

Mandatory Reporting Policy



PURPOSE

As a mandated professional, teachers and principals under the Child, Youth and Family Act (2005) are legally compelled to make a report to the Department of Human Services (DHS) Child Protection if they form a belief on reasonable grounds that a child is in need of protection from physical or sexual abuse.

To ensure school staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- identify indicators that a child or young person has been, is being, or is at risk of being abused
- make a report about a child or young person who has been, is being, or is at risk of being abused.
- For information on how to make a report, see: [Child Protection - Making a Report](#)

DEFINITIONS

Reasonable Belief: A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused.
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
- someone who knows a child states that the child has been physically or sexually abused.
- 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.
- signs of abuse lead to a belief that the child has been physically or sexually abused.

POLICY

Reporting Obligations

The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

Type of reporting	Obligation
<p>Mandatory reporting</p> <p>Note: the following professionals are considered mandatory reporters</p> <ul style="list-style-type: none">• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i>• Principals of government and non-government schools• Registered medical practitioners, nurses and all members of the police force	<p>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.</p> <p>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.</p>
<p>Failure to disclose</p>	<p>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.</p> <p>To read more information about the 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence</p>

<p>Failure to Protect</p>	<p>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.</p> <p>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.</p> <p>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.</p>
----------------------------------	--

The table below describes other reporting obligations.

<p>Type of reporting</p>	<p>Obligation</p>
<p>Child in need of protection</p>	<p>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:</p> <ul style="list-style-type: none"> • the child has suffered or is likely to suffer significant harm as a result of: <ul style="list-style-type: none"> - 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.

	<ul style="list-style-type: none"> 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. <p>Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
<p>Child in need of therapeutic treatment</p>	<p>Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection.</p> <p>Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).</p> <p>In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
<p>Significant concerns for the wellbeing of a child</p>	<p>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.</p> <p>A significant concern for the wellbeing of a child may arise, for instance, where any of the following factors may have a significant adverse impact on a child's care, welfare or development:</p> <ul style="list-style-type: none"> significant parenting problems family conflict or family breakdown pressure due to a family member's physical/mental illness, substance abuse, or disability <p>vulnerability due to youth, isolation or lack of support</p> <p>significant social or economic disadvantage. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p> <p>For more information, see PROTECT - Responding to other concerns about the wellbeing of a child</p>

Additional Legal Obligations

In addition to the mandatory reporting and other reporting obligations mentioned above, all school staff have duty of care obligations and obligations arising out of the Child Safe Standards. The table below contains information about these obligations.

Obligation	Description
Duty of care	<p>All school staff have a duty of care to take reasonable steps to prevent reasonably foreseeable injury to children and young people under the care. This includes taking reasonable steps to protect their safety, health and wellbeing.</p> <p>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, reasonable steps may include (but are not necessarily limited to):</p> <ul style="list-style-type: none">• acting on concerns and suspicions of abuse as soon as practicable• seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take• reporting the suspected child abuse to appropriate authorities such as Victoria Police and DHHS Child Protection• arranging counselling and/or other appropriate welfare support for the child• providing ongoing support to the child and young person – this may include attending DHHS Child Protection Case Planning meetings, and convening regular Student Support Group meetings• sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child or young person. <p>For more information on responding to all forms of child abuse, see PROTECT: Four Critical Actions</p>
Child Safe Standards	<p>The Child Safe Standards are compulsory minimum standards for all Victorian early childhood services and schools to ensure they are well prepared to protect children from abuse and neglect. The Standards support all Victorian early childhood services and schools to embed a culture of no tolerance for child abuse but, where necessary, to respond appropriately to actual or suspected abuse.</p> <p>See: School Policy & Advisory Guide - Child Safe Standards</p>

Training Obligations

School staff play a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse, neglect or exploitation.

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.

The module provides detailed information for identifying and responding to child abuse, and includes case studies and practical scenarios to assist staff fulfil their reporting obligations.

Requirements - school staff

Staff in schools who are:

- mandated reporters must undertake the training once per calendar year
- not mandated reporters are strongly encouraged to undertake the training once per calendar year.

Requirements - Region and Area staff

Department staff who:

- are mandated reporters must undertake the training once per calendar year
- have roles that engage with students or provide advice to schools or teachers about mandatory reporting or child safety matters are strongly encouraged to undertake the training once per calendar year.

The module takes approximately 30 to 45 minutes to complete. Participants receive a certificate of completion upon successful completion of a short assessment. A 12-month alert is also provided to remind participants to complete the module the following year.

To achieve the best results from training, staff are strongly encouraged to participate in discussions around the content, with a focus on the importance of their role in protecting children and young people.

Principals can contact the Wellbeing, Health and Engagement Division to obtain a list of staff who have completed the module, by email to: student.engagement@edumail.vic.gov.au

Parktone Primary School Procedural Administration

- All concerns must be reported immediately to the Principal, or in his/her absence, the Assistant Principal.
- The Principal will keep a record of all discussions about a student with whom there is a concern.
- The teacher and principal will gather the relevant information necessary to make the report. This should include the following information; full name, date of birth, and residential address of the child or young person, the details of the concerns and the reasons for those concerns, the individual staff member's involvement with the child and young person, details of any other agencies who may be involved with the child or young person. The "Mandatory Reporting Information Sheet" available from the Principal must be completed and filed in the Principal's office.
- **The teacher and/or principal will make a report to the relevant agency as soon as practible:**
- To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station.
- To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free).
- DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.
- Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.
- DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.
- When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.
- When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.
- All "Mandatory Reporting Information Sheets" are to remain filed in the Principal's office.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- Although teachers are only mandated to report to Child Protection if they have a belief on reasonable grounds that a child is in need of protection from physical or sexual abuse, they are strongly encouraged to contact Child First or make a report to Child Protection if they significant concerns for the wellbeing of a child.

Related Policies

[Duty of care](#)

[Police and DHS Interviews](#)

[Responding to Student Sexual Offending](#)

[Requests for Information about Students](#)

[Risk Management](#)

[Subpoenas and Witness Summonses](#)

Related Legislation

Children, Youth and Families Act 2005

Crimes Act 1958

Education and Training Reform Act 2006

Victorian Institute of Teaching Act 2001

Department Resources

[PROTECT](#)

[Protecting the safety and wellbeing of children and young people](#)

[Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

Other Resources

Daniel Morcombe Child Safety Curriculum:

Government schools, see: FUSE (eduMail password is required before searching [Daniel Morcombe Child Safety Curriculum](#))

Parents, see: [Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment](#).

Department of Health and Human Services:

[Child Protection](#)

[Child FIRST](#)

[Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)

Department of Justice and Regulation:

[Failure to disclose offence](#)

[Failure to protect offence](#)

[Grooming offence](#)