



MINARET COLLEGE MANDATORY REPORTING POLICY

Rationale

- All students have the right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the students with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

Aims

- To ensure that students' rights to be safe are maintained and each student is protected against physical and sexual abuse, and neglect.

Implementation

- The following members of staff are mandated by law to report signs of physical and/or sexual abuse, and neglect: Teachers registered to teach or who have Permission to teach; the Principal; the school nurse. Under mandatory reporting teachers are legally responsible to ensure that a report is made where they have formed belief that abuse is occurring, regardless of whether their belief is supported by the school leaders.
- 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.
- All concerns relating to child safety must be reported immediately to the Student Welfare Specialist Staff, or in their absence, to the designated college senior staff member (eg. Deputy Head of School, Head of School or Head of Campus). Refer to "Four critical steps" on the last page.
- Welfare Specialists and counsellors will keep a record of all discussions about a student with whom there is a concern. The reporting staff should also keep their own notes.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place then a form must be completed by the reporting staff and then filed in the Welfare Specialist Staff office for each sub-school/campus.
- A template to document any incident, disclosure or suspicion that a child has been, or is at risk of being abused is available at http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf
- In case of emergency or if a child is in immediate danger contact Triple Zero (000).
- The teacher is mandated to report their concerns to the Department of Health and Human Services (DHHS) Child Protection by telephone as soon as possible to make an official notification on: **1300 655 795**, or after hours on **131 278**.
- Members of DHHS, Child Protection, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of Minaret College Head of School or their nominee.
- All reports, discussions and information about any subsequent signs or indications of abuse are to be recorded, reported and remain strictly confidential.
- While only mandated by law to report incidents of physical, sexual abuse and neglect; teachers can also report instances of emotional abuse.

Purpose

- Schools have a responsibility in the prevention and reporting of child abuse and neglect. Minaret College has developed policies and procedures to outline the requirement and process involved in the mandatory reporting of child abuse.
- In Victoria, a child or young person is someone under 17 years of age. However, the principles outlined below shall apply to all students enrolled at Minaret College (regardless of age).
- This Policy sets out what constitutes child abuse, which is mandated to make a notification, and the process of making a report to the Department of Health and Human Services (Child Protection).
- By definition, child abuse is an act by another person which endangers a child or young person's physical or emotional health or development. Child abuse includes physical injury, sexual abuse, emotional abuse and neglect.

Application

This policy applies to all Minaret College employees and contractors.

Legislation

Underpinning the concepts discussed in this policy are the following legislations:
Children, Youth and Families Act 2005 (Vic.), Crimes Act 1958 (Vic.), Child Wellbeing and Safety Amendment (Child Safe Standards) Bill 2015, Ministerial Order No. 870.

Who is mandated to make a notification?

The College has a key responsibility, in accordance with legal requirements, to report child abuse. The *Children, Youth and Families Act (2005)* requires several professional groups to report cases where they believe, based on reasonable grounds, that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual or other abuse and the child's parents have not protected, or are unlikely to protect, the child from such harm.

More specifically, under section 182 of the Act, the following persons are mandatory reporters:

- (a) a registered medical practitioner;
- (b) a nurse registered under the **Health Professions Registration Act 2005**;
- (c) a person who is registered as a teacher under the **Education and Training Reform Act 2006** or has been granted permission to teach under that Act;
- (d) the Principal of a Government school or a non-Government school within the meaning of the **Education and Training Reform Act 2006**.
- (e) a member of the police force;
- (f) on and from the relevant date, the proprietor of, or a person with a postsecondary qualification in the care, education or minding of children who is employed by, a children's service to which the **Children's Services Act 1996** applies or a person nominated under section 16(2)(b)(iii) of that Act;

Mandated notifiers, in the course of practicing their profession, may form a belief on reasonable grounds that a child is in need of protection from physical and/or sexual abuse. The *Children, Youth and Families Act (2005)* states that these mandated notifiers must notify the Department of Human Services Child Protection Unit of the Department of Human Services as soon as practicable (a) after forming the belief and (b) after each occasion on which they become aware of any further reasonable grounds for the belief. Grounds for belief are matters about which a person has become aware and any opinion based on those matters. Failure to act may contribute to further risk for the child.

Furthermore, the Act prescribes penalties for mandated reporters for non-compliance. The Act is not designed to be punitive. However, in blatant cases of failure to report, proceedings may be brought against an individual by the Police.

Non-mandated Staff Members

Non-mandated staff members such as administration or support staff, may also be aware of or have concerns about the wellbeing of a student at the school. Such staff members can report their concerns to a teacher, Head of School or School Counsellor, or make a report directly to Child First (Child and Family Information, Referral and Support Teams).

