



# MANDATORY REPORTING

## RATIONALE

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 notify the Department of Health and Human Services.

Harcourt Valley Primary School must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005* as well as meet the school's duty of care obligations to students.

## PURPOSE

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

## DEFINITIONS

### Child abuse/neglect

Child abuse and neglect occurs when a parent/guardian or any other person having the care of a child inflicts, or allows to be inflicted, physical injury or gross deprivation on the child that causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse and/or sexual exploitation of the child.

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 notify the Department of Human Services.

### Mandatory reporting

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the *Children, Youth and Families Act 2005*. In summary:

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 notify 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
- after each occasion on which he or she becomes aware of any further reasonable grounds or the belief.

### **Forming a belief**

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Health and 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.

**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 Health and Human Services to determine whether that belief should be investigated.

If an adult has a **reasonable belief** that an incident has occurred then they must report the incident. Factors contributing to reasonable belief may be:

- a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves)
- behaviour consistent with that of an abuse victim is observed<sup>1</sup>
- someone else has raised a suspicion of abuse but is unwilling to report it
- observing suspicious behaviour.

### **IMPLEMENTATION**


Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to any person 17 years of age or younger that results from abuse or neglect, and sexual abuse, to the Department of Health and Human Services Child Protection.

Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse.

Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection. If a

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<sup>1</sup> For example behaviour, please see [An Overview of the Victorian child safe standards:](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc)  
<www.dhs.vic.gov.au/\_\_data/assets/word\_doc/0005/955598/Child-safe-standards\_overview.doc>



teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she document any concerns and observations in a confidential file. In all cases, teachers are advised to inform the principal of his or her concerns as early as possible

Following a discussion with the Principal or Principal's nominee about his/her concerns and observations:

- The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the Department of Health and Human Services as soon as practicable. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
- The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child.

Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.

A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that they are notifying.

At Harcourt Valley Primary School, the Principal will usually make the report but a teacher may also do so.

A teacher may notify the Department of Health and Human Services Victoria of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as practicable.

It may be necessary for the Department of Health and Human Services to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal or the Principal's nominee.

It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal or a teacher.


When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency.

He or she should:

Arrange for the child to choose a supportive adult to be present.

Follow the recommended procedures from the Department of Human Services and CECV/DET.

- Ensure that arrangements are in order for any interview which is to take place at the school.

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- Seek or offer appropriate pastoral support for the reporting staff member.
  - Observe confidentiality at all times in the management of a mandatory reporting case.
  - If legal assistance is required, contact CECV/DET

## **RESOURCES**

- [Child Protection - Student Safety - Health and Wellbeing - Department of Education and Early Childhood Development](#)
- [Protecting the safety and wellbeing of children and young people mandatory reporting protocol \(PDF - 1.5Mb\)](#)
- [Step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)

## **EVALUATION**

This policy will be reviewed as part of the school's regular review processes.

**Adopted by School Council – June 2017**