



Castlemaine Steiner School and Kindergarten

Mandatory reporting policy & procedure

1. Purpose

Schools have a responsibility in the prevention and reporting of child abuse and neglect. Castlemaine Steiner School and Kindergarten (CSSK) has developed policies and procedures to outline the requirement and process involved in the mandatory reporting of child abuse.

This Policy sets out what constitutes child abuse, who is mandated to make a notification, and the process of making a report to the Department of Human Services (Child Protection).

By definition, child abuse is an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse includes physical injury, sexual abuse, emotional abuse and neglect.

2. Application

This policy applies to all CSSK employees and contractors.

3. Related Policies

Prevention of Child Sexual Abuse Policy

4. Legislation

Underpinning the concepts discussed in this policy is the following State legislation:

Victorian:

Children, Youth and Families Act 2005 (Vic.)

Crimes Amendment (Protection of Children) Act 2014

Who is Mandated to Make a Notification?

The *Children, Youth and Families Act 2005 (Vic)*, section 64 (1C), states that certain professionals must report to the Department of Human Services (Child Protection Services), when in the course of their professional duty: –

- (they) form the belief on reasonable grounds that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents or caregiver have not protected, or are unlikely to protect the child from harm;-

or

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

Specifically, the Victorian professionals mandated to report are:

- Legally qualified medical practitioners, registered nurses and members of the Victorian police force
- Primary school and secondary school teachers and principals.

The above people are referred to as *mandatory reporters*.

If you are a *mandatory reporter*, failure to notify, when you have reasonable grounds, is an offence under the Mandatory Reporting amendment to the Children and Young Persons Act, and may incur a fine.

Non-mandated Staff Members

Non-mandated staff members such as administration or support staff, may also be aware of or have concerns about the wellbeing of a student at the School. Such staff members can report their concerns to a teacher or Pastoral Care Worker or make a report directly to CHILD First (Child and Family Information, Referral and Support Teams). CHILD First has been established across Victoria to provide an entry point into family services or other support services for vulnerable children and families (see link below).

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first>

Prior to contacting CHILD First, the internal process outlined in *1) Keeping Notes* (below), should be followed to ensure that accurate records are kept and key personnel are aware of the CHILD First report.

Sexual Offences against a Child

1. Under the *Crimes Amendment (Protection of Children) Act 2014*, any adult (aged 18 and over) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16 years) is required to disclose that information to police (unless they hold a reasonable excuse). Refer to Prevention of Child Sexual Abuse Policy for further information.

5. How to Make a Report to the Department of Human Services (Child Protection Services)

1. Keeping Notes

Individual staff members should keep notes of concerns that have led them to file a report as is necessary. These dated notes should be recorded on the Mandatory Reporting Record Form. These forms should be given to the Principal and stored as a cumulative record in the student's central file and/or counselling file.

2. Clarify Whether a Report to Child Protection Services is Required

A report to Department of Human Services / Child Protection is **required** when:

- A teacher believes, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical, sexual, emotional abuse or neglect AND
- The child's parents or caregiver have not protected, or are unlikely to protect the child from such harm.

The belief and the reasonable grounds for forming that belief should be reported by an individual authorized by the School to Child Protection Services as soon as practicable. Additional reports should be made after each occasion in which there is awareness of further concerns.

It is permissible for a teacher to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Once a concern has been raised the matter must be referred to appropriately trained or senior staff such as the Principal or Pastoral Care Worker. The role of the notifying staff member from this point forward is to continue monitoring the child of concern. It is NOT the role of the mandated notifier to take on the role of investigator.

The Principal shall not disclose to any other person, the identity, or information with potential to indicate the identity of the notifying individual without written consent from the notifier. If there is uncertainty about the need for a mandatory report to Child Protection, the Principal or the notifier should ring the Department of Human Services for advice/secondary consultation:

Department of Human Services (DHS) Ph: 1300 655 795

3. Making a Report to Child Protection Services

If a staff member believes a report to Child Protection Services is required, they will immediately consult the Principal. The notifying staff member, Principal or the School Pastoral Care Worker will proceed with a report to Child Protection Services – ph: 1300 655 795 (business hours) or ph: 13 12 78 (after hours).

The following information will be required when making a report:

- The child's name, age and address
- The name, age and address of any known siblings
- Your reason for believing that the injury or behaviour is the result of abuse or neglect
- Your assessment of the immediate danger to the child
- Current whereabouts of the child or young person
- Your description of the injury or behaviour observed
- Any other information you have about the family

Your identity as a notifier will remain confidential unless:

- You choose to inform the child and/or family of the notification yourself
- You consent to your identity as the notifier being disclosed

6. Communication

A decision regarding who else (if anyone), should be informed, needs to be made. Parents, guardians or care givers of the alleged victim are to be contacted unless circumstances indicate this should not occur. Staff members are encouraged to discuss this with the Duty Worker at Child Protection Services when they make the notification.

The need for confidentiality should be remembered at all times in the interest of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else.

If, following a report, a family approaches the School, they should be politely directed to speak with the Principal or Pastoral Care Worker. Individual teachers should not engage in discussion with parents or others without the presence (or the express authorisation) of the Principal.

Even where senior management representatives meet with parents or others in regard to a report, it is recommended that an interview be conducted with a minimum of two designated school staff members present.

The focus of such a meeting should be on the welfare of the child, not on justifying the actions or perceptions of the staff involved.

7. Support

It is essential that reports are managed in a caring, supportive and confidential manner. Support for the responding staff member and the student who is the cause for concern as well as anyone else affected should be arranged.

The Principal shall monitor the wellbeing of the responding staff member and any other effected individual (including the alleged perpetrator if an employee of the School).

8. Monitoring

After notification to Child Protection Services is made, a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If the notifying staff member is not advised, the Principal may contact Child Protection Services and request information about what action is proposed.

9. Document Control, Protection of Individuals and Confidentiality of Information

Other than ensuring the safety of all involved, there should be no detailed communication with alleged perpetrators or any other students involved until after approval from Victoria Police. Police and Child Protection Services are to be the investigating body at all times.

The Principal or their delegate is the only authorized representative of the School able to make media comment.

10. Further Information

Further information concerning any aspect of Mandatory Reporting obligations may be directed to the School Pastoral Care Worker.

Copies of [Responding to Child Abuse](#) – a booklet that has been developed to assist those professionals whose work brings them into contact with children and young people, is available from the Counselling Department or via the Department of Human Services (children youth & families) website www.cyf.vic.gov.au. Other Child Protection Publications are also available via this link.

The Department of Education and Early Childhood Development's [Student Safety section](#) also includes information on child protection and mandatory reporting.

Version	Date	Author	Nature of Amendment
1.0	April 2016	J.Staley	New drafting/redrafting to split previous policy "Prevention of Paedophilia and Mandatory Reporting of Child Sexual Abuse" into two separate policies

11.Approval

Management Transition Chair

On behalf of the Management Transition Sub-Committee



Date: 28th April 2016

APPENDIX 1

Mandatory Reporting Record

Student's Name:	
Date of Birth:	
Class:	
Staff Member's Description of the Injury or Behaviour Observed:	
Staff Member's Reason for Believing that the Injury or Behaviour is the Result of Abuse or Neglect:	

Date of DHS (Child Protection) Notification:		Time:
Name of Child Protection Intake Worker:		
Response or Recommendation from Child Protection Worker:		
Parents/Caregivers Notified? Yes/No (if no, provide reasons why):		
Name of Staff Member who Made Notification		Signature of Staff Member who Made Notification

This form must be passed on to the Principal as soon as possible.