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3

Belong to
something bigger.

Mandatory Reporting Policy

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Ilim
College

Mandatory Reporting Policy

Rationale

All children have the right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse, or neglect.

Purpose

Mandatory reporting arises from the requirements of the Children Youth and Families Act 2005 (Vic.) for the protection of children from harm due to physical injury and sexual abuse. School personnel are mandated under this Act who, in the course of carrying out their duties, forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

This policy assists schools to comply with this requirement and fulfil their responsibilities regarding the welfare and protection of children at risk. This policy compliments guidelines provided by the Department of Health and Human Services (DHS) to all Victorian Schools.

Aim

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

Implementation

It is mandatory for registered teachers in Victoria to notify Child Protection if they form a reasonable belief that a child has been physically or sexually abused.

Refer to:

- ▶ [Four Critical Actions for Schools](#)

- ▶ [Four Critical Actions: Student Sexual Offending](#)

Mandated notifiers are able to share information, without legal or professional consequences, with family services such as Child First and Child Protection to help protect vulnerable children.

Principals and teachers can make a referral to Child First when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

Principal/ Leadership have a legal obligation to inform the Commission for Children and young People of any allegation of reportable conduct by employees, contractors and volunteers.

New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure and undertake training through the department of education's website.

Staff will be given professional development of their mandatory responsibilities annually.

All concern must be reported immediately to the Campus Principal/Vice Principal or in his/her absence, the designated college senior staff member. If the allegation involves the Principal, the Chief Executive Officer must be informed.

The Campus Principal/Vice Principal will keep a record of all discussions about a student with whom there is a concern.

If a belief has been formed by a staff member, even if the principal does not share their belief. that sexual or physical abuse has taken place a "Notification of a Report Sheet" available from Campus Principal/Vice Principal must be completed and filed in the principal's office.

The teacher will contact the Department of Human Services by telephone as soon as possible to make an official notification on (1300 650 172) or after school hours crisis line 131 278.

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All staff are required to protect any child, who is the subject of an allegation or suspicion of child abuse until the allegation is resolved.

Members of the Department of Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of the Campus Principal/Vice Principal or his/her nominee.

All reports, information sheets and subsequent discussion and information is to be recorded and remain strictly confidential.

All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.

Teachers are also encouraged to report to the Principal/Vice Principal or his/her nominee, incidents of emotional abuse or neglect or are a student discloses a desire to harm themselves or others.

If the Principal/Vic Principal is unable to perform their duties, notify a member of the Leadership Team or wellbeing team as soon as possible, who will ensure the college follows the steps in this policy.

Non-mandated staff member who believes, on reasonable ground that a child is in need of protection, may also report their concerns to Children Protection, DFFH, CCYP.

Allegation of abuse by a staff member of visitor at a school must be reported directly to Victoria Police for investigation by telephoning the emergency number 000 as practicable to do so, unless the person has a reasonable excuse for not doing so.

All staff must ensure that fulfilling the roles and responsibilities contained in these procedures do not displace or discharge any other obligations that may arise if a person reasonably believes that a child is a risk of child abuse.

Conducting Internal Investigations Pertaining to Child Safety

If there is an allegation or reported observation of any wrongdoing, excluding sexual and physical abuse the College Principal or appointed delegate is obliged to conduct an internal investigation as follows:

- ▶ The principal or appointed delegate will advise the alleged staff member of the investigation and will be advised that they must not be at the school whilst the investigation is being undertaken, during this period the employee will receive his/her normal salary.
- ▶ The person who is making the allegation will be interview without delay by the principal or appointed delegate and comprehensive notes will be taken during interview.
- ▶ The College has the right to seek an external investigator if required.
- ▶ The meeting notes will be read back to the interviewee to order for him/her to correct or amend any details pertaining to the allegations.
- ▶ Any and all witnesses will also be interviewed without day by the principal or appointed delegate and the procedure will also take place.
- ▶ If required CT cameras will be checked.
- ▶ The person against whom an allegation has been made will be interviewed by the principal or appointed delegate together with another senior staff member.
- ▶ Once all interviews have been conducted the College Principal, in conjunction with Leadership Team will analyse all the information collected and deliberate the matter to ascertain whether the allegations can be substantiated.

