



MANDATORY REPORTING POLICY

FCS is committed to preventing harm to children through the reporting of child abuse and neglect under the Children, Youth and Families Act 2005 (Vic.).

The mandatory reporting policy sets out the principles and framework governing the school's behaviours and activities that enact the mandatory reporting requirements and which aims to keep all children safe from harm. The policy, together with the policy implementation documents must be read and understood by all those connected to the school.

The school, those that work in it and its wider community together have a duty of care to protect children from harm through abuse or neglect.

The school is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.

The school will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns.

FCS has developed this policy and procedures document in line with the requirements of the Children, Youth and Families Act 2005 (Victoria) and as part of FCS's commitment to the Child Safe Standards.

The policy applies 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.

All staff at FCS have a duty of care to protect and preserve the safety, health and wellbeing of all students in their care and staff must always act in the best interests of the child or young person. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.



All school staff members have a moral and legal obligation and a Duty of Care to protect any child under their care from foreseeable harm (not just staff who are classified as Mandatory Reporters.)

All school staff must respond to any reasonable suspicion that a child has been, or is at risk of being abused. The report should be made as soon as practicable to do so.

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 DHS Child Protection.

All Mandated Reporters must make a report on each occasion that they form a 'reasonable belief' that a child is at risk. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. 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.

Aims of the policy

To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.

To enable school staff to protect the safety and wellbeing of students by being able to:



- identify indicators that a child or young person may be in need of protection
- make a report about a child or young person who may be in need of protection.

The policy applies to members of the governing board, the principal, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment.

The policy applies 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.

Legal and regulatory basis for compliance

- Duty of Care
- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (amended) (Vic.).

Key definitions

- 'Child Protection' is the statutory child protection service provided by the Department of Human Services, which is able to intervene to protect children and young people at risk of significant harm.
- 'Child and Family Information, Referral and Support Teams' (Child FIRST) is a Victorian Government initiative to provide support and help for vulnerable families, children and babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.
- 'Failure to Disclose': in addition to mandatory reporting obligations under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (amended) (Vic.) imposes a legal obligation upon all adults to report to Victoria Police [in addition to Child Protection] where they form a reasonable belief that a sexual offence has been committed by an adult against a child.
- 'Failure to Protect': The Crimes Act 1958 (amended) (Vic.) provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.
- 'Grooming': Crimes Act 1958 (amended) (Vic.), under the 'Failure to Disclose' offence and duty of care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.



Roles and responsibilities

'Mandated notifiers' are legally required to report child physical and sexual abuse. Mandated notifiers are:

- registered principals and teachers (including pre-service and visiting teachers)
- registered medical practitioners and psychiatrists
- registered nurses including school nurses
- members of the police force.

It is mandatory for registered principals and registered teachers in Victoria to notify Child Protection if they form the belief on reasonable grounds that a child has been physically or sexually abused or if they form the belief that a child is in need of protection.

Non-mandated people (e.g. educational support staff, non-teaching staff), who believe on reasonable grounds, that a child is in need of protection, must report their concerns to Child Protection.

Any adult (i.e. all members of the school community) who forms a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria police, unless the reporting adult has already made a report to Child Protection. This responsibility does not change mandatory reporting obligations (Failure to Disclose offence).

Any person in a position of authority (not just mandated reporters) within or associated with the school (will include the chair of the governing board, board members, principal, senior staff and may also include residential house staff, business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk another adult associated with the school may commit a sex offence against a child under 16 within the school's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police (Failure to Protect offence).

In addition to an employee's legal responsibility to report concerns as set out above, all employees must also comply with the school's internal reporting procedures.

Communication of the policy

The school will make regular public statements to raise an awareness of the school community's collective responsibility in reporting allegations of child abuse.



This policy and relevant policy implementation documents will be made publically available on the school's website and from the school office.

The school will put in place arrangements to ensure the school community (including applicants for jobs) is informed about the school's child safe standards policies, procedures and allocated roles and responsibilities.

Policy implementation documents

This policy is be read in conjunction with:

- Commitment to Child Safety Statement
- PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools
- PROTECT Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse
- PROTECT Responding to Suspected Child Abuse: A Template for all Victorian Schools
- All PROTECT Information sheets
- Adult Under Crimes Act Policy
- Mandatory Reporting Procedures
- Child Safe Standards Policy
- Duty of Care
- Codes of Conduct

The documents setting out the strategies and actions required to implement this policy are:

- reporting flow chart, including mandatory reporting
- internal reporting procedures and flow chart
- Child Safe Standards reporting procedures
- Child Safe Standards checklist
- communication plan to inform the school community about the mandatory reporting policy and procedures, allocated roles and responsibilities
- detailed roles and responsibilities for ensuring reporting procedures are implemented, monitored and reviewed
- training policy to include training in the school's reporting procedures
- training and guidance in recognising signs and indications of child abuse.



Policy Review

The governing board will review the Mandatory Reporting Policy annually.

The governing board will require the principal to report on the implementation of the Mandatory Reporting Policy bi-annually.

Policy Endorsement

This Policy has been endorsed by the FCS Governing Body.

Date: June 2020

Review Date: June 2021

Review Cycle. Every 12 months.

Exceptions: This Policy may be reviewed earlier than the date stated subject to circumstance.