

Geelong Grammar School

Mandatory Reporting

POL-GGS-GEN-072

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Approved By: Principal

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Purpose

This policy has been developed to ensure the wellbeing of Geelong Grammar School (GGS) students and to protect them from child abuse. All members of the School community share a responsibility to ensure the welfare of all students.

Teachers are legally required to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer, harm as a result of physical injury or sexual abuse, and if the child's parents or guardians have not protected or are unlikely to protect the child from harm of that type.

The School assists teaching staff in meeting its obligations under the mandatory reporting of child abuse legislation, *Children, Youth and Families Act 2005 (Vic)* (CYFA).

While non-teaching members of staff are not mandated legally, they should follow the processes set out in this policy, specifically those procedures in **Forming of a Belief**, described overleaf.

Scope

The scope of this policy extends to all permanent, fixed term and casual employees of GGS, whether teaching or non-teaching.

Responsibilities

Employee Responsibility

An employee has the responsibility to:

- Become familiar with the policy
- Conduct him/herself in an appropriate manner at all times in adherence to this policy.

School's Responsibility

The Principal and Heads of Campus have a responsibility to:

- Ensure all employees are aware of the policy
- Intervene promptly and appropriately when they become aware of a breach of the policy
- Ensure that all employees have access to and understand the policy
- Comply with legislated requirements.

Definitions

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.

Child Protection Services: Government Authority which takes responsibility for the protection of children and to whom reports are made.

DHS: Department of Human Services.

Mandatory Notifier: In the context of GGS, this is the Principal and all VIT registered teachers.

Mandatory Reporting: Requirement to report to government authorities, by law, in the event that a teacher becomes aware that a child has suffered, or is likely to suffer, significant harm as a result of physical or sexual abuse.

Teacher: a qualified teacher with VIT registration.

Procedures

Forming of a Belief

A requirement of the *Children, Youth and Families Act 2005* (Vic) (CYFA) is that when a registered teacher 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 Services as soon as practicable.

A reasonable belief that a child is in need of protection is likely to be formed in circumstances where:

- A child discloses that he or she has suffered or is suffering non-accidental physical injury or sexual abuse
- A relative, friend or acquaintance states that a child has been sexually abused or non-accidentally injured
- Professional observations of the child's physical condition or behaviours lead to a reasonable belief that the child has suffered or is suffering non-accidental physical injury or sexual abuse.

A teacher's mandated responsibility extends to each occasion on which he/she becomes aware of any further reasonable grounds for a belief that a child is in need of protection.

The concerns and observations regarding the suspected physical injury or sexual abuse of a child must be discussed with the Principal, Vice Principal or respective Head of Campus. The Principal must be informed on every occasion that a reasonable belief is communicated by a GGS staff member, to the Vice Principal, respective Head of Campus or the government authorities.

Teachers must make every effort to contact the Principal, Vice Principal or Head of Campus as soon as possible to ensure there is no delay in contacting Child Protective Services.

If a teacher suspects that a child is in need of protection, it is essential that he/she documents all concerns and observations in a confidential file. This process of documentation may occur over a period of time.

Information about child abuse must remain confidential and the teacher must not discuss this information with anyone other than the Principal, Vice Principal or respective Head of Campus and Child Protection Services.

Non-teaching staff members who have concerns about suspected physical or sexual abuse of a child must discuss these concerns and observations with the Principal, Vice Principal or respective Head of Campus.

Reporting a Belief

If the teacher believes in good faith that a child is in need of protection, then he/she must make a report to Child Protection Services. It is suggested that the Principal, Vice Principal or respective Head of Campus are notified in advance.

If two or more teachers form a reasonable belief then their responsibility is to ensure that at least one of them (or both) submits a report.

Child Protection Services is a Victorian Government agency, provided by the Department of Human Services that protects children at risk of significant harm.

Heads of Campus and teachers can share information and make a referral to **Child FIRST** when they have significant concern for a child's wellbeing, but do not believe that the child needs immediate protection.

Child FIRST is 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 may be accessed for concerns of an emotional, psychological or social nature. It does not have any statutory powers to protect a child but can refer matters to DHS.

The teacher does not have to be able to prove that the child has been abused before notifying Child Protection Services.

After a Report is Made

Child Protection/Child FIRST will make a decision, on the basis of information provided to them, whether or not the child's situation should be formally investigated.

