

Child Protection Reporting Policy And Procedures

(Formerly Mandatory Reporting Policy)

1. Purpose of this policy

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people. The full policy with detailed information that all staff in Victorian government schools must follow is found at: [Child Protection - Reporting Obligations](#)

The policy is in addition to college's commitment to and compliance with the Child Safe Standards (Ministerial Order 870).

2. The Mandatory Reporting Obligation

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.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

3. Mandatory Reporters

- 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

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to report to Child Protection. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

4. Non-mandated staff members

Any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated school staff, is able to make a report to Child Protection or Victoria Police when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.

5. Failure to disclose offence

In addition to mandatory reporting and duty of care obligations, **any adult** who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to police. Failure to disclose the information to police is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

More information about the offence can be found at [Department of Justice and Regulation – Failure to disclose offence](#)

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6. Failure to protect offence

This applies to any DET employees in a position of authority (inclusive of Principals, Assistant Principals or Campus Principals) where there is substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. The adult could be an employee, contractor, volunteer or visitor. A person in a position of authority in the school will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, such as removing the adult from child related work, but negligently fail to do so. Organisations other than schools are also covered by the offence.

Further information can be found at [Department of Justice and Regulations – Failure to protect offence](#).

7. Duty of care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

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, school staff can discharge this duty of care by taking action which includes the following:

- Consulting and/or referring to the College Student Support Team regarding concerns
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.
- Reporting their concerns to Child Protection, Victoria Police or another appropriate agency

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

8. Types of Reporting

8.1. Child in need of protection

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.

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 (Principal and/or Assistant Principals).

8.2 Child in need of therapeutic treatment

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).

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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.

8.3 Significant concerns for the wellbeing of a child

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:

- significant parenting problems
- family conflict or family breakdown
- pressure due to a family member's physical/mental illness, substance abuse, or disability
- vulnerability due to youth, isolation or lack of support
- significant social or economic disadvantage.

In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team

9. Making a report

Staff **do not require** the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

Staff **are** expected to follow the Department policy for making a report set out at:

[Protect - Your reporting and legal obligations](#)

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed.

10. Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy.

Mandated reporters are to complete the [Protecting Children - Mandatory Reporting and Other Obligations eLearning module](#) once per calendar year.

Not mandated reporters are strongly encouraged to undertake the training once per calendar year.

The module provides detailed information for identifying and responding to child abuse, and includes case studies and practical scenarios to assist staff fulfil their reporting obligations.

This policy needs to be read in conjunction with the school's Duty of Care and Supervision policy and Child Safe Standards policies.

11. Policy Review

Review and updates will take place annually. Responsibility – Principal and Review Team.

Date of Review	15 October 2018
Review Team	J. Lyall, G. Brown, D. Caughey, J. Buzasi
Date of Next Review	November 2019
Links / Resources	In addition to the above links: Hallam Senior College Child Safety Policy Protect – Four Critical Actions Child Safe Standards DHHS Child Protection 131 278 (24 hours)