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- ▶ The College Principal together with Leadership Team will determine what specific consequences or actions should be taken:
 - Consulting and or reporting the matter to an external agency.
 - Obtaining legal advice if necessary.
 - Referring the staff member for counselling.
 - Reinstating the accused staff member.
 - The College Principal will write to both the alleged and the person making the claim a written outcome of the investigation.
 - All documents pertaining to allegation will be filed in staff member's file.

Fail to Protect

The reporting obligation applies to college staff in a position of authority. This can include principals, vice principals. Any staff member in a position of authority who becomes aware that an adult associated with their college (employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, , must take all reasonable steps to remove or reduce the risk.

This may include removing the adult (persons aged 18 years and over) from working with children pending an investigation and reporting the concerns to Victoria Police.

If a staff member in a position of authority fails to take reasonable steps, or negligently fails to reduce or remove a risk, this may amount to a criminal offence and termination of employment.

If a staff member, Volunteer or Contractor has a suspicion or belief that students are at risk of harm, they must take steps to follow up on

that suspicion or belief by investigating further and should raise the issue with the College's Child Safe Officer.

Failure to Disclose

Any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they know that an adult associated with the College poses a substantial risk that a student or students may become the victim of a sexual offence. Action must be taken as soon as the risk becomes known.

All adults, not just professionals who work with children, have a legal obligation to report to the Victorian Police as soon as practicable, 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 and termination of employment unless a person has a reasonable excuse or exemption from doing so.

All of the School's procedures for reporting and responding to allegation of child abuse are designed and implemented considering the diverse characteristics of the college community.

People from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, some cultures may experience anxiety when talking with police and communicating in English may be a barrier. Demonstrate sensitivity to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal or Torres Strait Islander child, you will need to ensure a culturally appropriate response. Further professional learning around aboriginal cultural awareness can be found on the Department of Education and Training website.

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Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on communicating with people with a disability can be found on the Department of Health and Human Services website. The Ilim College Child Safety Officer can provide additional guidance when circumstances require greater sensitivity.

Ongoing protection and support

The principal or appointed delegate must ensure appropriate steps are taken by the college to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency or Department staff such as DFFH Child Protection, Commission for Children and Young People or Victoria Police. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be offered and provided to all affected students. Ongoing support will be based on any available advice from the Department, parents and carers, health practitioners, and other authorities (such as DFFH, CCYP or Victoria Police) and may include referral to wellbeing professionals, development of a safety plan, student support group meetings, and, for student-to-student incidents, behaviour management and support measures.

Evaluation

This policy will be reviewed as part of the school's three-year review cycle or as required to align with up-to-date legislation and regulations.

Definitions

Mandatory Reporting

Refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Mandatory Reporter

The mandatory reporters in Victoria are:

- Principals
- Teachers
- Nurses
- Counsellors
- Registered Psychologists
- Registered Medical Practitioners
- Midwives
- Police Officers
- Out of home care workers
- Early childhood workers
- Youth justice workers
- People in religious ministry.

Reasonable Belief

Based on personal knowledge of facts or circumstances that are reasonably trustworthy and that would justify a person of average caution, acting in good faith, to believe that notifiable conduct has occurred or that a notifiable impairment exists.

Reasonable Excuse

Belief that the information has already been disclosed and there is no further information to add.

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Grooming

Predatory conduct undertaken to prepare a child for sexual activity at a later time. Grooming can include communicating and or attempting to befriend or establish a relationship or other emotional connection either with the groomer or another adult with the child or their parent/carer.

Child Abuse

Child Abuse Includes:

- Physical Violence inflicted on a child,
- Sexual offences committed against a child,
- Grooming of a child by an adult,
- Family violence committed against or in the presence of a child,
- Serious emotional or psychological harm to a child,
- Serious neglect of a child.

The definition of child abuse is broad and can include student to student incidents and concerns, as well as behaviour committed by an adult.

DFFH

The Department of Families, Fairness and Housing

CCYP

The Commission for Children and Young People.

Determining Substantial Risk

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist- a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining that a child will become the victim of a sexual offence:

- ▶ The nature of the relationship between a child and the adult who may pose a risk to the child,
- ▶ The background of the adult who may pose a risk to the child, including any past or alleged misconduct,
- ▶ Any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence,
- ▶ Any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.