



# CHILD PROTECTION REPORTING OBLIGATIONS (INCLUDING MANDATORY REPORTING) PROCEDURES FOR RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE - CHILD SAFE STANDARD NO 5

## PURPOSE:

To ensure school staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- identify indicators that a child or young person has been, is being, or is at risk of being abused
- make a report about a child or young person who has been, is being, or is at risk of being abused.

## SCOPE:

All **teachers** registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic), **Principals** of government and non-government schools, **registered medical practitioners, nurses** and all **members of the police force** are mandated to make a report to the **Department of Health and Human Services (DHHS) Child Protection** or make a referral to **Child FIRST** if they have significant concerns for the safety and/or well-being of a child.

**All school staff**, regardless of whether they are mandatory reporters, have a duty of care to take active and reasonable steps to protect children and young people in their care from risks of reasonably foreseeable harm. Such steps include reporting their concerns to the relevant authorities and to the school leadership team.

**ANY** person who believes, on reasonable grounds, that a child is in need of protection may voluntarily make a report to DHHS Child Protection.

## POLICY AND PROCEDURES

### Training obligations

The [Protecting Children – Mandatory Reporting and Other Obligations eLearning module](#) (the module) is an essential professional learning resource that assists schools to protect the safety and wellbeing of children and young people. **All Mandama staff will undertake this learning module once per calendar year. A register of training completed is kept and it is the responsibility of all school staff to present their 'Mandatory Reporting and other Obligations' certificate to Office Staff after completion annually.**

- All school staff will be guided and follow the [four critical actions for schools – Responding to Incidents, disclosures and Suspicions of child Abuse](#) and the [four critical actions for schools- Responding to Student Sexual Offending](#)
- All school staff are given a copy of the four critical actions for schools at the beginning of each year.
- All school staff can access a copy on [S:\CHILD SAFE STANDARDS\Child Protection Reporting Obligations](#)

**The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.**

Type of reporting	Obligation
<b>Mandatory reporting</b>	Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse. <b>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence</b>

<b>Failure to disclose</b>	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. To read more information about the ‘failure to disclose’ offence, see: <a href="#">Department of Justice and Regulation – Failure to disclose offence</a>
<b>Failure to Protect</b>	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. To read more information about the 'failure to protect offence', see: <a href="#">Department of Justice and Regulations – Failure to protect offence.</a>

The table below describes other reporting obligations.

<b>Type of reporting</b>	<b>Obligation</b>
<b>Child in need of protection</b>	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 any of the following reasons: the child has suffered or is likely to suffer significant harm as a result of: physical injury and their parents are unable or unwilling to protect the child; sexual abuse and their parents are unable or unwilling to protect the child; emotional or psychological harm and their parents are unable or unwilling to protect the child; the child has been abandoned and there is no other suitable person who is willing and able to care for the child; the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child; the child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. <b>Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</b>
<b>Child in need of therapeutic treatment</b>	Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection. Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments). <b>In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</b>

<p><b>Significant concerns for the wellbeing of a child</b></p>	<p>Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST. A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child’s care, welfare or development:</p> <ul style="list-style-type: none"> <li>significant parenting problems;</li> <li>family conflict or family breakdown;</li> <li>pressure due to a family member’s physical/mental illness, substance abuse, or disability;</li> <li>vulnerability due to youth;</li> <li>isolation or lack of support;</li> <li>significant social or economic disadvantage.</li> </ul> <p><b>In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</b></p> <p>For more information, see <a href="#">PROTECT - Responding to other concerns about the wellbeing of a child</a></p>
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### ADDITIONAL LEGAL OBLIGATIONS

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the Child Safe Standards. The table below contains information about these obligations.

