

# Mandatory Reporting Policy and Procedures

## **RATIONALE:**

- to define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people
- to enable staff to identify the indicators of a child or young person who may be in need of protection
- enable staff to make a report of a child or young person who may be in need of protection
- to comply with reporting obligations under child protection law and criminal law

## **OBJECTIVES:**

This Guide is intended to assist mandatory reporters who have become concerned about possible abuse or neglect of a child/young person and must make a decision whether to report their concerns to a relevant agency.

## **GUIDELINES:**

### **Mandated staff members**

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 the Student Wellbeing Coordinator /Principal (who will notify the Department of Human Services (DHHS) 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.

### **Non-mandated staff members**

Section 183 of the CYFA states that any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated school staff, is able to make a report to the Student Wellbeing Coordinator/Principal (who will notify Child Protection) when they believe that a child or young person is at risk of harm and in need of protection and the child's parents are unable or unwilling to protect the child.

### **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. A 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation and is formed if a reasonable person in the same position would have formed the belief on the same grounds.

There may be reasonable grounds for forming such a belief if:

- 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
- signs of abuse lead to a belief that the child has been 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 or young person's safety, stability or development
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused.

## **IMPLEMENTATION**

### **Duty of care**

Braybrook College staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care, it is important to take immediate action. In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes:

- notifying the Student Wellbeing Coordinator/Principal of their concerns and the reasons for those concerns
- reporting their concerns to DHHS Child Protection or Child First

### **Reporting criminal child abuse**

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children.

### **Mandatory Reporting Procedures at Braybrook College**

