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Policy Document

MANDATORY REPORTING

Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s 327 Crimes Act may not be required unless you have further information.

This policy must be read in conjunction with the Child Abuse Key Risk Indicators and The Obligation to Report a Sexual Offence.

Who Must Make a Mandatory Report?

Mandatory reporters are defined by the CYFA and include:

- teachers;
- the Principal;
- medical practitioners; and
- nurses.

It is the responsibility of other staff, volunteers or members of the school community to check whether they are Mandatory Reporters under child protection legislation.

Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All School staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify one of the School Welfare Team as soon as possible to discuss their concerns. **Also refer to The Obligation to Report a Sexual Offence.**

What Gives Rise to a Mandatory Report?

A mandatory report must be made when you form a belief on reasonable grounds that a child is in need of protection where the child has suffered, or is likely to suffer, significant harm as a result of:

- physical injury; or
- sexual abuse;
- and the child's **parents have not protected, or are unlikely to protect**, the child from harm of that type.

'Reasonable Grounds'

The concept of 'reasonable grounds' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused;
- a child states that they know someone who has been physically or sexually abused;
- someone who knows the child states that the child has been physically or sexually abused;
- a child shows signs of being 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 a child's safety, stability or development;
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision; or
- 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.

Grounds for belief include matters of which a person has become aware and any opinions based on those matters.

'Significant'

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

'Physical Injury or Sexual Abuse'

To assist in identifying physical injury or sexual abuse, refer to the School's information relating to Child Abuse - Definitions and Key Risk Indicators.

'Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type'

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who 'has not protected, or is unlikely to protect that child from harm of that type' includes a parent who wants to protect his or her child from harm, but lacks the means to.

It also includes a parent who has the means to protect his or her child from harm, but does not want to.

A parent may be rendered 'unlikely to protect' that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring;
- that parent or child may be subject to domestic violence; and
- that parent's partner may be abusive or harmful to the child.

'Parent' includes:

- the child's father;
- the child's mother;
- the spouse of the mother or father of the child;
- the domestic partner of the father or mother of the child;
- a person who has custody of the child;
- a person who is named as the father on the child's birth certificate;
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic); and
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

What to Report and When

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief. Refer to the Victorian Department of Education's **Guide to Making a Report to Child Protection or Child FIRST** (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

How is a Report/Referral Made?

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability or development;
- the harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child's safety, stability and development; or
- the child's parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection office, or the After Hours Child Protection Emergency Services on 131 278.

What If I Don't Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to one of the members of the school Welfare Team.

There is also the option to refer the matter to Child FIRST. A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems;
- family conflict;
- a family member's physical or mental illness, substance abuse, disability or bereavement; • isolated or unsupported families; and
- significant social or economic disadvantage.

To contact Child FIRST, refer to their website.

What Happens After a Report/Referral is Made?

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

In most cases, Child FIRST will inform the referrer of the outcome of the referral. Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

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