Obligation	Description
<p><b>Duty of care</b></p>	<p>All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under their care. This includes taking reasonable steps to protect their safety, health and wellbeing.</p> <p>In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, reasonable steps may include (but are not necessarily limited to):</p> <ul style="list-style-type: none"> <li>acting on concerns and suspicions of abuse as soon as practicable;</li> <li>seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take;</li> <li>reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection;</li> <li>arranging counselling and/or other appropriate welfare support for the child;</li> <li>providing ongoing support to the child – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings;</li> <li>sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child.</li> </ul>
<p><b>Child Safe Standards</b></p>	<p>The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.</p> <p>See: School Policy &amp; Advisory Guide - <a href="#">Child Safe Standards</a></p>

## RECOGNISING DIFFERENT TYPES OF CHILD ABUSE

Types of child abuse include:

- physical abuse
- sexual abuse including grooming
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking
- sexual exploitation

See the Department's web portal [Protect: Identifying Signs of Child Abuse](#)

School staff can access the Department's Protect guide '[Identifying and Responding to All Forms of Abuse in Victorian Schools](#)' on [Staff Shared Drive / Child Safe Standards/ Child Protection Reporting Obligations](#)

## THE FOUR CRITICAL ACTIONS FOR RESPONDING TO AND REPORTING CHILD ABUSE:

### 1: YOU MUST ENSURE IMMEDIATE SAFETY, BY:

- separating the alleged victim and others involved, ensuring all parties are supervised by a school staff member
- arranging and providing urgent medical assistance where necessary by:
  - administering first aid assistance
  - calling 000 for an ambulance and following any instructions from emergency service officers/paramedics.
- calling 000 for urgent police assistance if:
  - the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person. You should also be prepared to identify a contact person at the school for future liaison with police.

### 2: REPORT TO AUTHORITIES

#### **If the source of suspected abuse is within the school**

- contact Victoria Police via your local police station
- also report internally
- report to your school principal/ leadership team
- report to the Department's Employee Conduct Branch and Security Services Unit, on (03) 9637 2934
- identify a contact person at the school for future liaison with Child Protection and Victoria Police and seek advice about contacting parents.

#### **If the source of suspected abuse comes from within the family or community you must:**

- Report to DHHS Child Protection if a child is considered to be:
  - in need of protection due to 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.
- Report suspected sexual abuse (including grooming) to Victoria Police
- Report internally to:
  - School Principal and/or leadership team (all instances), highlighting:
  - the details of the suspected child abuse or risk of abuse including the name of those involved
  - any immediate actions taken to protect the safety of the child
  - your report or intention to report to DHHS Child Protection, Victoria Police and/or Child FIRST
  - possible steps that can be taken to contact parents (if appropriate) and support the student
- Also report to:
  - DET Security Services Unit on (03) 9637 2934

## **Report student sexual offending**

As soon as immediate health and safety concerns are addressed you must report incidents, disclosures and suspicions of student sexual offending as soon as possible to:

- Victoria Police on 000 (all instances)
- DHHS Child Protection if you believe that:
  - the victim's parent/s are unable or unwilling to protect the child
  - the student who is alleged to have engaged in the student sexual offending is aged over 10 and under 15 years, is exhibiting sexually abusive behaviours, and may be in need of therapeutic treatment to address these behaviours
  - the student who is alleged to have engaged in the student sexual offending may be displaying physical and behavioural indicators of being the victim of child abuse
- ALSO report internally to:
  - School Principal and/or leadership team (all instances)
  - DET Security Services Unit on (03) 9637 2934

## **3: CONTACTING PARENTS/CARERS**

Before contacting the child's parent, the Principal (or their delegate) will contact Victoria Police or Department of Health and Human Services (DHHS) Child Protection (depending on who the report has been made to). DHHS Child Protection will advise about whether it is appropriate to contact parents at this stage.

### **Permission not given to contact parents**

The Principal (or delegate) will be advised not to contact the parents in circumstances where:

- the parents are alleged to have engaged in the abuse
- a disclosure to the parent may subject the child to further abuse
- the notification is likely to adversely affect the investigation of the incident by the relevant authorities.

### **Permission given to contact parents**

Where advised to be appropriate, the school will contact parents as soon as possible on the day of the incident, disclosure or suspicion. This enables parents to take steps to:

- prevent or limit their child's exposure to further abuse
- ensure that their child receives the support that they require.

### **Guidance on contacting parents**

The Principal and/or reporting staff member (ideally together) will inform the parents/carers of the child impacted by the suspected child abuse.

