



MANDATORY REPORTING PROCEDURES

This document is to be read in conjunction with the Mandatory Reporting Policy and all associated documents set out therein.

The procedures are based on the following:

- compliance with mandatory reporting laws
- ensuring any situation is handled appropriately
- all reporting steps are followed
- support is provided to the person/s making allegations of child abuse
- all parties involved in an allegation of child abuse are treated fairly and consistently
- clarity as to who should notify any concerns and who to notify within FCS.
- what processes should be followed during and after an investigation

As the safety of the students is the primary concern, FCS will support or assist children who disclose child abuse, or are otherwise linked to suspected child abuse, by:

- ensuring their immediate safety.
- ensuring that safety advice is sought from either Child Protection, Child FIRST or Victoria Police.
- ensuring they have access to School support personnel.
- ensuring their situation is treated confidentially and with sensitivity.
- providing such other support or assistance as may be reasonable.

The Principal is the nominated person who is assigned the responsibility for responding appropriately to a child who makes or is affected by an allegation of child abuse. (Child Safety Officer). The Principal's nominated delegate will take on this responsibility if they are unable to perform their role. Communication of the nominated delegate in these instances will be made to all staff, parents/carers and students as soon as the Principal is unable to perform their role.

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



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 (e.g. if the victim or another person tells you about the abuse).

You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

ENSURING IMMEDIATE SAFETY

Child safety and the protection of the child is the priority. The following Actions should be followed.

ACTION 1: RESPONDING TO AN EMERGENCY

If there is no risk of 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 to respond 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.

ACTION 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.

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE SCHOOL:

VICTORIA POLICE



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 the Principal

IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION

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.

You must also report internally to the Principal

Completion of the Responding to Suspected Child Abuse template should be dated and include comprehensive notes and include the following:

- full name, date of birth, and residential address of the child or young person
- a description of the concerns (e.g. physical injuries, student behaviour)
- the source of those concerns (e.g. observation, report from child or another person)
- the actions taken as a result of the concerns (e.g. consultation with School Coordinator, report to DHS Child Protection etc.).
- 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.

Notify the Principal prior to making a report or discuss any concerns about the safety and wellbeing of students, so that they can assist during the reporting process and ensure the child's welfare is maintained throughout the process.



Provide the Principal with a copy of the completed Report after reporting to DHS Child Protection or Child FIRST. The Report will be securely stored in the school office.

ACTION 3: CONTACTING PARENTS/CARERS

In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as practicable.

However before contacting parents, the Principal must seek advice from DHHS Child Protection or Victoria Police (depending on who the report was made to). This is critical to ensure the safety of the child as well as to avoid any compromise to the investigations being conducted by the relevant authorities or agencies. The Principal (unless a delegate has been nominated) holds the overall responsibility for contacting parents/carers.

Where advised to be appropriate, the school will make sensitive and professional contact with parents as soon as possible on the day of the incident, disclosure or suspicion.

In many cases where it is suspected that a child has been, or is at risk of being abused, it is extremely important that parents/carers are notified as soon as practicable. This enables parents/carers to take steps to prevent or limit their child's exposure to further abuse and ensure that their child receives the support that they require.

However there are some circumstances where contacting parents/carers may place a child at greater risk. This is why before contacting parents/carers the Principal (or delegate) must contact Victoria Police or DHHS Child Protection (depending on who the report has been made to). They will advise the Principal (or delegate) about whether it is appropriate to contact parents/carers at this stage.

The Principal (or delegate) will be advised not to contact the parents in circumstances where:

- the parents are alleged to have engaged in the abuse
- a disclosure to the parents/carers may subject the child to further abuse.



- the child is a mature minor (assessed to be sufficiently mature and intelligent to make such decisions on his or her own behalf) and have requested that their parents/carers not be notified (in these circumstances ideally the child will nominate another responsible adult be contacted)
- the notification is likely to adversely affect the investigation of the incident by the relevant authorities.

The Principal will also contact Independent Schools Victoria on (03) 9825 7200.

ACTION 4: PROVIDING ONGOING SUPPORT

Experiences of child abuse can cause trauma and significantly impact on the mental health and wellbeing of children. In addition to reporting and referral into relevant authorities, school staff members play a central role in addressing this trauma and have a duty of care to ensure that the students feels safe and supported at school.

Support can include direct support and referral to wellbeing professionals and community services and should involve the development of a Student Support Plan in consultation with the Principal.

The Principal is responsible for ensuring students are supported during interviews at school conducted by Victoria Police or DHHS Child Protection and staff may be required to respond to subpoenas to attend court.

Support will also be provided to any impacted staff members.

Any breaches of this policy should be reported to the Principal.