For more information visit the PROTECT web site

<http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx>

Prior to contacting Child First, the internal process outlined in 1) *Keeping Notes* below should be followed to ensure that accurate records are kept and key personnel are aware of the Child First report.

Sexual offences against a child

Under the *Crimes Act 1958*, any adult (aged 18 and over) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16 years) is required to disclose that information to police (unless they hold a reasonable excuse).

Reportable Conduct Scheme

The scheme requires schools to report, investigate and respond to allegations of child abuse made against their employees or volunteers.

There are five types of 'reportable conduct':

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (against, with or in the presence of, a child)
- physical violence (against, with or in the presence of, a child)
- behaviour that causes significant emotional or psychological harm
- significant neglect.

More information about types of reportable conduct is provided at <https://ccyp.vic.gov.au/child-safety/resources/reportable-conduct-scheme-information-sheets/>

It is the responsibility of the Executive Principal to investigate and report such allegations to Commission for Children and Young People (CCYP, Child Safe Standards and Reportable Conduct Scheme, tel: (03) 8601 5281, email: childsafestandards@ccyp.vic.gov.au).

Failure to Disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must report that information to Victoria Police. It is a criminal offence to fail to disclose that information to Victoria Police.

Failure to Protect

Staff members in a position of authority who become aware that an adult associated with Minaret College (such as a worker or volunteer) poses a risk of sexual abuse to a child who is under the care, authority or supervision of the school, must take all reasonable steps to remove or reduce the risk. Failure to take reasonable steps in these circumstances may amount to a criminal offence.

How to Make a Report to the DHHS (Child Protection Services)

1. Keeping Notes

Individual staff members should keep notes of concerns that have led them to file a report as is necessary. Notes should be recorded using a template available from DET web site http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf.

These forms should be shared with the relevant Welfare Specialist (Primary or Secondary School) and stored as a cumulative record in the student's central file and/or counselling file. The Head of Campus and the Executive Principal will be aware of these records and the location in which they are stored.

2. Clarify Whether a Report to Child Protection Services is required

A report to Department of Human Services / Child Protection is **required** when:

- A teacher believes, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical, sexual, emotional abuse or neglect; and
- The child's parents or caregiver have not protected, or are unlikely to protect the child from such harm.

The belief and the reasonable grounds for forming that belief should be reported by the mandated reporter who has formed the belief to Child Protection Services as soon as practicable. Additional reports should be made after each occasion in which there is awareness of further concerns.

It is permissible for a teacher to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Once a concern has been raised the matter must be referred to appropriately trained or senior staff such as the Welfare Specialist Staff, Counsellors or Head of School at each campus. The role of the notifying staff member from this point forward is to continue monitoring the child of concern. It is NOT the role of the mandated notifier to take on the role of investigator.

The Head of School and Head of Campus shall not disclose to any other person, the identity, or information with potential to indicate the identity of the notifying individual without written consent from the notifier.

If there is uncertainty about the need for a mandatory report to Child Protection, the Welfare Specialist Staff or the notifier should ring the Department of Health and Human Services for advice/secondary consultation on 1300 655 795 or after school hours crisis line 131 278.

3. Making a Report to Child Protection Services

If a staff member believes a report to Child Protection Services is required, the Welfare Specialist Staff, Counsellors, Head of School and Head of Campus will be notified.

The notifying staff member will proceed with a report to Child Protection Services – ph: 1300 655 795 (business hours) or ph: 131 278 (after hours).

The following information will be required when making a report:

- The child's name, age and address;
- The name, age and address of any known siblings;
- Your reason for believing that the injury or behaviour is the result of abuse or neglect;
- Your assessment of the immediate danger to the child;
- Current whereabouts of the child or young person;
- Any other information you have about the family;
- Your identity as a notifier will remain confidential unless the Court specifically permits your identity to be disclosed; or you consent in writing to the disclosure of your identity; or you decide to inform the child or family of the report.

Where two or more staff members share a belief that a child or young person is in need of protection from physical or sexual abuse, then only one staff member needs to report. The other staff member/s must be satisfied that the report is made promptly and that all of the reasonable grounds are included in the notification.

4. Communication

A decision regarding who else (if anyone), should be informed, needs to be made. Staff members are encouraged to discuss this with the Duty Worker when they make the notification.

The need for confidentiality should be observed at all times in the interest of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

If, following a report, a family approaches the School; they should be politely directed to speak with authorised senior managers or School Counsellors. Individual teachers should not engage in discussion with parents or others without the presence (or the express authorisation) of the respective Head of Campus.

