

	VILLAGE SCHOOL CHILD PROTECTION – MANDATORY REPORTING POLICY
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1. Policy Statement

Village School is committed to the safety and well-being of all children and young people accessing the School's services. The school supports the rights of children and young people and will act without hesitation to ensure a child- safe environment is maintained at all times.

Children and young people have the right to be physically and emotionally safe at all times. They are the most vulnerable members of our community and they do not have the power to stop abuse – they rely on others to help them. It is the legal responsibility of all staff at Village School to ensure that students are safe and their needs are met.

2. Purpose

The purpose of this policy is to define the roles and responsibilities of the school staff in protecting the safety and well-being of all children and young people and to enable staff to:

- ✓ comply with reporting obligations under law
- ✓ Identify the indicators of a child or young person who may be in need of protection
- ✓ Follow the four critical actions for schools for responding to incidents, disclosures and suspicions of child abuse and report using the PROTECT template for schools

3. Staff training

All staff will complete Mandatory Reporting and/or information sharing modules annually.

4. Mandatory reporting

4.1 Mandated reporters

All registered teachers in Victoria are mandated to report to the Department of Families, Fairness and Housing, Child Protection. Registered teachers must report if they form a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse and the child's parents are unable or unwilling to protect the child from that abuse.

See section 7, below, for a more detailed list of mandated reporters.

5. Information sharing

Village School is a prescribed information sharing entity, as a non-government

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school, under the *Child Wellbeing and Safety (Information Sharing) Regulations 2018* (Vic).

Staff must comply with the Information Sharing laws in Victoria.

More information can be found on the Victorian Government Information sharing and MARAM reforms <https://www.vic.gov.au/information-sharing-schemes-and-the-maram-framework> website.

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6. Legislative Requirements

The moral imperative to act to protect the child is backed up by the law.

6.1 The *Children, Youth and Families Act 2005* (Vic) (as amended in 2015) requires members of professional groups “Mandated Reporters” to report cases where they believe, based on reasonable grounds, that a child is in need of protection.

6.2 The *Crimes Amendment (Protection of Children) Act 2014* (Vic) requires a person of or over the age of 18 years (whether in Victoria or elsewhere), not just the mandated professionals, to report cases to Police where they believe, based on reasonable grounds, that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age.

6.3 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 the Department of Families, Fairness, and Housing (DFFH) Child Protection.

7. Application

This policy applies to all staff at Village School and persons of or over the age of 18 years (whether in Victoria or elsewhere).

The school’s policies and procedures for responding to allegations of suspected child abuse in the school environment apply to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

8. Definition of Terms

8.1 Mandated Reporters

Section 182 (1) of the *Children, Youth and Families Act 2005* (as amended in 2015) lists a broad range of professional groups and community members that are identified “Mandatory Reporters”.

Staff should read [s.182](#) for a full list of mandated reports.

The following people are prescribed as mandatory reporters under section 182 of the Act:

- (a) a **registered medical practitioner**;
- (b) a **nurse**;
- (c) a **midwife**;
- (d) a person who is **registered as a teacher or an early childhood teacher** under the [Education and Training Reform Act 2006](#) or has been granted permission to

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teach under that Act;

(e) the **principal** of a Government school or a non-Government school within the meaning of the [Education and Training Reform Act 2006](#);

(f) a **police** officer;

(g) a person in **religious ministry**;

(h) on and from the relevant date, **the approved provider or nominated supervisor of or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by, a children's service** within the meaning of the [Children's Services Act 1996](#);

(i) on and from the relevant date, **the approved provider or nominated supervisor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed or engaged by an education and care service** within the meaning of the Education and Care Services National Law (Victoria);

(j) on and from the relevant date, **a person with a post-secondary qualification in youth, social or welfare work who works in the health, education or community or welfare services field and who is not referred to in paragraph (h)**;

(k) on and from the relevant date, a person employed under Part 3 of the [Public Administration Act 2004](#) to perform the duties of a **youth and child welfare worker**;

(l) on and from the relevant date, a **registered psychologist**;

(m) on and from the relevant date, a **youth justice officer**;

(n) on and from the relevant date, a **youth parole officer**;

(o) on and from the relevant date, a member of a **prescribed class of persons**.

Any person may make a report if they form a reasonable belief that a child has been abused or is in need of protection.

If the belief is that a sexual offence has been committed all persons of or over the age of 18 years (whether in Victoria or elsewhere) have a responsibility to make a report.

8.2 When is a person mandated to report?

As per s.184 of the *Children, Youth and Families Act 2005* (Victoria):

A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of

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protection on a ground referred to in section 162(1)(c) or 162(1)(d) must report to the Secretary that belief and the reasonable grounds for it as soon as practicable—

- (a) after forming the belief; and
- (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

As per s184(4) of the *Children, Youth and Families Act 2005* (Victoria):

A belief is a belief on reasonable grounds if a reasonable person practising the profession or carrying out the duties of the office, position or employment, as the case requires, would have formed the belief on those grounds.

