
*Policy: Mandatory Reporting
Policy and Procedures*

School: Benalla P-12 College

Section: General 1.5

Version: Two

Mandatory Reporting Policy and Procedures

Agreed Understandings

Any person who is registered as a teacher under the *Education and Training Reform Act (2006)*, or any person who has been granted to teach under the Act, including principals, is mandated to make a report to the Department of Human Services (DHS) Child Protection.

School staff should discuss any concerns about the safety and wellbeing of students with the school principal or member of the school leadership team, especially if they have a suspicion of possible abuse but have not formed a belief at that time.

If a principal or member of the school leadership team does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the teacher's concerns continue, even after consultation with the principal, that teacher is still legally obliged to make a mandatory report of their concerns.

School staff who have concerns about a child or young person because they have been made aware of possible harm via their involvement in the community external to their professional role may make a (protective) report to DHS Child Protection.

Guidelines

1. Teachers and principals are mandated by law under section 184 of the *Children Youth and Families Act 2005* (CYFA) to make a report to the Department of Human Services (DHS) Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is at risk of significant harm, and the child's parents are unable or unwilling to protect the child.
2. Reasonable grounds are established when:
 - a. a child or young person states that they have been physically or sexually abused
 - b. 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)
 - c. someone who knows the child or young person states that the child or young person has been physically or sexually abused.
 - d. a child shows signs of being physically or sexually abused
 - e. the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child and young person's safety, stability or development
 - f. the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
 - g. 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.
3. Where any report to the DHS, Child Protection involves a Koorie student, the principal must advise the regional office. The regional office, with the regional Koorie support officer, ensures support is arranged.
4. Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable

Implementation:

1. Staff are made aware of their responsibility under the act and this will include a teacher having a concurrent duty of care to protect a student from harm that is reasonably foreseeable.
2. This will occur at staff meetings or briefing once a term.
3. Follow appropriate protocols: If a staff member has unresolved suspicions that do not lead them to form a belief they should initially consult with the principal, a member of the school's leadership team or DHS Child Protection
4. A step by step guide to making a report to Child Protection or Child First placed in the staff room notice board.
5. Staff must record their observations and obtain the following information if possible:
 - a. name of family and children;
 - b. addresses;
 - c. language spoken and student's date of birth;
 - d. factual and specific reason for concern;
 - e. the reporter's involvement with the family;
 - f. any other people or agencies involved;
6. An inability to provide all of this information should not delay the making of the report. Further information can be provided after the initial report is made.
7. Teachers **should:**
 - a. only gather enough information to form the belief
 - b. use open ended questions when talking to the student
8. Teachers **should not:**
 - a. conduct their own investigation
 - b. ask leading questions that suggest the abuse took place
 - c. interview witnesses
 - d. take statements
 - e. collect evidence
 - f. conduct a physical examination.
9. School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations determine the need for help. Notes should also reflect who the staff member has been in contact with.
10. All teaching staff must complete the DET online (30minutes) mandatory reporting eLearning module annually at www.elearn.com.au/decd/mandatoryreporting

Basis for discretion:

The basis for discretion lies with the Principal as an operational matter.

Date ratified by Benalla P-12 College Council:

Recommended date for review:

Date Implemented:	26, August 2012
Reviewed and Amended Version One	August 20145
Reviewed and Amended Version Two	June, 2015

Please refer to the following websites regarding more information on Mandatory Reporting
www.education.vic.gov.au/schools/principals/spag/safety/pages/childprotection.aspx

<http://www.justice.vic.gov.au/home/safer/communities/protecting/children/and/families/failure/to/protect/offence>