During this conversation the Principal and reporting staff member will:

- provide appropriate details of the incident, disclosure and/or suspicion of child abuse;
- outline the action the school staff have taken to date;
- inform them of who the incident, disclosure and/or suspicion has been reported to;
- provide the name and contact phone number of DHHS Child Protection and/or the police officer who is investigating;
- provide information on whether they are likely to be contacted by DHHS Child Protection or Victoria Police (if known);
- inform them that the investigation may take some time and ask what further information they would like and how school staff can assist them;
- assure them that school wellbeing staff can provide support to the child. School staff can make referrals to Student Support Services or other wellbeing staff based at the school;
- invite the parents/carers to attend a Student Support Group meeting where a Student Support Plan can be prepared to ensure that appropriate support can be provided for their child;
- The school can contact the Student Incident and Recovery Unit on (03) 9637 2934

## **4: PROVIDING ONGOING SUPPORT**

Experiences of child abuse can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral into relevant authorities, school staff members will play a central role in addressing this trauma and have a duty of care to ensure that the students feels safe and supported at school.

If a student is impacted by suspected abuse, and it is deemed appropriate, school staff will:

- establish regular communication between staff and the child's parent/ guardian/carer (if this is appropriate) to discuss a child's progress wellbeing and the effectiveness of planned strategies;
- convene a Student Support Group to plan ongoing monitoring, support, and follow-up of the child's health and wellbeing (Student Support Groups usually comprise school wellbeing staff, teachers, allied health professionals and where appropriate the student and/or their parent/carer);
- develop and implement a Student Support Plan, which documents the planned support strategies and includes timeframes for review (where possible, these support strategies should be informed by allied health and wellbeing professional with expertise in addressing child abuse and trauma).

For further information

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/safeenviro.aspx>

## MAKING A REPORT

School staff must act as soon as they witness and incident or form a reasonable belief that a child has been or is at risk of being abused.

- School staff will use an [Incident Report](#) to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused or has been engaged in sexual offending
- All reporting documentation will be forwarded to the Principal/Assistant Principal
- The 'Incident Report doc- staff members to complete' are located on [S:\CHILD SAFE STANDARDS\Child Protection Reporting Obligations](#)
- **If making a report to DHHS child protection or Victoria Police you must seek advice before contacting parents/carers so as not to compromise any investigation or place a child at further risk**

## STRATEGIES FOR MANAGING A DISCLOSURE

All disclosures must be taken seriously and addressed immediately by following the four critical actions.

**Staff will ensure:**

- when a disclosure of abuse is made and/or they are concerned that a child has been abused or is at risk of being abused, the student must be informed that their confidentiality **cannot** be maintained. This will be done in language appropriate to the student's age and stage of development. For example: *'I am not going to be able to keep your story a secret. I really have to tell someone who is going to be able to help you.'*

**When managing a disclosure:**

- Let the child talk about their concerns in their own time and in their own words.
- Be non-judgemental, listen calmly and patiently. Do not display expressions of panic or shock.
- Use a neutral tone with no urgency and where possible use the child's language and vocabulary.
- Give them your full attention, the time and a quiet space in which to do this.
- Reassure the child that they are doing the right thing and it is not their fault.
- Use verbal facilitators such as, 'Okay, 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.
- Do not ask leading questions, but instead, gently ask, 'What happened next?' rather than 'why?'
- Do not pressure the child into telling you more than they want to.
- Tell the child you are required to report to the relevant authorities to stop the abuse., and explain the role of these authorities if appropriate.
- Let them know that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Alert the Leadership Team, Student Welfare Officer, the police and/or Child Protection.

If a **parent/carer** says their child has been abused in the school or raises a concern the same process will be followed as well as assisting the child and their family to access appropriate support for the child, such as counselling.

