAINING

New staff will be advised of the above during their induction procedure. In addition, all staff will receive training about their mandatory responsibility annually. All non-mandated staff will be referred to on-line training.

	<ol style="list-style-type: none"> 1. Listen to the child sensitively and sympathetically. 2. Take the disclosure seriously. 3. Reassure the child that they have done the right thing in telling someone. 4. Offer to accompany the child to the school psychologist. 5. Although the disclosure cannot be kept a secret, assure the child that only relevant/appropriate people will be informed. 6. Receive and record the information, but avoid detailed questioning that may prejudice a criminal investigation at a later date. 7. Contact the relevant Head of School, Assistant Principal (Pastoral Care) or Head of Student Services immediately.
<p>Confidentiality</p>	<p>It is an offence under the Act for a person to disclose to any person (other than the relevant authorities):</p> <ul style="list-style-type: none"> • The name of a person who has made a report to the DHHS; or • Any information that is likely to lead to that person’s identification. <p>There is an exception in place where the person who has made the report authorises in writing the disclosure of that information.</p> <p>Therefore, it is important that all information related to a suspected instance of child abuse or neglect be treated in the strictest confidence.</p> <p>School 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, i.e. Principal, Assistant Principal (Pastoral Care), Head of School or Head of Student Services.</p> <p>When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be relayed. This will be determined by the Principal.</p>
<p>Important Phone numbers</p>	<p>To make a Mandatory Report, contact Intake Unit (Eastern Region) 1300 360 391.</p> <p>To make a Mandatory Report after hours, contact Child Protection Services (24 hour crisis line) 13 12 78.</p> <p>In a situation where you have a significant concern for the child’s wellbeing, but do not believe that the child needs protection, information can be shared with Child FIRST – Child FIRST (Eastern Region) 1300 762 125.</p>
<p>Why do we have this Procedure?</p>	<p>As a school, we have a moral and legal responsibility in the prevention and reporting of child abuse and neglect.</p> <p>This policy and procedure aims to ensure that every child who is in our care is protected from harm and/or abuse.</p> <p>This policy is consistent with the National Framework for Protecting Australia’s Children (2009), and complements the School’s Pastoral Care policies and procedures. Under the National Framework for Protecting Australia’s Children (2009), protecting children is everyone’s responsibility: parents, communities, governments and business all have a role to play. The National Framework provides the foundation for improving the safety and wellbeing of vulnerable children. The policy follows the guidelines of Ministerial Order 870 –Child Safe Standards</p> <p>This policy is based on the principle of partnership and shared responsibility across a broad range of human service professionals, including schools and licensed children’s services. Most children are best protected and cared for within their own family. However when parents, carers or guardians are unwilling or unable to protect their children from significant harm, the protection of the child becomes the responsibility of the wider community and, at times, requires statutory Child Protection intervention. Licensed children’s services and Victorian schools play an important role in the prevention of child abuse and neglect through their access to information about family functioning and the needs of children.</p>

	<p>When a school or licensed children’s service staff member forms a belief that a child has been harmed or is at risk of being harmed, they must take action that is timely, respectful and coordinated.</p> <p>MANDATORY REPORTING</p> <p>Schools have an important role to play in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect. Education staff are in close daily contact with students and are well placed to observe when a child or young person appears to be at risk of harm.</p> <p>DUTY OF CARE</p> <p>School staff have a duty of care to protect and preserve the safety, health and wellbeing of children and young people in their care and staff must always act in the best interests of those children and young people. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person, it is important to take immediate action.</p> <p>Please Note: The role of investigating an allegation of child abuse rests solely with Child Protection and/or Victoria Police.</p> <p>In supporting a child who is involved with Child Protection, staff may be called upon to act as a support person, attend Child Protection case plan meetings, observe and monitor the student’s behaviour, and liaise with professionals. At Bialik this is normally the role of the Principal but may be delegated to the Assistant Principal (Pastoral), Head of School, a School Psychologist or a member of the Child Protection team.</p> <p>The Bialik mandatory reporting policy is underpinned by the following legislation:</p> <ul style="list-style-type: none"> • Betrayal of Trust Legislation Victoria 13 November 2013 • Children, Youth and Families Act 2005 (CYFA) • Education and Training Reform Act 2006 (ETRA) • Education and Training Reform Regulations 2007 (ETRR) • Children’s Services Act 1996 (Act) • Children’s Services Regulations 2009 (Regulations) • Charter of Human Rights and Responsibilities Act 2006 (Act) • Commission for Children and Young People (2012)
<p>Legal Notice</p>	<p>This policy does not give rise to contractual rights and may be amended at any time at the discretion of the College.</p>
<p>Related Documents</p>	<ul style="list-style-type: none"> • Red Form (Mandatory Reporting Account) - Mandatory Reporting - Red Form.pdf • Yellow Form (Protective Concerns about a Student) - Mandatory Reporting - Yellow Form.pdf • Duty of Care Policy - Duty of Care.pdf • What to look for (Appendix 1) - Mandatory Reporting Policy 2015 - Appendix 1.pdf • http://www.elearn.com.au/deecd/mandatoryreporting/external User name: deecd Password: external • Child Protection Policy • Child Protection Referral Tree – see Appendix 1 below.

APPENDIX 1 –
CHILD PROTECTION REFERRAL TREE

