



Mandatory Reporting Policy

This policy is to be read in conjunction with the BSSC Child Safe Environment policy.

Rationale

When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.

Bendigo Senior Secondary College must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005* as well as meet the school's duty of care obligations to students.

Purpose

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

Definitions

Child abuse/neglect

Child abuse and neglect occurs when a parent/guardian or any other person having the care of a child inflicts, or allows to be inflicted, physical injury or gross deprivation on the child that causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse and/or sexual exploitation of the child.

Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.

Mandatory Reporting

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any

Dated: November 2017

Person Responsible: Student Wellbeing Manager

Endorsed by College Council: November 2017

Review: Every 2 years

Bendigo Senior Secondary College: Department of Education & Training CRICOS Provider Code: 00861K

person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are encouraged to speak to their Principal as well as being able to report their concerns to DHS Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the *Children, Youth and Families Act 2005*. In summary:

If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result 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 person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable *after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds or the belief.*

Forming a Belief

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

Reasonable Grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

A child tells the teacher they have been abused

Someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.

A child tells the teacher that they know someone who has been abused (often a child is referring to him or herself), and the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

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Implementation

Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to **any person under 17 years of age** that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

Note: *While the above is mandated, in accordance with Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools, all DET staff members MUST act by reporting to DHHS Child Protection or Victoria Police, as soon as they witness an incident or form a reasonable belief that a child/student has been, or is at risk of being abused. This includes all forms of abuse. This duty of care also extends to students who are aged 17 years and over. In circumstances where a DET staff member suspects that a student over the age of 17 is subject to abuse they are also required to follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures or Suspicions of Child Abuse.*

Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse.

If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the principal of his or her concerns as early as possible. Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection.

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.

Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.

A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.

A teacher may notify the Department of Human Services Victoria of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as practicable.

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It may be necessary for the Department of Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.

It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.

When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

He or she should:

- Arrange for the child to choose a supportive adult to be present.
- Follow the recommended procedures from the Department of Human Services and the DET.
- Ensure that arrangements are in order for any interview which is to take place at the school.
- Seek or offer appropriate pastoral support for the reporting staff member.
- Observe confidentiality at all times in the management of a mandatory reporting case.
- If legal assistance is required, contact the DET.

Where any report to the DHS Child Protection involves a Koorie student, the Principal must advise the regional office. The regional office, with the Koorie support officer, ensures support is arranged.

Failure to disclose

All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a "reasonable excuse" or have an "exemption" from doing so.

Failure to protect

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, and Campus Principals.

Further Information

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

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