Procedures

Mandatory reporters have an obligation to take the necessary action to ensure a child is protected from further harm and are key in the identification of child sexual or physical abuse through personal observation or disclosure by the student concerned or a friend.



Once a mandatory reporter has formed a belief, based on reasonable grounds that a child is or has been sexually abuse or physically abused, they are legally required to report to DHHS Child Protection or Child FIRST.

A report must be made each time you become aware of any further reasonable grounds for your belief.

The Mandatory Reporting Service operates 24 hours a day, 7 days a week.

Failure to make a report can incur a maximum penalty of three (3) years imprisonment.

The mandatory reporter should attempt to file the report on the same day the belief is formed.

Mandatory reporters will make a report to the applicable agency as per the Four Critical Actions for Schools.

The mandatory reporter is protected by confidentiality legislation, except in limited circumstances. He/she is also protected from civil or criminal liability as long as the report was made in good faith.

Mandatory reporters can share information without legal or professional consequences, with family services such as Child FIRST and DHHS Child Protection to help protect vulnerable children. Child FIRST and DHHS Child Protection can also now consult teachers and principals when they are deciding how best to respond to a referral or a report they have received. Information that is provided should be directly related to the mandatory reporter's concerns, not based on second-hand information.

It is not the teacher's role to conduct any investigation or to confront the suspected perpetrator or to intervene with the child's family. Teachers do not have to have proof or prove that a child or young person has been harmed. This is the responsibility of specialist child protection workers and possibly the police.

Mandatory reporters who have general concerns for the wellbeing of the child but have assessed that the child is not at immediate risk of harm must make a referral to Child FIRST.

Teachers who have concerns that child sexual abuse or physical abuse is occurring or has occurred are welcome to consult with the Principal.

If the Principal does not share the teacher's belief that a child or young person is in need of protection, the teacher must still make a mandatory report. It is recommended that the Principal is informed that a report has been made.



If a group of mandated reporters share a belief, based on reasonable grounds, that a child or young person is in need of protection from physical or sexual abuse, only one mandatory reporter needs to make the report. It is the responsibility of the others to be satisfied that the report is made promptly and that all the reasonable grounds are included in the notification.

Teachers are advised to keep brief, written, dated notes of their suspicions or observations to assist them in completing a mandatory report. Anecdotal records and other written information must be regarded as confidential and used in a professional manner. They may be subject to a court order that the records be made available to the court and to other persons for the purpose of legal proceedings. When and if appropriate they may give a copy of any notes to the Principal, who will store these confidential notes in a secure place.

If a student starts to disclose in class or any other public area, the teacher should use the strategy of protective interrupting.

If a student discloses to a teacher in private and tries to elicit a promise that the teacher will not tell anyone, it is important for the teacher to explain that he/she has concerns about the student's safety and will have to take action to ensure the student is protected from further abuse. This may include discussing it with the Principal or seeking advice from Child Protection or Child FIRST

Teachers must not engage in general discussion about a disclosure.

School staff who have access to information regarding suspected or disclosed child abuse or neglect have a clear obligation to observe appropriate confidentiality in relation to the entire matter, and an obligation to ensure that this information is secure.

There are some circumstances where contacting parents/carers may place the child at greater risk, therefore advice must be sought from the DHHS Child Protection or the Police (depending on who the report was made to) prior to informing the parent/carer of the concerns regarding the child.

Should allegations of any kind of abuse be made against the Principal, the teacher should not discuss this with the Principal but must go directly to the Police.



Failure to disclose

This applies to all adults (not just professionals who work with children) who form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years old and fail to report this information to the Victoria Police.

Reasonable belief might be formed when:

- A child states that they have been sexually abused;
- A child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves);
- Someone who knows a child states that the child has been sexually abused;
- Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been sexually abused;
- Signs of sexual abuse leads to a belief that the child has been sexually abused.

A person will not be guilty if he/she has a reasonable excuse for not disclosing the information.

A reasonable excuse includes:

- **Fear for Safety:** reasonable fear for their own safety or the safety of another person;
- **Information already disclosed:** already reported under the mandatory reporting obligations to DHHS Child Protection. However, further instances of abuse must be reported.

Failure to disclose a sexual offence based on concerns for the interests of the perpetrator or organisations (e.g. concerns about reputation, legal liability or financial status) will not be regarded as a reasonable excuse.

Penalty of imprisonment up to three (3) years.

Failure to protect

This applies to a person in a position of authority within an organisation who:

- Knows there is a substantial risk that a child under the age of 16, under the care, supervision or authority of an organisation will become a victim of a sexual offence committed by an adult associated with the organisation (e.g. employee, contractor, volunteer, visitor); and
- Negligently fails to remove or reduce the risk of harm.



