



EUROA SECONDARY COLLEGE

“A united community where everybody has responsibility in preparing youth for their future.”

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## Policy

# Mandatory Reporting Procedure

*Please note this policy is mandatory and staff are required to adhere to the content*

### Summary

Table 1 - Document details

<b>Publication date</b>	Mar 2016
<b>Review date</b>	Mar 2019
<b>Related legislation/applicable section of legislation</b>	<i>Education and Training Reform Act 2006 Education and Training Reform Regulations 2007 Children Youth and Families Act 2005 Children and Young Persons Act 1989</i>
<b>Related policies, procedures, guidelines, standards, frameworks</b>	ESC Student Engagement Policy
<b>Approved by</b>	
<b>Approval date</b>	
<b>Version</b>	1.0

Table of Contents

1

Policy ..... 1

Mandatory Reporting Procedure ..... 1

**2. Purpose:** ..... 3

**3. Scope:** ..... 3

**4. Policy Detail:** ..... 4

**5. Monitoring, evaluation and review:** ..... 6

**6. Definitions and abbreviations:** ..... 6

**7. Supporting Documents:** ..... 6

**8. References:** ..... 6



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## **Mandatory Reporting Procedure**

### **2. Purpose:**

A broad range of professional groups are identified in the *Children Youth and Families Act 2005* (CYFA) as mandatory reporters. Mandated staff members must make a report to Child Protection 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.

As part of a teacher's and school's duty of care towards students and *Section 64(1A) of the Children and Young Persons Act 1989*, registered primary and secondary teachers and principals are prescribed as mandatory reporters under section 182 of the CYFA and must notify Child Protection Victoria if they believe, based on reasonable grounds, that a child is in need of protection from physical and/or sexual abuse.

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 make a report. 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.

The CYFA has a unifying set of 'best interests principles' that require family services, Child Protection and placement services to protect children from harm, protect their rights and promote their development in gender, age and culturally appropriate ways.

### **3. Scope:**

For the purposes of this policy, acting in the best interests of the child includes:

- reporting to Child Protection all allegations or disclosures of physical abuse, sexual abuse, 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 supporting the child
- 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.

## **4. Policy Detail:**

4.1 Teachers **must** act on any belief they have formed that a child/student is in need of protection.

4.1.1 In the process of forming a belief that a child/student is in need of protection, the teacher should discuss that belief with the Student Wellbeing Coordinator, Year Level Team Leader, Head of School or Principal Team Member.

4.1.2 **Non-mandated staff members**

Section 183 of the CYFA states that **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 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.

4.2 **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.

4.2.1 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
- 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.

4.2.2 The teacher **must** keep confidential records which clearly and chronologically document dates, times and details of any incidents which resulted in, contributed to and/or supported the formation of the belief.

4.3 **Reporting a belief:**

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties.

4.3.1 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

4.3.2 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.

- 4.3.3 The Principal or their representative will make a report to Child Protection Victoria.
- 4.3.4 The Principal must advise the teacher of the time, date and person to whom the report was made.
- 4.3.5 **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 and a court imposing a fine under the CYFA

#### 4.4 **Protecting the identity of the reporter:**

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

4.4.1 The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is 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 attend court to provide evidence.

4.4.2 Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

4.4.3 If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

#### 4.5 **Professional protection for reporters:**

Staff acting properly are covered professionally

4.5.1 If a report is made in good faith:

- it does not constitute unprofessional conduct or breach of professional ethics on the part of the report
- the reporter cannot be held legally liable in respect of the report

4.5.2 A person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report

#### 4.6 **Staff Training:**

Staff will be informed of their Mandatory Reporting requirements.

4.6.1 The school's Induction Program covers the requirements as set out in the CYFA and this policy.

4.6.2 Updates will take place annually as part of the school's annual Re-induction Program.

4.6.3 Supporting documentation is available on Compass.

4.6.4 DET Mandatory Reporting e-Learning Module completed annually

## **5. Monitoring, evaluation and review:**

- This policy will be reviewed in March 2019
- This policy will be approved by the ESC School Council

## **6. Definitions and abbreviations:**

Table 2 - Definitions and abbreviations

<b>Term</b>	<b>Meaning</b>
<b>CYFA</b>	<i>Children Youth and Families Act 2005</i>
<b>Reporting</b>	Reporting is the process by a teacher contacts Department of Health and Human Services of a wellbeing concern.
<b>ESC</b>	Euroa Secondary College

## **7. Supporting Documents:**

- Euroa Secondary College Student Wellbeing Policy

## **8. References:**

- Associated documents and materials- available from the School Policy Advisory Guide on the (Child Protection: Reporting Obligations) Department of Education and Training website <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>
- *Education and Training Reform Act 2006*
- Training Reform Regulations 2007
- *Children Youth and Families Act 2005*
- *Children and Young Persons Act 1989*