



Aiming High

Showing Respect

Being Safe

Valuing Community

Mandatory Reporting Policy

Purpose

Statement of Commitment to Mandatory Reporting

Manor Lakes P-12 College operates on the inherent belief that the Protection for children and young people and their dignity should be recognised and fostered.

Government schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Government school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child

Under the [Ministerial Order No. 870](#), protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.

All school staff, as defined by Ministerial Order 870, within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

Scope

Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)

Policy

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the **Children, Youth and Families Act 2005 (Vic.)**, the **Crimes Act 1958 (Vic.)** and the recommendations of the **Betrayal of Trust Report**.

All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidents involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

The following processes assist staff at Manor Lakes P-12 College to meet their mandatory obligations when reporting child abuse and neglect:

- All members of the teaching service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory responsibilities annually.



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- All concerns must be reported immediately to a member of the Principal Class Team or the Engagement and Wellbeing Team. The wellbeing staff member or Principal Class Team member will follow the guidelines outlined in the [Manor Lakes Emergency Response Plan](#). They will keep a record of all discussions about a student with whom there is a concern.
- If a reasonable belief has been formed by a staff member that sexual or physical abuse has taken place a written account must be completed and filed in a confidential file with PCT/Engagement and Wellbeing Team as well as posted on Compass (chronicle entry) locked at level 3 access
- The teacher and/or the Principal Class Officer /Engagement and Wellbeing Leader will contact the Department of Human Services by telephone as soon as possible to make an official notification on:
1300 664 977 or after school hours crisis line 131 278
- The College's procedures to ensure a mandatory report is made as soon as is practicable should be followed and can be found on the [staff information site](#)
- If a staff member has a different view from another staff member about making a report and the staff member continues to hold a reasonable belief that a child is in need of protection, that person is legally obliged to make a report to Child Protection. A 'reasonable belief' or a "belief on reasonable grounds' is not the same as having proof but is more than mere speculation or rumor. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.
- Members of the Department of Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All reports, written accounts and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are encouraged to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the Engagement and Wellbeing Team or Principal Class Team. The wellbeing staff member or Principal Class Team member will follow the guidelines outlined in the Manor Lakes Emergency Response Plan.
- SSSO team may be contacted for professional consult if required.

Types of child abuse and indicators

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators **must** be reported.

It is **mandatory** to report concerns relating to:

- physical abuse
- sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)



- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.

Making a report.

In case of emergency or if a child is in life-threatening danger contact Triple Zero (000).

Additionally, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider (1300 664 977). If after hours call the **Child Protection Crisis Line on 13 12 78**.

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

Making a Mandatory Report	
Step 1	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> ● a description of the concerns (e.g. physical injuries, student behaviour) ● the source of those concerns (e.g. observation, report from child or another person) ● the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.).
Step 2	<p>Discuss your concerns about the safety and wellbeing of students with the principal, a member of the school leadership team or member of the wellbeing team.</p>
Step 3	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> ● full name, date of birth and residential address of the child or young person ● the details of the concerns and the reasons for those concerns ● the individual staff member's involvement with the child or young person ● details of any other agencies which may be involved with the child or young person.
Step 4	<p>Make a report to the relevant agency:</p> <ul style="list-style-type: none"> ● To report concerns which are life-threatening phone 000 ● To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. ● To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection: <ul style="list-style-type: none"> ● Call your local Child Protection Intake provider immediately on 1300 664 977 ● For After Hours Child Protection Emergency Services, call 13 12 78. <p><small>**Non-mandated staff members who believe on reasonable grounds that a child is in</small></p>

	need of protection are able to report their concerns to Child Protection.
Step 5	<p>Make a written record of the report on Compass under ‘Mandatory Reporting’ including the following information:</p> <ul style="list-style-type: none"> • the date and time of the report and a summary of what was reported • the name and position of the person who made the report and the person who received the report.
Step 6	<p>Notify relevant school staff of a report to DHHS Child Protection or Child FIRST.</p> <ul style="list-style-type: none"> • School staff should advise the principal or a member of the leadership team or wellbeing team if they have made a report. • School leadership or wellbeing staff can seek further assistance by contacting the school contact Student Support Services Officer
Step 7	<p>In the case of international students, the principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>In the case of Koorie students, the principal must notify the Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student.</p>

Related legislation

- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1958 (Vic.)
- Education and Training Reform Act 2006 (Vic.)
- Victorian Institute of Teaching Act 2001 (Vic.)

Key Contacts

- Footscray SOCIT (Police) 83989860
- DHS Notification 1300 664 977

APPENDIX

1. Crimes Act 1958 (Vic.)

Three new criminal offences have been introduced under the *Crimes Act 1958* (Vic.):

- Failure to disclose, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- Failure to protect, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so
- Grooming, which targets communication with a child or their parents with the intent of committing child sexual abuse.

2. Failure to disclose

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



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information to police is a criminal offence under **section 327 of the Crimes Act 1958 (Victoria)** and applies to **all adults** in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

For further information about the 'failure to disclose' offence, see: **section 327 of the Crimes Act 1958 (Victoria)**

2.1 Failure to protect

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child **under 16** who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in **section 49C (2) of the Crimes Act 1958(Vic.)**. In a school context this will include the principal and the business manager and may also extend to School Counsellors, heads of departments and heads of school.

For further information about the 'failure to protect' offence, see: **section 49C (2) of the Crimes Act 1958(Vic.)**

2.2 Grooming

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in **section 49B (2) of the Crimes Act 1958 (Vic.)**. The offence applies to communication with children **under 16 years**. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the 'grooming offence', see: and the.

For more information about managing and responding to the risk of abuse, see: **section 49B (2) of the Crimes Act 1958 (Vic.)**.

* This policy should be read in conjunction with (but not limited to) the following college policies:

- [Child Safe Standards policy;](#)
- [Student Wellbeing, Engagement and Inclusion Policy](#)