If a report is accepted for investigation, Child Protection Services workers/Child FIRST workers will undertake an assessment of the child and their family, with the aim of ensuring that the child is safe. The Victoria Police may become involved if it appears an offence may have been committed.

If the report is not investigated, the Child Protection Services worker will explain to the School or the teacher who reported it, why an investigation is not taking place at this time.

Under the legislation, if Child Protection believes the child is not at risk of immediate and/or significant harm but that the child or their family may benefit from support services, they may refer the case to Child FIRST.

It is the Head of Campus' responsibility to inform the reporting person that their belief was reported to the appropriate authority and if not reported, the reason why.

If School procedures are followed and a report is not made, but a staff member still believes there is significant harm for the child, then it is their responsibility to report it to Child Protection Services.

The Limits of a Teacher's Responsibility

A mandated notifier acting in good faith is both legally and professionally protected. That means he/she cannot be successfully sued or subjected to any legal liability, nor can he/she be disciplined for unprofessional conduct by their professional body or the School. Moreover, he/she is able to share information, without legal or professional consequences, with family services such as Child FIRST and Child Protection Services to help protect vulnerable children.

Under the legislation, teachers can, without the knowledge or consent of the children or families concerned, consult with Child FIRST teams when they have concerns about vulnerable children.

The legislation states that mandated professionals are legally required to make a report when they are carrying out the duties of their office or profession. That is, staff are not legally required to report abuse when they are not working. For example, a teacher does not legally have to report concerns they may have about a neighbour's child, although they may feel morally obliged to do so.

For all situations in which School staff may be concerned about the wellbeing of a child or their family, they are asked to consult with their Head of Campus in the first instance.

Confidentiality

Confidentiality is provided for anyone who makes a report (reporter) under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter, which can be the School, must remain confidential unless:

- The reporter chooses to inform the child, young person or family of the report
- The reporter consents in writing to their identity being disclosed
- A court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- A court or tribunal decides that, in the interest of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report, if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

In addition, Child FIRST and Child Protection can consult Victorian teachers and principals when they are deciding how best to respond to a referral or a report they have received. The legislation allows the teacher to share relevant information with family services about a vulnerable child, without needing to be concerned about legal or professional consequences, provided the teacher does so in good faith. However, any information provided should be directly related to the teacher's concerns about the child and not based on second-hand information.

Definitions of Child Abuse and Indicators of Harm

Child abuse includes the following:

- Physical injury which results from abuse or neglect
- Sexual abuse which refers to a situation in which a person uses power or authority over a child to involve the child in sexual activity, and the child's parent or caregiver has not protected the child
- Emotional abuse which involves a parent or caregiver repeatedly rejecting the child or using threats to frighten the child
- Neglect which occurs when a parent or caregiver fails to provide the child with the basic necessities of life, food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

You have reasonable grounds to notify when:

- A child tells you they have been physically or sexually abused
- A child tells you that they know someone who has been physically or sexually abused
- When someone else tells you, such as a relative, friend, acquaintance, sibling of the child, that they know or believe that the child has been physically or sexually abused
- Your observations of the child's behaviour or development leads you to believe the child has been physically or sexually abused
- You observe physical signs of physical or sexual abuse
- You observe physical signs or behaviours indicative of neglect.

Reporting Child Abuse – Contact Details

To report concerns that are life threatening call Victoria Police 000.

To report concerns about the immediate safety of a child within their family unit, call the Child Protection Crisis Line 13 12 78 (24 hours, 7 days a week, toll free within Victoria).

Applicable Legislation

Children, Youth and Families Act 2005 (Vic)

Related Policies and Documents

“Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children’s Services and Victorian Schools” (May 2010)
www.dhs.vic.gov.au.

Breaches of this Policy

The School expects that any employees who become aware of a breach of these instructions and policy by another employee will advise the relevant Principal, Vice Principal or respective Head of Campus without delay.

Further Information

Further information concerning any aspect of this policy may be directed to the Vice Principal or Head of Campus.

Supporting Documents

This policy is supported by:

POL-GGS-GEN-091 Obligation to Protect Policy

POL-GGS-GEN-078 Obligation to Disclose Sexual Offence Committed Against a Child

Stephen Meek
Principal

12th August 2015