

Mandatory Reporting Policy

PURPOSE

MINISTERIAL ORDER NO. 870 - CHILD SAFE STANDARDS

All Victorian schools must comply with Ministerial Order No. 870 - Child Safe Standards - Managing the Risk of Child Abuse in Schools in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA). The Order came into effect on 1 August 2016 and specifies how every Victorian school must: embed a culture of 'no tolerance' for child abuse comply with the prescribed seven minimum Child Safe Standards. In meeting the requirements of the Order, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background. This resource will support schools to meet their obligations under the Order (Standard 5 - Section 11), by assisting them to develop clear procedures for responding to allegations of suspected abuse. School governing authorities (which includes government school councils, principals and nominated school leaders) will have responsibility for ensuring that schools meet all of the obligations set out within the Order

Policy

There are certain classes of professionals who are classified as "mandatory reporters". Within a school mandatory reporters include all:

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- staff who have been granted permission to teach by the VIT
- registered doctors and nurses.
- Allied Health Workers

All mandatory reporters **must** make a report to Victoria Police and/or DHHS Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type. It is a criminal offence not to report in these circumstances.

Mandatory reporters must also follow the [Four Critical Actions](#) to ensure they fulfil all their legal obligations.

FOUR CRITICAL ACTIONS

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse Template** to keep clear and comprehensive notes, even if you make a decision not to report.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/ or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also report internally** to:

- GOVERNMENT SCHOOLS**
 - School principal and/ or leadership team
 - Employee Conduct Branch
 - DET Security Services Unit.
- CATHOLIC SCHOOLS**
 - School principal and/ or leadership team
 - Diocesan education office.
- INDEPENDENT SCHOOLS**
 - School principal and/ or school chairperson
 - Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

- GOVERNMENT SCHOOLS**
 - Employee Conduct Branch
- CATHOLIC SCHOOLS**
 - Diocesan education office
- INDEPENDENT SCHOOLS**
 - Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from 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.

VICTORIA POLICE
You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also report internally** to:

- GOVERNMENT SCHOOLS**
 - School principal and/ or leadership team
 - DET Security Services Unit.
- CATHOLIC SCHOOLS**
 - School principal and/ or leadership team
 - Diocesan education office.
- INDEPENDENT SCHOOLS**
 - School principal and/ or chairperson.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

<p>DHHS CHILD PROTECTION</p> <p>AREA</p> <p>North Division 1300 664 977</p> <p>South Division 1300 665 795</p> <p>East Division 1300 360 391</p> <p>West Division (Rural) 1800 075 599</p> <p>West Division (Metro) 1300 664 977</p> <p>AFTER HOURS After hours, weekends, public holidays 13 1278.</p> <p>CHILD FIRST https://services.dhhs.vic.gov.au/referral-and-support-teams</p> <p>ORANGE DOOR https://www.vic.gov.au/familyviolence/the-orange-door.html</p>	<p>VICTORIA POLICE</p> <p>000 or your local police station DET SECURITY SERVICES UNIT (03) 9589 6266</p> <p>STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622</p> <p>EMPLOYEE CONDUCT BRANCH (03) 9637 2595</p> <p>DIOCESAN OFFICE Melbourne (03) 9267 0228 Ballarat (03) 5337 7135 Sale (03) 5622 6600 Sandhurst (03) 5443 2277</p>	<p>INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200</p> <p>THE LOOKOUT The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: http://www.lookout.org.au</p> <p>Family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732.</p>
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CRIMINAL OFFENCES

In response to the Betrayal of Trust Report (<https://www.parliament.vic.gov.au/fcdc/article/1788>), the Victorian Government has introduced criminal offences to protect children from sexual abuse. Under these reforms a failure to report, or take action in relation to suspected child sexual abuse can now constitute a criminal offence.

Failure to disclose

This offence applies to all adults (not just professionals who work with children) who:

- form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age; AND
- fail to report this information to Victoria Police.

A person will not be guilty of the offence if they have a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- a reasonable fear for their own or another person's safety

Failing to disclose a sexual offence based on concerns for the interests of the perpetrator or organisation (e.g. concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

- a reasonable belief that the information has already been disclosed to Victoria Police or DHHS Child Protection and the person has no new information to add to the disclosure.

Additional exemptions apply where:

- the victim is aged 16 years or over and requests confidentiality
- the person is a child when they formed a reasonable belief

- the information would be privileged
- the information is a confidential communication disclosed to a counsellor or a registered medical practitioner (e.g. in a school context, this exemption may apply to a psychologist or a social worker who engages in a counselling relationship with the victim of a sexual offence)
- the information is in the public domain
- police officers are acting in the course of their duty.

Failure to protect

This offence applies to a person in a position of authority within an organisation who:

- knows of a substantial risk that a child under the age of 16, under the care, supervision or authority of the organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractor, volunteer, visitor); AND
- has the power or responsibility to remove that risk; AND
- negligently fails to remove or reduce the risk of harm.

Within a school setting, a position of authority includes principals and assistant principals and staff in institutional management positions (for example in government schools this includes Regional Directors and other senior managers).

For further information on these offences, please refer to:

- **Failure to protect offence:** <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>
- Failure to disclose offence: <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>
- Government's responses to the recommendations of the Betrayal of Trust Report: http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_Schools_Guide.pdf

REPORTABLE CONDUCT SCHEME

What is reportable conduct?

The Reportable Conduct Scheme is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher, corporate staff member or school council employee), contractors, volunteers, or allied health staff members.

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child; OR
- behaviour causing significant emotional or psychological harm to a child; OR significant neglect of a child; OR
- misconduct involving any of the above.

The scope of 'reportable conduct' is wide, and includes:

- information about something that is alleged to have occurred outside the course of the person's employment or engagement with the school
- sexual offences, sexual misconduct or physical violence committed in the presence of a child (which may include family violence committed by a school staff member in front of their own child).

However, student-to-student abuse is not covered by the Scheme

All mandated staff are asked to complete the DET online mandatory reporting eLearning module at www.elearn.com.au/deecd/mandatoryreporting. Updates will take place annually as part of the Performance and Development/Staff meeting rotation.

REVIEW CYCLE AND EVALUATION

School Council Approved on:	Signed by School Council President:	Scheduled for review:
18 May 2020		May 2021