

Dorset Primary School 5132

MANDATORY REPORTING POLICY AND PROCEDURE

PURPOSE:

To ensure staff are trained in recognising potential child abuse or neglect and respond appropriately or take reasonable steps to discharge the duty of care to the child or young person. To ensure that critical incidents are immediately reported to the Emergency and Security Management Unit about a child or young person that has been, is being or is at risk of being abused.

GUIDELINES:

Child abuse and neglect occurs when a parent/carer or any other person having the care of a child who has suffered, or who is likely to suffer, significant harm from sexual abuse, physical injury, emotional or psychological harm, neglect or abandonment, and where the parents have not protected or are unlikely to protect them. This may be the result of one abusive or neglectful incident, or the cumulative result of many instances, or a general pattern of behaviour or circumstances.

Teachers that are registered to teach, or who have permission to teach are considered mandatory reporters.

Mandatory reporting is a requirement of all staff.

A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief 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 from that abuse.

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.

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.

For more information about managing and responding to the risk of abuse see: Responding to Student Sexual Offending and Risk Management under Department resources below. See also, the Four Critical Actions on the PROTECT portal.

TYPES OF ABUSE:

Physical abuse

Physical abuse refers to a situation in which a child suffers, or is likely to suffer, significant harm from an injury inflicted by the child's parent/carer. The injury may be inflicted intentionally, or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child.

Children who are physically abused may have frequent injuries explained as accidental bruises and welts on areas not easily injured by falling (for example, the backs of the legs) and may seek to avoid situations at school where such injuries could be observed (for example, sport).

Physical indicators include:

- bruises or welts, often of different ages
- burns, scalds, sprains, dislocations, bites, cuts
- lacerations or abrasions
- poisoning.

Sexual abuse

Child sexual abuse includes those situations where:

- a parent/carer, family member or care giver involves the child in sexual activity
- a child is unable to give informed consent because of their stage of development
- a parent/carer or care giver is not able to protect the child from that abuse.

Sexual abuse is not always identified through physical indicators being present or obvious. A child or young person may disclose sexual abuse to a trusted teacher. Such disclosures should always be taken seriously. Sexual abuse includes exploitation such as pornography or prostitution.

Emotional abuse

Emotional abuse occurs when a child is repeatedly rejected or subjected to threats, hostility or persistent coldness. The child might be called derogatory names, humiliated, ignored over long periods of time, or isolated from social relationships with peers to such an extent that the child's behaviour is disturbed or the child's emotional development is at serious risk of being impaired.

Emotional abuse is most prevalent as a corollary of other forms of abuse or neglect. However, sometimes emotional abuse exists as the primary form of abuse or neglect. There are few physical indicators of such abuse or neglect. Emotional abuse can cause delay in physical, emotional and mental development.

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 neglected if they are left uncared for over long periods of time or abandoned.

Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to make a report. Failure to act may exacerbate the problem. Research has shown that the frequency and intensity of abuse is likely to escalate over time unless it is stopped.

If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from harm of that type; the person must report to the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable

- after forming the belief; and
- after **each occasion** on which he or she becomes aware of any further reasonable grounds for the belief.

The basis for making a report to Child Protection

Forming a belief

The Children, Youth and Families Act (2005) states that teachers must report to the Department of Human Services when they “form a belief on reasonable grounds” that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- the child has suffered or is likely to suffer significant harm as a result of:
- physical injury and their parents are unable or unwilling to protect the child
- sexual abuse and their parents are unable or unwilling to protect the child
- emotional or psychological harm and their parents are unable or unwilling to protect the child.
- the child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- the child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

Any person who has a significant concern for the wellbeing of a child should report these concerns to DHHS Child Protection, or refer the child and their family to Child FIRST.

Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Human Services Child Protection to determine whether that belief should be investigated.

Reasonable grounds

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- a child tells the teacher they have been abused.
- someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.
- a child tells the teacher that they know someone who has been abused (often a child is referring to him or herself).
- the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

Important note:

It is not the responsibility of teachers or other Department of Education and Early Childhood Development personnel to determine whether child abuse and neglect exists. Teachers and principals should never attempt to seek information from a child about the specifics of suspected abuse nor should they attempt to investigate what may have occurred. That responsibility rests entirely with the Department of Human Services as the agency authorised to investigate or the Victoria Police.

Making a mandatory report

Once a teacher or principal has formed a belief or a disclosure has been made, a report must be made to the Department of Human Services Child Protection as soon as practicable.

A teacher may wish to seek assistance or advice to help form the belief that a report is required and assistance to make the report. This is entirely appropriate and should form part of normal school procedures.

Implementation

1. Responding to an emergency.

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.

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.

Where does the source of the suspected abuse come from?

Within the school	Within the family or community
<p>Victoria Police</p> <p>You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.</p> <p>You must also report internally to:</p> <p>Government schools</p> <ul style="list-style-type: none"> • School Principal and/or leadership 	<p>DHHS Child Protection</p> <p>You must report to DHHS Child Protection if a child is considered to be:</p> <ul style="list-style-type: none"> • 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. <p>Victoria Police</p> <p>You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.</p> <p>You must also report internally to:</p> <p>Government Schools</p> <ul style="list-style-type: none"> • School Principal and/or leadership team • DET Security Services Unit <p>If you believe that a child is not subject to abuse, but you still hold</p>

	significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support) or to DHHS Child Protection or Victoria Police.
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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).

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.

You must follow the Four Critical Actions every time you become aware of a further instance

- 1 The guidelines will be followed and a mandatory report will be made whenever a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from such harm.
- 2 As part of the induction process, mandatory reporting training will be arranged for all new teaching staff
- 3 To maintain staff well-being at Dorset Primary, the principal or assistant principal will be responsible for liaising with Child Protection. However if, in a staff member's opinion, a justifiable report did not proceed, then that staff member is legally obliged to make the report independently.
- 4 The principal or assistant principal will be the point of contact by Child Protection workers when discussing case matters, setting up case planning meetings or arranging interviews with students on school property.

The following information will be supplied as the basis and background for the report:

Details	The child or young person's name, age and address
Indicators of harm neglect	The reason for believing that the injury or behaviour is the result of abuse or neglect
Reason for reporting	The reason the call is being made at this point in time
Safety assessment	Assessment of immediate danger to the child or children (information may be Sought on the whereabouts of the alleged abuser/s)
Description	Description of the injury or behaviour observed
Child's whereabouts	The current whereabouts of the child or young person

Other services	Knowledge of other services involved with the family
Family information	Any other information about the family
Cultural characteristics	Any specific cultural or other details, which will help the child, for example: Aboriginality, interpreter or disability needs

Resources:

The Protecting Children – Mandatory Reporting and Other Obligations eLearning module (the module) is an essential professional learning resource that assists schools to protect the safety and wellbeing of children and young people.