The Principal (or Person in Authority) must remove the person posing the risk from any contact with children and report them to the relevant authorities. This person must not be allowed contact with other children e.g. relocated to another school during investigations.

The maximum penalty is five years' imprisonment.

Reporting Procedures for Non-Teaching Staff (non-mandatory reporters)

Only teachers, principals, doctors, psychiatrists, nurses and police officers are mandatory reporters. Non-mandatory reporters in schools would include teacher assistants and non-teaching staff including administration staff and any other staff employed by the school.

Non-mandatory reporters must report concerns that involve the safety of children and young people to the Principal.

Should the concern involve an allegation made against the Principal, the staff member should not discuss this with the Principal but must report directly to the most senior member of staff available.

The Principal

The Principal is responsible for all aspects of school management including assisting the teacher, child and relevant specialist authorities, if requested.

The Principal must ensure that the school's curriculum structures address the issue of child sexual abuse and protective behaviours.

The Principal must ensure that all staff members receive appropriate training in the detection and reporting of child sexual and physical abuse.

In the case of sexual or physical abuse, it is the mandatory reporter who is required to make the report to the Police and DHHS Child Protection.

In the case of an allegation made against a staff member or volunteer it is the Principal who is required to make the report to the Police.

Any staff member who is a mandatory reporter must advise the Principal in regard to any report they make to DHHS Child Protection as soon as is practicable to do so.

Advice must be sought from DHHS Child Protection, Child FIRST or the Police in regard to providing any information to others, including the parents/carers, about the report or the child concerned. Mandatory reporters are able to share information with DHHS Child



Protection and Child FIRST without legal or professional consequences, as long as it is done in good faith.

Should any disclosure or concern of sexual abuse relate to the behaviour of a staff member, the Principal must report the matter to the Victorian Institute of Teaching (VIT). The identity of the reporter must be protected at all times, in line with the Children, Youth and Families Act 2005.

The Principal, assisted by the mandatory reporter, must retain records of all communication with DHHS Child Protection, Child FIRST, the Police, the VIT and the subsequent actions, of which he/she is privy. All records must be stored in a secure place to ensure confidentiality and kept separate from any other file on the student. There should be an indication on the student's general file that other confidential records are being kept separately without revealing the nature of those records.

The Principal, with the appropriate assistance, must undertake ongoing support for the teacher, the student and anyone else affected by this process or its outcomes. Confidentiality must be maintained.

If the Police conduct an interview at school, the Principal (or delegate) may if necessary, act as an independent person where the child is a victim, unless they believe it will place them in a conflict of interest.

Questions and Concerns

Must I keep written records?

As a teacher you should keep brief written records of your observations including dates, the nature of the indicators and injuries, if any. Principals are also expected to keep written records of the notification. Student Services personnel should also keep records of their involvement in such cases (e.g. the school nurse should keep records of physical indicators, and the Chaplain and other Student Services personnel keep records of behavioural and family indicators). All these records must be treated as highly confidential and stored securely and separately from other student records.

Can the written records I keep be used in evidence?

Yes. If the investigating officers want to use the school's written records they must apply in writing to the Principal. All types of official records kept in these cases may be the



subject of court orders that the records be made available to the court and to other persons for the purposes of legal proceedings.

Is there a time limit on suspected offences? Am I expected to report an offence that happened, for example, five years ago?

There is generally no time limit on laying charges for offences relating to child abuse and neglect. That is a matter for the appropriate prosecuting authority. All suspected cases of child abuse and neglect should be reported, irrespective of when they may have occurred.

How soon after finding out about a case of child sexual abuse am I expected to make a notification?

Mandatory Reporters are required to report directly to DHHS Child Protection. As soon as possible and if appropriate, any staff member who is a teacher should advise the Principal as soon as it is practicable to do so.

Can I be called to give evidence?

Yes, a staff member can be called to give evidence. The most likely time when a staff member (notifier) would be required to appear in court is when they have received a disclosure from a child, and this was the first time the child had disclosed the abuse.

Am I expected to report abuse if the perpetrator is a colleague or someone I know?

Yes. The identity of the perpetrator is irrelevant to the responsibility of teachers to report. The procedures outlined in this document apply, whoever the perpetrator is.

Does the offender have to be told who notified?

It is the policy of the Department of Health and Human Services and the Victoria Police not to reveal the identity of persons notifying child abuse and neglect. However, where a person who has notified an alleged offence is required to give evidence, their identity may be revealed in those proceedings. In extremely limited circumstances a court may also order that information which could identify the person who notified an alleged offence be disclosed.

Any breaches of this policy should be reported to the Principal.



Endorsement

This document 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.