Failure to report in the above circumstances is an offence under the *Children, Youth and Families Act 2005* (Vic). More information can be found in [section 184](#).

8.3 When is a child in need of protection?

As per s.162 of the *Children, Youth and Families Act 2005* (Victoria):

(1) A child is in need of protection if any of the following grounds exist—

- (a) the child has been abandoned by his or her parents and after reasonable inquiries—
 - (i) the parents cannot be found; and
 - (ii) no other suitable person can be found who is willing and able to care for the child;
- (b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;
- (c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- (d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- (e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- (f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

(2) For the purposes of subsections (1)(c) to (1)(f), the harm may be constituted by a single act, omission or circumstance or accumulate through a series of acts, omissions or circumstances.

(3) For the purposes of subsection (1)(c), (d), (e) and (f)—

- (a) the Court may find that a future state of affairs is likely even if the Court is not satisfied that the future state of affairs is more likely than not to happen;
- (b) the Court may find that a future state of affairs is unlikely even if the Court is not satisfied that the future state of affairs is more unlikely than not to happen.

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9. Responsibility

9.1 Responsibilities of a Mandated Reporter

- ✓ Must report to Child Protection a belief, based on reasonable grounds that a child or young person is in need of protection from child abuse as soon as practicable, even if the Principal does not share their belief.
- ✓ Refer to the below Step by Step guide for further assistance.
- ✓ Must make a report without delay to a School Child Safety Officer. The Mandated Reporter and CSO can consult with the Department of Families, Fairness and Housing (DFFH) for advice before deciding on a formal report. (See School Protocols which follow)

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The mandated reporter has a personal responsibility to report his/her belief –it is not the responsibility of other members of staff. This responsibility cannot be discharged by the mandated reporter. The CSO are support mechanisms for the mandated reporter as part of the School’s protocols. If the CSO does not wish to make a report, this does not discharge the staff member’s obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff members concerns continue, even after consultation with the CSO, that staff member is still legally obligated to make a mandatory report of their concerns.

- ✓ Must report each time he/she becomes aware of any further reasonable grounds for his/her belief
- ✓ The mandated reporter does not have to be able to prove the abuse has occurred
- ✓ If a group of mandated notifiers have formed a belief about the same child or young person on the same occasion. It is sufficient for only one mandated staff member to make the report. The other staff member is obliged to ensure the report has been made and that the grounds for their own belief were included in the report made by the other staff member. (See School Protocols which follow).

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9.2 When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting – Department of Families, Fairness and Housing (DFFH) Child Protection</p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds 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.</p>	<p>Mandatory reporters</p>	<p>* DFFH Child Protection</p>
<p>Child in need of protection</p> <p>Any person may make a report 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 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. • The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. 	<p>* Any Person</p>	<p>* DFFH Child Protection</p> <p>* Victoria Police</p>

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<ul style="list-style-type: none"> • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. • 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>Child displaying sexually abusive behaviours and in need of therapeutic treatment</p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment</p>	* Any Person	* DFFH Child Protectio n
<p>Significant concerns about wellbeing of a child</p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	* Any Person	* DFFH Child Protectio n
<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</p> <p>Any person of or over the age of 18 years (whether in Victoria or elsewhere) who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the circumstances outlined in s.327 of the Crimes Act 1958 (Vic). Staff should review that section for a detailed explanation of reasonable excuse.</p>	* Any person of or over the age of 18 years (whether in Victoria or elsewhere)	* Victoria Police

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10. Procedures

10.1 Reporting Procedures - Protocols - four critical actions

10.2 Step 1

In case of emergency or if a child is in immediate danger contact (000) or the local police station.

Otherwise, make observations and keep dated notes of the concerns that exist that have led to the belief that a report may be necessary. Include the following:

- A description of the concerns (e.g. physical injuries, student behaviour)
- The source of those concerns (e.g. observation, report from the child or other person)
- The actions taken as a result of the concerns (e.g. consultation with Child Safety Officer, report to the Department of Families, Fairness, and Housing (DFFH) Child Protection)

Step 2

Discuss concerns with a Child Safety Officer (CSO).

The CSO will manage the reports in a caring confidential manner and give support to the reporting teacher/s.

Step 3

Gather the relevant information necessary to make to complete the PROTECT incident report form.

This should include the following information:

- Full name, date of birth and 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

Step 4

After these internal discussions, the CSO can seek advice from the relevant child protection agency to determine if a report is justified. They will then nominate a person to report to the relevant child protection agency. This process will be well documented in school records to protect the individual teachers not making the report.

If the CSO does not wish to make a report, this does not discharge the staff member’s obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff members concerns continue, even after consultation with the CSO, that staff member is still legally obligated to make a mandatory report of their concerns.

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Step 5

Make a report to the relevant agency as soon as practicable.

