

# MANDATORY REPORTING OF CHILD PHYSICAL & SEXUAL ABUSE POLICY

## Rationale

Mandatory reporting arises from the requirements of the Children, Youth and Families Act 2005 (Vic.) for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

This policy assists schools to comply with this requirement and fulfil their responsibilities regarding the welfare and protection of children at risk. This policy complements guidelines provided by the Department of Human Services (DHS) to all Victorian schools.

## Definitions

**Child.** For the purpose of the relevant parts of the Children, Youth and Families Act 2005 (Vic.), a child is any person 17 years of age or younger.

**Child FIRST.** The Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

**Child Protection.** The Victorian Government agency, provided by DHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**Mandatory report.** A report made to Child Protection, by a person mandated under the Act, that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or neglect or harm caused as a result of sexual abuse.

**Mandatory reporter.** Person(s) required under the Children, Youth and Families Act 2005 (Vic.) to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. Mandatory reporters include registered school teachers or principals and registered nurses.

**Reasonable belief.** A reasonable belief that a child is in need of protection is more likely formed in circumstances where:

- a child states that they have been physically injured or sexually abused (self-disclosure);
- a child states that they know someone who has been physically injured or sexually

- abused (sometimes the child may be talking about him or herself);
- a relative, friend, acquaintance or sibling of the child states that the child has been physically injured or sexually abused;
- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been abused.

**School advisory group.** A committee consisting of the principal and one or two key school personnel to discuss any concerns and observations in relation to child physical or sexual abuse recorded by a teacher and to offer support to the teacher concerned. A gender balance within the group is an important consideration.

## Procedures

### 1. Forming a belief

A requirement of the Children, Youth and Families Act 2005 (Vic.) is that when a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, he/she must make a report to Child Protection as soon as practicable.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to Child Protection where they form a reasonable belief that a child is in need of protection.

If a mandatory reporter suspects that a child is in need of protection it is essential that he/she document any concerns and observations in a confidential file. This process of documentation may occur over a period of time.

A series of documents published by the DHS and the Department of Education and Early Childhood Development (DEECD) (see [Appendix 1](#)) provides background information and guidance for professionals mandated to make a report. These resources have been prepared to:

- ensure that mandatory reporters are aware of their legal responsibilities to report child abuse and neglect to Child Protection;
- provide mandatory reporters with information on how to recognise and respond to child abuse;
- provide mandatory reporters with advice about sharing information with Child FIRST or Child Protection.

It is important that the recommended procedures are followed to support and protect the child at risk.

### 1.1 Discussing concerns

It is recommended that the mandatory reporter's concerns and observations regarding the suspected physical injury or sexual abuse of a child are discussed with a School Advisory

Group formed to support all involved in matters of this nature. The confidentiality of these discussions must be maintained.

A mandatory reporter may make a referral to Child FIRST or a report to Child Protection without the prior knowledge of the principal. However, it is good practice for the mandatory reporter to inform the principal of his/her action as soon as practicable.

## **2 Report to relevant agencies**

### **2.1 Department of Human Services Child Protection**

The mandatory reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable (see [Appendix 2](#) for a list of Child Protection offices).

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse.

[Appendix 3](#) provides a summary of school and DHS processes for the mandatory reporting of child physical and sexual abuse.

[Appendix 4](#) provides a summary of the responsibilities of principals and teachers for the mandatory reporting of child physical and sexual abuse.

### **2.2 Contact with Child FIRST**

A registered school teacher or principal in Victoria can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or principal should share relevant information with Child FIRST to help them complete their assessment of the referral. Contact should be made with the nearest Child FIRST office (see Appendix 2) for information and advice.

A mandated reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child First or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent. The publications listed in Appendix 1 provide advice on why it may be appropriate for a person making a referral or report to disclose their identity.

### **2.3 Allegations of misconduct against lay employees in Catholic schools and Catholic education offices**

If the alleged perpetrator is a staff member, principal or any other person employed by the school, contact should be made in the first instance with the Assistant Director, Religious Education and Pastoral Care, Catholic Education Office Melbourne. This action and all other procedures to be followed in this case are outlined in [CEOM Policy 2.20, Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices](#).

## **3 Ongoing support**

The principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family. The principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students.

[Appendix 5](#) provides a list of various agencies, including the Student Wellbeing Unit at the CEOM, that are able to offer support to teachers and principals in instances of child abuse.

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## References

Department of Education and Early Childhood Development Victoria 2007, [\*Allegations of Student Sexual Assault in Schools: Information for school staff\*](#)

Department of Human Services 2007, [\*Providing Support to Vulnerable Children and Families: An information sharing guide for registered school teachers and principals in Victoria\*](#)

Department of Human Services Victoria 2001, [\*Safe From Harm: The role of professionals in protecting children & young people\*](#)

## Resource Sites

Department of Education and Early Childhood Development Victoria

- [Victorian Government Schools Reference Guide](#)
- [Student Wellbeing Branch](#)
- [Student Critical Incident Advisory Unit](#)
- [Emergency and Security Management](#)

Victoria Police

- [Sexual Offences and Child Abuse Unit](#)

Department of Human Services

- [Every child every chance>](#)
- [Office for Children, Youth and Families \(Child Protection\)](#)

Australian Government

- [NetAlert \(providing a safe online environment for all families, especially children\)](#)

## Support Centres

- [Centres Against Sexual Assault](#)
- [Child and Adolescent Mental Health Service](#)
- [Children's Protection Society](#)
- [Australian Childhood Foundation](#)