



Mandatory Reporting Policy

Rationale

Yarra Hills Secondary College believe that all young people have the right to a full and productive life free from abuse and neglect. Child protection is based on the principle of partnership and shared responsibility. All staff at Yarra Hills Secondary College have a duty of care to protect and preserve the safety, health and wellbeing of the young people in their care. Staff must always act in the best interests of young people. If a staff member has any concerns regarding the health, safety or wellbeing of a young person it is important to take immediate action.

Definition

Child abuse is an act by parents or caregivers that endangers a child or young person's physical or emotional health or development. Child abuse includes, but is not limited to: physical, sexual and emotional abuse and neglect. Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to such an extent that the child's health and development are impaired or placed at serious risk. A child is considered neglected if they are left uncared for over long periods of time or abandoned.

Staff Training

All teachers at Yarra Hills Secondary College attend a Mandatory Reporting professional development session provided by DET. A cumulative record of Mandatory Reporting training is kept by the school. Any newly appointed teachers are required to attend a Mandatory Reporting session as soon as possible after appointment, if they have not done so previously. It is a DET requirement that all staff complete the Mandatory Reporting eLearning Module annually. This is to be completed by the end of Term 1 in each school year.

Making a notification

All Teachers, Principals and Support Staff are mandated by law under section 184 of the *Children Youth and Families Act (CYFA) 2005* and non-mandated school staff under section 183 CYFA 2005, that if they form the belief on reasonable grounds that they have concerns for a student's safety or wellbeing, to inform the Principal of their concerns. A verbal report must be made as soon as possible after forming the belief. 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.

All staff are fully informed about their responsibilities to make a mandatory report after, in the course of their professional duty they form the belief on reasonable grounds that:

- A student is in need of protection because the child has suffered, or is likely to suffer significant harm as a result of physical injury and the student's parents or caregiver have not protected, or are unlikely to protect the student from harm.
- The student has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the student's parents or caregiver have not protected, or are unlikely to protect the student from harm.
- The student is suffering from neglect in that a parent or caregiver has not provided an adequate standard of nutrition, medical care, clothing, shelter or supervision to such an extent that the student's health and development are impaired or placed at serious risk.

Proof is not required that abuse or neglect has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Health and Human Services and/or Victoria Police to determine whether that belief should be investigated. Indicators of abuse or neglect must be interpreted with regard to the individual young person's normal level of functioning and developmental stage. Under no circumstances should a staff member undertake a physical examination of a student, in order to investigate a concern about abuse. 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. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity.

The following information will be required when making a report:

- The child's name, age and address
- The name, age and address of any known siblings
- Your reason for believing that the injury or behaviour is the result of abuse or neglect
- Your assessment of the immediate danger to the child
- Current whereabouts of the child or young person
- Your description of the injury or behaviour observed
- Any other information you have about the family

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. This means that 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.

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 young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

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.

Any teacher who forms belief, on reasonable grounds, that a child has been abused or neglected will discuss such concerns with the Principal, or the Wellbeing Coordinator.

At Yarra Hills Secondary College, the relevant Wellbeing Coordinator is informed and where appropriate and possible will make the Mandatory Report.

During such discussions a decision would be made to do one or more of the following:

- Make a Mandatory Report to the Department of Health and Human Services Child Protection
- Contact the Department of Health and Human Services ChildFIRST and make a referral
- Consult further either with regional staff or the centrally located Student Critical Incident Advisory Unit on 9637 2934 or 9637 2487
- Monitor the student/s over a pre-determined period and review their circumstances

Ensuring that a Child Protection interview takes place

The school does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

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.

To read more information about the ‘failure to disclose’ offence, see: [Department of Justice and Regulation – Failure to disclose offence](#)

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. To read more information about the ‘failure to protect offence’, see: [Department of Justice and Regulations – Failure to protect offence.](#)

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.

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.

Confidentiality

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 will 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.

Support

Staff will provide the necessary support and comfort to the student involved in the report until authorities arrive, which may include:

- Safe and private place to sit supervised by staff
- Food and/or drink
- Counselling by a member of the Wellbeing team and/or Extra Support staff

On return to school after the report, staff will continue with on-going support to ensure the student feels safe within the school environment.

Other related policies:

- *Duty of Care Policy*
- *On-site supervision*

Ratified by School Council October 2016