

Mandatory Reporting Policy

Formulated by: College Executive

This policy is to be read in conjunction with the *Education Training and Reform Act 2006* and *Protecting the safety of children and young people* – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development (DEECD), Licensed Children's Services and Victoria schools. Under section 182 of the *Children, Youth and Families Act 2005*, a person registered under or who has been granted permission to teach under that Act is designated as a mandatory reporter.

Intentions:

Our Mandatory Reporting Policy will:

Ensure that teachers must notify the Department of Human Services (the Department) if they have formed the belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
- a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type

It should be noted that:

- A failure to notify the Department is an offence under the Children, Youth and Families Act
- The teacher must notify the Department as soon as practicable
- If the teacher notifies the Department in good faith, it is not unprofessional conduct by the teacher
- The teacher cannot be identified in court proceedings unless the court agrees or the teacher agrees. The court will only identify the teacher where it is necessary to protect the child or in the interests of justice. The Department cannot identify the teacher to anyone (except the police) unless ordered to by the court
- Student teachers are not mandated to make a report
- The Department has to investigate the notification as soon as possible and, after the investigation is finished, can only report to the child, parent or police
- In the past, the courts and the Victorian Civil and Administrative Tribunal have protected persons who have notified the Department of child abuse by suppressing their identity even where the abuse was shown, on investigation, not to have occurred

Consequences:

Reasonable grounds:

There must be reasonable grounds for forming the belief that the child has suffered or is likely to suffer harm - physical or sexual abuse.

1. This means that the teacher does not have to be absolutely certain to notify the Department of physical or sexual abuse of a child, but genuinely believe, on the basis of the evidence, that the child might have been abused.
2. A reasonable belief can be formed on different types of evidence. That evidence could be a dramatic change in the behaviour of a student, a drop in grades, withdrawing from social contact, bruises, etc.
3. All staff are required to complete the DEECD Mandatory Reporting eLearning Module on an annual basis.
4. Teachers, Education Support Employees, School Service Officers and student teachers can report concerns to a member of the College Executive who will notify the Department.



5. Records of notifications to and subsequent follow up with the Department will be kept in the student file.
6. An advisory group will be established which is to include the Principal and one or two informed key personnel to discuss concerns and observations of abuse or neglect recorded by staff and to provide support where needed.

Ratified by: College Executive

Date: 2010, Revised 2011, 2014