- To report concerns that are life threatening phone 000 or the Croydon Police Station on (03) 9724 0100.
- The nearest [Victoria Police Sexual Offences and Child Abuse Investigation Team](#) can be contacted on (03) 9881 7939.
- To report concerns about a child that is at risk of significant harm as a result of abuse or neglect, call the [Department of Families, Fairness and Housing \(DFFH\)](#) Child Protection Eastern Division Intake on 1300 360 391.
- To report concerns about the immediate safety of a child, the state-wide after hours emergency services can be contacted on 13 12 78.
- You can also contact [Child First](#) on 1800 271 150.

Refer to the Department of Education & Early Childhood Development Step - by -Step guide that follows for further assistance.

Step 6

Make a written record of the report which includes the following information:

- The date and time of the report and a summary of what was reported
- The name and position of the person who made the report and the person who received the report.

Step 7

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

Step 8

If, following a report, a family approaches the School, it is recommended that any interview be conducted with a minimum of two school staff members present (e.g. the Principal and one other, not necessarily including the reporting staff member/s). The focus of such a meeting should be the welfare of the child, not on justifying the actions of the staff involved.

Step 9

Support for the reporting staff and the student that is the cause for concern, and anyone else affected, should be arranged. The School should be aware that a wide range of people may be affected. Support should continue to be provided, if necessary, as the role of the staff member with the student and Child Protection Services maybe ongoing.

Confidentiality

Confidentiality is crucial to a fair and effective reporting procedure. It is

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unacceptable, and potentially defamatory, for concerns of child abuse (and abusers) to be spread throughout the School, rather than being directed through a formal complaints procedure (as set out in the School Protocols). All participants must understand the importance of following the set reporting guidelines when concerns arise.

Confidentiality protects the child, the reporter, the respondent, and the School, and ensures a fair and proper process.

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9.2 Reporting Procedures – Protocols List

Steps	Protocols List
Step 1	<p>Make observations and keep dated notes of the concerns that exist that have led to the belief that a report may be necessary. Include the following:</p> <ul style="list-style-type: none"> •A description of the concerns (e.g physical injuries, student behaviour) •The source of those concerns (e.g observation, report from the child or other person) •The actions taken as a result of the concerns (e.g consultation with CSO, report to the Department of Families, Fairness, and Housing (DFFH) Child Protection)
Step 2	<p>Discuss concerns with a CSO or Principal. The Principal will manage the reports in a caring confidential manner and give support to the reporting teacher/s.</p>
Step 3	<p>Gather the relevant information necessary to complete the Incident Report Form -Child Abuse. This should include the following information:</p> <ul style="list-style-type: none"> •Full name, date of birth and 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
Step 4	<p>After these internal discussions, the CSO or Principal can seek advice from the relevant child protection agency to determine if a report is justified. They will then nominate a person to report to the relevant child protection agency. This process will be well documented in school records to protect the individual teachers not making the report.</p> <ul style="list-style-type: none"> • If the CSO does not wish to make a report, this does not discharge the staff member’s obligation to do so if they have formed a reasonable belief that abuse may have occurred. If the staff member's concerns continue, even after consultation with the CSO, that staff member is still legally obligated to make a mandatory report of their concerns

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Step 5

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- The nearest Victoria Police Sexual Offences and Child Abuse Investigation Team can be contacted on (03) 9881 7939.

- To report concerns about a child that is at risk of significant harm as a result of abuse or neglect, call the [Department of Families, Fairness and Housing \(DFFH\)](#) Child Protection Eastern Division Intake on 1300 360 391.

- To report concerns about the immediate safety of a child, the state-wide after hours emergency services can be contacted on 13 12 78.

You can also contact [Child First](#) on 1800 271 150.

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	<ul style="list-style-type: none"> •Refer to the Department of Education & Early Childhood Development Step-by-Step guide that follows for further assistance
Step 6	<p>Make a written record of the report which includes the following information:</p> <ul style="list-style-type: none"> •The date and time of the report and a summary of what was reported •The name and position of the person who made the report and the person who received the report
Step 7	It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else
STEP 8	If, following a report, a family approaches the School, it is recommended that any interview be conducted with a minimum of two school staff members present (e.g. the Principal and one other, not necessarily including the reporting staff member/s). The focus of such a meeting should be the welfare of the child, not on justifying the actions of the staff involved
Step 9	<p>Support for the reporting staff and the student that is the cause for concern, and anyone else affected, should be arranged.</p> <p>The School should be aware that a wide range of people may be affected. Support should continue to be provided if necessary, as the role of the staff member with the student and Child Protection Services may be ongoing.</p>

11. Reference Documents

Village School Policies	Agreements, Acts & Regulations
Child Protection	Crimes Act 1958 (Vic)
Child Safety Code of Conduct	Children, Youth and Families Act 2005
Child Safe Standards	Victorian Child Safe Standards
Recruitment	Privacy Act
Privacy	Ministerial Order 807
Confidentiality	Working with Children Act
OH&S	Education and Training Reform Amendment (Child Safe Schools) Act 2015 Vic
Risk Management	Crimes Amendment (Protection of Children) Act 2014 Vic

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