



Mandatory Reporting Policy

Background and Legislation:

Since 1993, teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or Principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. This legislation was replaced by the *Education and Training Reform Act 2006*, which came into effect in 2007.

Under the *Children, Youth and Families Act 2005* a legal obligation is imposed on teachers to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, or if a child's parents or guardians have not protected or are unlikely to protect the child from harm of that type. The Act gives legal protection to notifiers who share information with the Department of Human Services or to family services such as Child FIRST and Child Protection.

Mandatory Reporting:

If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds (see below) that a child is in need of protection on the grounds that a 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; the person must notify the Department of Human Services Child Protection of that belief and of 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.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse. Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

Reasonable Grounds:

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- a child tells the teacher they have been abused
- someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse
- a child tells the teacher that they know someone who has been abused (often a child is referring to him or herself)

Title: Mandatory Reporting Policy

- the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring

Concerns about Students' Well-being:

School Teachers and Principals in Victoria are required to make a referral to a Child First team where they have a significant concern for a child's wellbeing. A referral to Child First should be made where families show any of the following that may impact upon a child's safety, stability or development:

- Significant parenting problems that may be affecting the child's development
- Serious family conflict, including family breakdown
- Families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Young, isolated and/or unsupported families
- Significant social or economic disadvantaged that may adversely impact on a child's care or development

Child First does not have any statutory powers to protect a child or impose services on a family.

The process of a referral to Child First would normally include consultation with the family and the referral made as a supportive measure by the school to assist the family to access necessary community services.

Staff are encouraged to discuss any such concerns with the Principal or the School Counsellor for guidance about how to proceed.

Important Notes

Where more than one member of staff believes a report should be made to protect a child then each member of staff should make a separate report.

In cases where members of staff hold different views about whether a report should be made then anyone who believes a report should be made should do so. This includes situations where there may be unequal levels of authority, such as, for example a teacher and the Principal or more senior member of staff.

Amendments to the Crimes Act:

In 2014, the Victorian Government amended the Crimes Act 1958 (Vic) to include offences of grooming a child under the age of 16 years and failing to report a sexual offence against a child under 16 years of age. The Crimes Act was further amended on 1 July 2015 to include the offence where a person in authority fails to protect a child from criminal sexual abuse.

- **Failure to Disclose Offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence. A *Failure to Disclose* factsheet from the Department of Justice is attached.
- **Failure to Protect Offence:** If a person in authority knows that someone within their organisation poses a risk of committing a sexual offence against a child and they fail

Title: Mandatory Reporting Policy

to remove that person who poses the risk, they themselves will be guilty of a criminal offence. As soon as a person in authority becomes aware of a risk of child sexual abuse, they will be under a duty to take steps to remove or reduce that risk. It is worth noting that the definition of “a person in authority” is quite broad; it applies to anyone who has the power or responsibility to reduce or remove a substantial risk that a child may become a victim of sexual abuse. A *Failure to Protect* factsheet from the Department of Justice is attached.

- Grooming Offence: The Crimes Amendment (Grooming) Act introduces the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. A *Grooming* factsheet from the Department of Justice is attached.

The Department of Education and Early Childhood and Development Flowchart for Mandatory Reporting is attached.

Advice for Teachers:

- Geelong College teachers are required to complete the on-line Mandatory Reporting Training Module annually
- All Geelong College staff must remain vigilant with regard to the implications of *Failure to Disclose* and *Failure to Protect* additions to the Crimes Act, and be conscious of any *Grooming* behaviour they may observe.
- If a staff member has any significant concern about a current student, or is unsure about how to proceed he or she must discuss the matter with the School Counsellor or the Principal as a matter of urgency.

Related Documents:

- Victorian Teachers Professional Code of Conduct
<http://www.vit.vic.edu.au/media/documents/imported-files/spl/Code-of-Conduct-2015.pdf>
- Mandatory Reporting Training Module
<http://elearn.com.au/det/protectingchildren/external/>
- Mandatory Reporting Flowchart
- Duty of Care Policy
- Department of Justice *Failure to Disclose* Factsheet
- Department of Justice *Failure to Protect* Factsheet
- Department of Justice *Grooming* Factsheet