Even where senior management representatives meet with parents or others in regard to a report, it is recommended that an interview be conducted with a minimum of two designated school staff members present.

The focus of such a meeting should be on the welfare of the child, not on justifying the actions or perceptions of the staff involved.

5. Support

It is essential that reports are managed in a caring, supportive and confidential manner. If required, the Staff Welfare Specialist can offer support to affected staff, while students can be referred to Student Welfare and Pastoral Care Specialists or Counsellors.

6. Monitoring

After notification to Child Protection Services is made, a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If the notifying staff member is not advised, the Welfare Specialist may contact Child Protection Services and request information about what action is proposed. Any information provided at any stage of the process shall also be shared with the Head of School and Head of Campus in a timely manner.

7. Document Control, Protection of Individuals and Confidentiality of Information

Other than ensuring the safety of all involved, there should be no detailed communication with alleged perpetrators or any other students involved until after approval from Victoria Police. Police and Child Protection Services are to be the investigating body at all times.

Media comments, if any, must be made in accordance with the College Media policy.

Further Information

Further information concerning any aspect of Mandatory Reporting obligations may be directed to the Welfare Specialists and School Counsellors.

Information on mandatory reporting has been developed to assist those professionals whose work brings them into contact with children and young people, and is available via the Department of Health and Human Services (Children, Youth and Families) website <http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting>.

Other Child Protection Publications are also available at the Victorian DET web site <http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx>

Note: All web links and telephone numbers were accurate at the time of the policy approval.

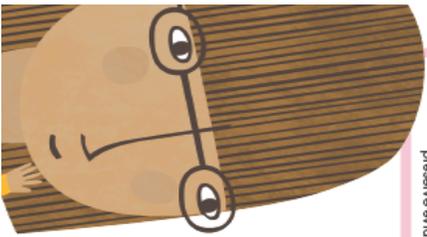
This policy was last reviewed by Minaret College Board in February 2018.


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Signature of Board Secretary


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Signature of Board Chairman

Four Critical Actions for Schools – Responding to and Reporting Suspicions of Child Abuse

http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf



FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

PROTECT



1 RESPONDING TO AN EMERGENCY

If there is no risk or immediate harm go to **Action 2**.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance
- responding to immediate health or safety concerns
- identifying a contact person at the school for future liaison with police.

Where necessary, you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES

As soon as immediate health and safety concerns are addressed, you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

← Q: Where does the source of suspected abuse come from? →

WITHIN THE SCHOOL

You must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police.

You must also report internally to:

- School Principal and/ or leadership team
- Employee Conduct Branch
- DET Security Services Unit

CATHOLIC SCHOOLS

- School Principal and/ or leadership team
- Diocesan education office

INDEPENDENT SCHOOLS

- School Principal and/ or school chairperson

For suspected student sexual assault, please follow the *Four Critical Actions: Student Sexual Offending*.

WITHIN THE FAMILY OR COMMUNITY

You must report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

INDEPENDENT SCHOOLS

- School Principal and/ or chairperson

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act.

This may include making a referral or seeking advice from Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

YOU MUST TAKE ACTION

As a school staff member, you play a critical role in protecting children in your care.

- You must act, by following the 4 critical actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (eg. if the victim or another person tells you about the abuse).
- You must use the *Responding to Suspected Child Abuse* templates to keep clear and comprehensive notes.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

3 CONTACTING PARENTS/CARERS

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/ carer (eg. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/ carer to be contacted)
- to contact the parents/ carers and provide agreed information (this must be done as soon as possible, preferably on the same day, or the incident, disclosure or suspicion).

4 PROVIDING ONGOING SUPPORT

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

You must follow the *Four Critical Actions* every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

DHHS CHILD PROTECTION AREA
North Division 1300 664 977
South Division 1300 655 795
East Division 1300 360 391
West Division (Rural) 1800 075 599
West Division (Metro) 1300 664 977

AFTER HOURS
After hours, weekends, public holidays 13 12 78

CHILD FIRST
www.dhhs.vic.gov.au

VICTORIA POLICE
000 or your local police station

DET SECURITY SERVICES UNIT
(03) 9659 6286

STUDENT INCIDENT AND RECOVERY UNIT
(03) 9651 3622

EMPLOYEE CONDUCT BRANCH
(03) 9657 2595

DIOCESAN OFFICE
Melbourne (03) 9287 0228
Ballarat (03) 5337 7195
Sale (03)5622 8600
Sandhurst: (03) 5443 2377

INDEPENDENT SCHOOLS VICTORIA
(03) 98257200