

Mandatory Reporting Policy & Procedures

Date: May 2014

1. Rationale

All children have a right to feel safe and be safe, and to develop to their potential. Williamstown North Primary School (WNPS) acknowledges the critical role it plays in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect.

School staff have a legal and moral responsibility to respond to incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, emotional abuse, sexual abuse or neglect.

2. Aims

This policy and procedures embodies the WNPS's commitment to protect students from abuse and neglect.

This policy will ensure that school staff: -

- understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse and neglect including physical and sexual abuse;
- know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm; and
- are able to identify and be aware of the indicators of abuse.

3. Duty of Care

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.

This policy and procedures stipulate how school staff can fulfil this duty of care.

4. Policy Context

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals, is mandated under section 184 of the *Children Youth and Families Act 2005* to make a report to the Department of Human Services (DHS) Child Protection.

The policy and procedures in this document are in accordance with these laws, the Department of Education and Early Childhood Development's (DEECD) *Mandatory Reporting Policy*, the joint protocol on *Protecting the safety and wellbeing of children and young people* and the *National Framework for Protecting Australia's Children (2009)*.

5. Definitions

Child/Young Person is defined in the *Children Youth and Families Act 2005* as any person under the age of 17 years.

School Staff in this policy is defined as someone who carries out a duty on behalf of the school, paid or unpaid, or who is contracted to, or directly employed by the school or DEECD.

6. Implementation

6.1 Mandatory Reporters

Under the *Children Youth and Families Act 2005*, teachers and principals are prescribed as mandatory reporters.

Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds 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.

6.2 Making a report

In making a report, school staff should follow the following steps:

Step 1:

Keep comprehensive notes that are dated and include the following information:

- Description of the concerns (e.g. physical injuries, student behaviour)
- Source of those concerns (e.g. observation, report from child or another person)
- Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc).

Step 2:

Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.

The Principal/Assistant Principal will then assist them to contact Child Protection or will contact Child Protection on their behalf. If the Principal/Assistant Principal is not available to discuss their concerns, the teacher should seek out a senior member of the Leadership Team or proceed with the report themselves and then advise the Principal/Assistant Principal at the earliest possible time.

Step 3:

Gather the relevant information necessary to make the report. This should include the following information:

- Full name, date of birth, and residential address of the child or young person
- Details of the concerns and the reasons for those concerns
- The individual staff member's involvement with the child and young person
- Details of any other agencies who may be involved with the child or young person.

Step 4:

Make a report to the relevant agency.

Step 5:

Make a written record of the report which includes the following information:

- The date and time of the report and a summary of what was reported
- The name and position of:
 - the person who made the report,
 - the person who received the report.

Step 6:

Notify relevant school staff and/or Departmental staff of the report.

- School staff should advise the principal or a member of the leadership team if they have made a report.
- In the case of international students, the principal must notify the International Education Division of the Department on (03) 9637 2990 to ensure that appropriate support is arranged for the student.
- In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.

Step 7:

Notify the Victoria Police if there is concern that a criminal offence may have been committed.

Making a report is a complex situation and requires considerable time and input from all involved. The Leadership Team and staff involved will support each other throughout the process. Additional support will be engaged if required.

6.3 Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include: -

- physical abuse;
- sexual abuse;
- emotional abuse;
- neglect;
- medical neglect; and
- family violence.

Other reports to DHS Child Protection may be needed for: -

- risk-taking behaviour;
- female genital mutilation;
- unborn child; and

- child or young person exhibiting sexually-abusive behaviours.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

6.4 Ongoing Roles and Responsibilities

The roles and responsibilities of school staff in supporting children who are involved with DHS Child Protection may include the following:-

- Acting as a support person for the child or young person.
- Attending DHS Child Protection case planning meetings.
- Observing and monitoring the child's behaviour.
- Liaising with professionals.

6.5 Interviews

DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.

Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.

DHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.

When DHS Child Protection practitioners/Victoria Police officers 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 DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

6.6 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.

6.7 Confidentiality

Mandatory Reporting requirements take precedence over professional codes of practise where confidentiality or client privilege is claimed.

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.

When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This

will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

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.

6.8 Reporting by Non-mandated Staff

All other school staff who believe on reasonable grounds that a child or young person is in need of protection are encouraged to follow the procedures set out in section 6.2.

6.9 Staff Training

New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.

Staff will be made aware of their mandatory responsibilities through the annual completion of the Mandatory Reporting eLearning Module.

Staff will be made aware of the support within DEECD available to discuss issues of child safety and wellbeing including: -

- School leadership or specialist staff
- Network support staff (Student Support Services)
- Regional wellbeing staff
- DHS Child Protection
- Student Critical Incident Advisory Unit

7. Evaluation and Review

7.1 This policy shall be reviewed as part of the Williamstown North Primary School's cyclical policy review process conducted by school council and updated if required. It will also be reviewed sooner if required by DEECD, changes to the mandatory reporting legislation or through a change in government policy.

8. References & Related Policies

8.1 Related Policies

- Privacy Policy
- Student Wellbeing and Engagement Policy

8.2 References

- Flowchart: A step-by-step guide to making a report to Child Protection or Child FIRST
- Protecting the safety and wellbeing of children and young people
- Mandatory Reporting eLearning Module

This policy has been ratified by School Council on 25th May 2014.