

POLICIES AND PROCEDURES

Mandatory Reporting and other obligations



Date **July 2022**

Review **July 2023**

Purpose

Schools have a responsibility in the prevention and reporting of child abuse and neglect. Lauriston Girls' School has developed policies and procedures to outline the requirement and process involved in the mandatory reporting of child abuse.

In Victoria there are various definitions of a child or young person. The principles outlined below shall apply to all students enrolled at Lauriston Girls' School, regardless of their age.

The policy sets out what constitutes child abuse, those individuals who are mandated to make a notification, and the process of making a report to the Department of Health and Human Services (Child Protection).

Legislation

Underpinning this policy is the following Victorian State legislation:

Children, Youth and Families Act 2005 (Vic)

Crimes Amendment (Protection of Children) Act 2014.

Who is mandated to make a notification under the Children, Youth and Families Act 2005?

Mandated Staff: Principals, teachers and nurses are identified under the Children, Youth and Families Act 2005 as mandatory reporters. Mandated staff members must make a report to Child Protection Services as soon as practicable after forming a belief on reasonable ground that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse.

Non-mandated staff: Section 183 of the Children, Youth and Families Act 2005 states that a person who believes on reasonable grounds that a child is in need of protection may report their concerns to Child Protection Services. This means that any members of the school staff is able to make a report to Child Protection Services when they believe that a child or young person is at risk of harm and in need of protection.

Sexual Offences against a Child (Crimes Act Obligations)

Failure to disclose: *Under the Crimes Amendment (Protection of Children) Act 2014, 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 for not going so). Refer to the Child Protection Policy for further information.*

Failure to Protect Offence: *a person who: (a) by reason of the position he or she occupies within a relevant organisation has the power or responsibility to reduce or remove a substantial risk that a child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and (b) knows there is a substantial risk that the person will commit a sexual offence against the child, must not negligently fail to reduce or remove that risk.*

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How to make a Report to the Department of Human Services (Child Protection Services)

Forming a belief on Reasonable Grounds:

Individual staff members 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/or that the child's parents or caregivers are unwilling or unable to protect the child.

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;
- Someone who knows the child or young person states that the child or young person 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;
- The staff member observes signs or indicators of abuse, including non-accident or unexplained injury, persistent neglect, poor care or 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.

Making Observations:

Individual staff members should make observations and keep notes of concerns that have led them to believe a report is necessary. These dated notes should be recorded on the Mandatory Reporting Record Form. The notes should be given to the Vice Principal Head of Junior School or Deputy Principal Head of Senior School and stored in the student's file. The Head of School will notify the Principal immediately.

Clarify whether a Report to Child Protection Services is required:

A report to the Department of Health and Human Services (Child Protection Services) 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 an individual authorised by the School to Child Protection Services as soon as practicable. Additional reports should be made after each occasion in where 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 Heads of School, School Psychologists and Principal.

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The role of the notifying staff member from this point forward is to continue to monitor the child of concern. It is not the role of the mandated notifier to take on the role of investigator.

The Heads of School/Principal 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 School Psychologist or the reporter will telephone the Department of Health and Human Services (Child Protection) for advice/secondary consultation.

Making a report to the Department of Health and Human Services (Child Protection):

If a staff member believes a report to the Department of Health and Human Services (Child Protection) is required, the Heads of School or School Psychologists will be notified and they will immediately consult with the Principal. The reported, Head of School or the School Psychologist will proceed with a report to the Department of Human Services (Child Protection).

The following information will be required when making a report:

- The child's name, age and address;
- Name of parents and address details;
- Your reason for believing the injury or behaviour is the result of abuse or neglect;
- Your assessment of the immediate danger to the child or young person;
- Current whereabouts of the child or young person;
- Your description of the injury or behaviour observed; and
- Any other information you have about the family.

The identity of the notifier will remain confidential unless;

- The notifier chooses to inform the child and/or family of the notification
- Consent is given for the identity of the notifier to be disclosed.

Communication:

A decision regarding who else (if anyone) should be informed, needs to be made.

The School ought not to discuss the notification with parents or caregivers until consultation with the Department of Health and Human Services (Child Protection) or Victoria Police has taken place.

The need for confidentiality should be remembered at all times in the interests of the child or young person and the family.

- If the relevant authority advised not to inform the parents or caregiver, the School must not do so;
- If the relevant authority advises that better outcomes for the child or young person may be achieved by informing the parents or caregiver of the notification, the Principal or delegate may decide whether or not to do so;

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- If a decision has been made not to inform the parents or caregiver, and a complaint is received about the notification, the parents and caregiver should be referred to the Principal.
- If the School decides to inform the parents or caregiver, the identity of the member of staff in the notification will not be disclosed without his/her permission.

Support:

It is essential that reports are managed in a caring, supportive and confidential manner. Support for the responding staff member and the child or young person who is the cause for concern as well as anyone affected should be arranged.

Access to the School's Employee Assistance Program will be promoted and managers shall monitor the wellbeing of the responding staff member and any other affected individual (including the alleged perpetrator if an employee of the School).

Staff will also be provided with regular awareness on mandatory reporting and protection of children education.

Monitoring

After notification to the Department of Health and Human Services (Child Protection) is made, a senior protective worker will decide whether or not further investigation is required. The reported (member of staff) will be advised of the decision.

If the reported (member of staff) is not advised, a Head of School or School Psychologist may contact the Department of Health and Human Services (Child Protection) and request information about what action is proposed.

Interviewing the student at School:

Sometimes the Department of Health and Human Services (Child Protection) or the Victoria Police may need to interview a child or young person at school. Where parents or caregivers are not implicated in allegations, it is usually of assistance to the student to have parents during the interview.

In cases where there are concerns about the ongoing safety of the child or young person at home, or the possibility that either or both parents are implicated in the alleged abuse, an interview of the child or young person should proceed without parental consent.

The Department of Health and Human Resources (Child Protection) will inform parents or caregivers that an interview has taken place with the child or young person.

Support and Protection of Students:

In all instances, the school will protect, support or assist children who disclose abuse, or are otherwise linked to suspected child abuse by:

- Ensuring that the student does not have contact with the staff member or person associated with the School who is alleged to have committed any of the specific offences noted in this policy until the allegation is resolved;
- The provision of counselling by the School Psychologist with the agreement of parents;
- The provision of the School wellbeing support network including the School Psychologist, School Nurse, Year Level Coordinators, House Coordinators and Tutors;

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- Family counselling with the School Psychologist or an external psychologist, where recommended;
- Modifications to the academic program where appropriate;
- Modifications to the school timetable and attendance where appropriate.

International Students

The school must notify the VRQA if the alleged abuse relates to an international student and Lauriston Girls' School has issued a Confirmation of Appropriate Accommodation and Welfare (CAWW) letter in relation to that student thereby assuming responsibility for approving the student's accommodation, support and general welfare.

Fulfilling the roles and responsibilities contained in this procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

Document Control, protection of individuals and confidentiality of information:

There should be no detailed communication with alleged perpetrators, or any other students involved until after approval from Victoria Police. Police and the Department of Health and Human Resources (Child Protection) are to be the investigating body at all times.

The Principal or her delegate is the only authorised representative of the School able to make media comment.