



DRAFT – CHILD PROTECTION REPORTING POLICY

Purpose

To define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law and fulfil their duty of care

Mandatory Reporters

All staff who are Victorian Institute of Teaching (**VIT**) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters'. This means that in the course of undertaking their professional duties, they must report to the Department of Health and Human Services (**DHHS**) Child Protection a belief on reasonable grounds that:

- a child or young person is in need of protection from significant harm as a result of sexual abuse or physical injury and the child's parents are unable or unwilling to protect the child.
- a child or young person is displaying sexually abusive behaviours and is in need of therapeutic treatment .

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST as soon as practicable after forming the belief.

There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to report to Child Protection. The other staff member is obliged to ensure that the report has been made and that all of the grounds for their own belief were included in the report made by the other staff member.

If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.

In all cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

Non-mandated staff members

Any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated school staff, is able to make a report to Child Protection or Victoria Police when they believe that a child or young person is at risk of harm and in need of protection, and the child's parents are unable or unwilling to protect the child.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.

Reporting criminal child sexual abuse - failure to disclose offence

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a

criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to **all adults** in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see: [Department of Justice and Regulation – Failure to disclose offence](#)

Duty of care

School staff have a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- Reporting their concerns to DHHS Child Protection, Victoria Police or another appropriate agency
- Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

Protecting children from the risk of sexual abuse - failure to protect offence

Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to **adults in a position of authority** within an organisation, including Principals, senior school staff, regional directors and other senior managers.

Making a report

Staff **do not require** the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

Staff are expected to follow the Department policy for making a report set out at:

http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf

Reports to Child Protection and Victoria Police are confidential unless you consent or a court or tribunal decides that it is necessary in the interests of justice for your identity to be disclosed. All staff must complete the 'Responding to Suspected Child Abuse' Template when making a report.

Information Required When Making a Report

Relevant information will include specific information about the child and/or other members of the child's family, or people living with the child, whose behaviour has an impact on the child. Child FIRST and Child Protection practitioners may ask questions about the following:

- name and age of the child and their address
- name of parents, carers or guardians and addresses
- name of sibling/s, age/s and addresses
- language spoken in family
- background or cultural status (for example refugee)
- whether the family is aware of the report to Child Protection or referral to Child FIRST
- any services being received by the child and family
- the staff member's relationship to the child
- the reason for the report and nature of concerns for the child
- the time and dates of incidents of abuse.

Staff training

As part of their initial induction to the school, staff will be informed of child protection reporting requirements and Department policy (<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>) and will be provided with supporting documentation in their staff handbook.

Related legislation

- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*

Department resources

- *A step-by-step guide to making a report to Child Protection or Child FIRST* (PDF - 270Kb)
- *Protecting the safety and wellbeing of children and young people*
- [Protecting Children - Mandatory Reporting and Other Obligations](#) - elearning module log-in

Other resources

- Daniel Morcombe Child Safety Curriculum:
 - Government schools, see: FUSE (Edumail password is required before searching [Daniel Morcombe Child Safety Curriculum](#))
 - Non-government schools, see: [Scootle](#)
 - Parents, see: [Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment](#).
- Department of Health and Human Services:
 - [Child Protection](#)
 - [Child FIRST](#)
 - [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\)](#)
- Department of Justice and Regulation:
 - [Failure to disclose offence](#)
 - [Failure to protect offence](#)
 - [Grooming offence](#)

This policy was last ratified by School Council in October 2016