- Explain that Mandama has processes to ensure all abuse allegations are taken very seriously
- Ask about the wellbeing of the child
- Allow the parent/carer to talk through the incident in their own words
- Advise the parent/carer that notes will be taken during the discussion to capture all details

- Explain to them the information may need to be repeated to authorities or others, such as the Principal, the police or Child Protection
- Do not make promises at this early stage, except that you will do your best to keep the child safe
- Provide them with an **'incident report form –parent/carer/child'** located on [S:\CHILD SAFE STANDARDS\Child Protection Reporting Obligations](#) to complete, or complete it together
- Ask them what action they would like to take and advise them of what the immediate next steps will be

**PRIVACY AND INFORMATION SHARING**

Reporting suspected child abuse to DHHS Child Protection or Victoria Police does not constitute a breach of Victorian privacy laws. Disclosures by school staff are made in good faith and are necessary to lessen or prevent a serious and imminent risk to health, safety or welfare of any person. For guidance on the specific information sharing requirements, see: Privacy and Information Sharing

<https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/infosharing.aspx>

**POTENTIAL CONSEQUENCES OF MAKING A REPORT**

Consequence	Description
Confidentiality	The identity of a reporter must remain confidential unless: the reporter chooses to inform the child, young person or parent of the report; the reporter consents in writing to their identity being disclosed; a Court or Tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child; a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence
Professional protection	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.
Interviews	DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent’s knowledge or consent. The principal or a member of the leadership team will be notified of their intention to interview the child on the school premises. When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person. When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child. For more information on these requests and school responsibilities, see: <a href="#">Police and DHHS Interviews.</a>
Support for the child or young person	The roles and responsibilities of staff members in supporting children and young people who are involved with DHHS Child Protection may include the following: acting as a support person for the child or young person; attending DHHS Child Protection case planning meetings; observing and monitoring the child or young person’s behaviour; liaising with professionals.
Requests for information	DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person. In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such

	directions should be in writing and only be made by authorised persons within DHHS Child Protection. For more information see: <a href="#">Requests for Information About Students</a>
Witness Summons	If a school staff member receives a subpoena/witness summons in the context of their employment with the DET, they should contact the Legal Division on (03) 9637 3146 for advice and assistance in meeting their legal obligations.

## RELEVANT AUTHORITIES AND RESOURCES

DHHS Child Protection - 1800 075 599 AH - 131 278

Department of Education and Training Security Services Unit – (03) 95896266

Victoria Police - 000

Victoria Police – Sexual Offences and child Abuse Investigation Teams (SOCIT) – (03) 52468101

Child First – 1300 551 948

<p><b>Related policies</b></p> <p><a href="#">Duty of care</a></p> <p><a href="#">Police and DHS Interviews</a></p> <p><a href="#">Responding to Student Sexual Offending</a></p> <p><a href="#">Requests for Information about Students</a></p> <p><a href="#">Risk Management</a></p> <p><a href="#">Subpoenas and Witness Summonses</a></p> <p><b>Department Resources</b></p> <p><a href="#">PROTECT</a></p> <p><a href="#">Protecting the safety and wellbeing of children and young people</a></p> <p><a href="#">Protecting Children - Mandatory Reporting and Other Obligations</a> - elearning module log-in</p> <p> <a href="#">Identifying and responding to all forms of abuse in Victorian Schools</a></p> <p> <a href="#">Identifying and responding to student sexual offending</a></p> <p> <a href="#">Responding to Incidents, Disclosures and Suspicions of Child Abuse</a></p> <p> <a href="#">Responding to Student Sexual Offending</a></p> <p> <a href="#">Spotting the Warning Signs of Child Abuse: For School Staff</a></p> <p> <a href="#">Responding to Student Sexual Offending: Principal Checklist</a></p>	<p>Daniel Morcombe Child Safety Curriculum:</p> <p>School staff, see: FUSE <a href="#">Daniel Morcombe Child Safety Curriculum</a>)</p> <p>Parents, see: <a href="#">Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment</a>.</p> <p>Department of Health and Human Services:</p> <p><a href="#">Child Protection</a></p> <p><a href="#">Child FIRST</a></p> <p><a href="#">Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)</a></p> <p>Department of Justice and Regulation:</p> <p><a href="#">Failure to disclose offence</a></p> <p><a href="#">Failure to protect offence</a></p> <p><a href="#">Grooming offence</a></p>
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**REVIEW CYCLE:** This policy was last updated on 27<sup>th</sup> August and is scheduled for review in August, 2020.