

I.Mandatory Reporting Policy

St Albans East Primary School



Date: June 2014

Rationale

All children have a right to feel safe and to be safe. Teachers have a legal and moral responsibility to respond to serious incidents involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect. A broad range of professional groups are identified in the *Children Youth and families Act 2005 (CYFA)* as mandatory reporters. Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

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

- All teachers, principals and students in training to become a teacher are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.
- Staff will complete the elearning Mandatory Reporting module annually.
- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal or Leading Teacher. However in the absence of a member from the leadership team the teacher must still make a report if they form a belief on reasonable grounds that a child is in need of protection.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- The teacher and/or the Principal class officer will contact **Child Protection** (Department of Human Services) by telephone as soon as possible to make an official notification on **(03) 9275 7000**.
- 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. If a child is too young to understand the significance of the interview a staff member should make arrangements for a supportive adult to attend with the child.
- All reports, information sheets and subsequent discussions and information are 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.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal.
- This policy must be read in conjunction with the Process for Mandatory Reporting . The process for Mandatory Reporting must be adhered to.

PROCESS FOR MANDATORY REPORTING

1. **Forming a belief on reasonable grounds:**

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.

- received a disclosure from a child
- a child or young person states that they have been physically or sexually abused
- 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)
- someone who knows the child or young person states that the child or young person has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child's or young person's safety, stability or development
- you have observed signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care of lack of appropriate supervision
- 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

If the concerns are of serious physical injury or sexual abuse then it is necessary to follow the steps required in notifying the Child Protection Service Unit [(03) 9275 7000 (Business Hours) 13 12 78 (After Hours) **immediately** and advise either the Principal, Assistant Principal, or member of the leadership team of your actions.

Always document all relevant concerns:

- description of behaviour specific incidents etc. recording dates and signing documents,
- changes observed, exact observations (not interpretation)
- any discussions with parents or the child, explanations offered.

2. **Reporting a belief**

Staff members, whether or not mandated, need to report their belief when the belief is formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.

3. **Protecting the identity of the reporter**

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is

required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

4. Failure to report

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

5. Making a report to Child Protection

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability or development
- the child's parents cannot or will not protect the child or young person from harm.

Staff members may form a professional judgement or belief, in the course of undertaking their professional duties based on:

- warning signs or indicators of harm that have been observed or inferred from information about the child
- legal requirements, such as mandatory reporting
- knowledge of child and adolescent development
- consultation with colleagues and other professionals
- professional obligations and duty-of-care responsibilities
- established protocols
- internal policies and procedures in an individual licensed children's service or school.

In most circumstances, Child Protection will inform the reporter of the outcome of the report. When the report is classified by Child Protection as a Wellbeing Report, Child Protection will, in turn, make a referral to Child FIRST.

Any person who is registered as a teacher under the *Education and Training Reform Act 2006*, or any person who has been granted permission to teach under that Act, including principals and students training to be a teacher, is mandated to make a report to Child Protection. In the course of undertaking their professional duties, mandated staff members are required to report their belief, when the belief is formed on reasonable grounds, that a child is in need of protection from significant harm as a result of sexual abuse or physical injury.

6. Conference with others / Gain support:

Teachers are encouraged to discuss any concerns about the safety and wellbeing of students with the Principal or a member of the school leadership team. If a Principal or member of the leadership team does not wish to make a mandatory report, this does not discharge the teacher's 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 or member of the leadership team, that teacher is still legally obliged to make a mandatory report of their concerns. You may need to refer to a number of people to gather relevant information and to assist you in making a judgment as to whether the child may be at risk of significant harm:

- Colleagues who have knowledge of the child (previous teachers)
- Team leader/coordinator
- Specialist teachers (what observations have they made?)
- Welfare coordinator and School Social Worker
- Principal /Assistant Principal
- Guidance Officer/ School Psychologist
- Counsellors/ Agencies working with family.

7. Debriefing:

When dealing with a case of suspected child maltreatment it is fairly common to experience a confusing mix of feelings including sadness, anger, anxiety, shock, numbness, guilt, and frustration. These feelings may arise immediately or emerge sometime after the incident. Counselling can provide the opportunity to explore, understand, accept or deal with these feelings.

You may wish to discuss this with

- the Principal / Assistant Principal
- the Social Worker or Guidance Officer
- a private counsellor
- EAP - Employee Assistance Program

Advising parents, carers or guardians

Staff **do not require** the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home