

Mandatory Reporting Policy

Monmia Primary School



MONMIA PRIMARY SCHOOL

- Learn and Achieve -

This policy was last ratified by School Council on: 15th September, 2014

School Council President: Mary Papaioannou

Rationale

All children have a right to feel safe and to be safe. Teaching staff (including pre-service teachers) have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the students with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect.

All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.

Mandatory reporting may relate to sexual harassment which is unlawful behaviour under the *Commonwealth Sex discrimination Act (1984)* and the *Victorian Equal Opportunity Act (1995)*.

Quite apart from mandatory reporting requirements, a teacher has a concurrent duty of care to protect a student from harm that is reasonably foreseeable. A breach of this duty of care may lead to legal action.

The major emphasis is on prevention, with the goal of providing population based strategies as well targeted programs to provide young people with the skills and strategies to enhance their resilience.

Aim

The aims of this policy are to:

- Ensure that the school staff complies with the Mandatory Reporting requirements of the Children, Youth and Families Act 2005 and other legislation including:
 - being aware of their legal responsibilities and DEECD's policy and procedures ensuring staff are trained in recognising potential child abuse or neglect and responding appropriately
 - ensuring critical incidents are immediately reported to the Emergency and Security Management Unit
- Ensure that all teaching staff members understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse and neglect including physical and sexual abuse.
- Make certain that teaching staff members know how to make a mandatory report to the Department of Human Services (DHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm.
- Ensure that teaching staff members are able to identify and be aware of the indicators of abuse.

Implementation

- All staff will be informed of mandatory reporting responsibilities and procedures annually at the first curriculum day or staff forum.
- New and returning staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- All staff members are expected to complete the DEECD Mandatory Reporting online training program.
- All members of the Teaching Service are mandated by law to report signs of physical

and/or sexual abuse and neglect to the Department of Human Services (DHS) Child Protection.

- All concerns must be reported immediately to a Principal Class Officer. Proof is not required to form a belief; it is not the responsibility of teachers or Educational personnel to determine if child abuse or neglect exists: that is the responsibility of DHS or the police.
- Teaching staff members should make a report to Department of Human Services (DHS) Child Protection when there is a reasonable belief that a child is in need of protection from harm.
- Reasonable grounds for reporting child abuse are when,
 - A child informs a teacher that he / she has been abused
 - Someone else informs a teacher that a child has been abused
 - A child informs a teacher that he /she knows someone who has been abused
 - A teacher's own observations lead to suspicions that a child has suffered abuse
- Teaching staff members should make a referral to a Child First team when there is a significant concern for a child's well being but there is no belief the child needs protection.
- The teacher and/or the Principal Class Officer will contact the Department of Human Services (03) 9843 6000 or after school hours crisis line 131278 and the Emergency and Security Management Unit on (03) 9589 6266 (24 hours) as soon as possible to make an official notification. (The Emergency and Security Management Unit will notify the Student Critical Incident Advisory Unit of any incidents of a sexual nature as soon as it is reported by the school. The Student Critical Incident Advisory Unit is available 24-hours a day, and immediately liaises with the School, and where required, the regional office, the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit or the Department of Human Services, Child Protection or the Conduct and Ethics Branch.)
- If teachers are unsure whether or not to make a report they should discuss their concerns with the Principal Class Officer or ring DHS for advice.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place a "Mandatory Reporting Information Sheet" available from the Principal Class Officer must be completed and filed in the Student Engagement and Wellbeing Assistant Principal's office.
- The school staff members will not interview the child; their role is only to gather sufficient facts to make the report.
- If members of the Department of Human Services, or associated support or intervention services visit the school following a notification, they will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential. (Appendix 1)
- All incidents will be monitored, and any subsequent signs or indications of abuse are also to be reported.
- Teachers should only share information as authorised by the Children Youth and Families Act 2005 i.e. where a child is subject to Child Protection investigation, Child Protection intervention or a Children's Court Protection Order. In other cases they should abide by the Information Privacy Act 2000.
- Teachers should monitor all incidents and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are also encouraged to report incidents of emotional abuse or neglect to a Principal Class Officer.
- The Principal/ teacher should keep a record of all discussions about a student with whom there is a concern.
- A student for whom a concern has been formally raised will have an indication referring to 'office documents' in the school records section student cumulative file and the end of year handover sheet for the next year's teacher.
- Where a disclosure of an alleged sexual assault is made to a staff member, the staff

member must inform the Principal as soon as possible. It must be on the same day. Principals should follow the required Departmental procedures for responding to allegations of student sexual assault.

- Students who disclose to staff a desire to harm themselves or others, must be reported by staff to the Principal or Assistant Principal for Student Engagement and Wellbeing.
- In some cases, students will disclose abuse or neglect including allegations of sexual assault that may have occurred sometime in the past. In some cases, the incident disclosed may have occurred a number of years ago and may have occurred off-site or within a family or community context. These disclosures should still be responded to immediately. The time elapsed between the incident occurring and its disclosure is not relevant. Appropriate actions and support processes must still be undertaken.
- All allegations that a teacher or school employee has committed a sexual assault must be reported directly to the Victoria Police Sexual Offences and Child Abuse (SOCA) Unit and the Department of Education and Early Childhood Development's Conduct and Ethics Branch, which provides advice about misconduct issues on (03) 9637 2594 or 9637 2595. The Emergency and Security Management Unit should also be notified.
- The Principal will maintain ongoing contact with the Regional Office. The Principal may be in contact with the Regional Director or Assistant Regional Director, SARPS, regional student wellbeing staff or Regional Emergency Management Coordinator.

Appendix 1: Mandatory Reporting Information Sheet

Evaluation

This policy will be reviewed as part of the School Council's cyclic review or earlier if required.

Review Year

2017