

Staff Use Only – Intranet Document

PROCEDURE

MANDATORY REPORTING

Mandatory Reporting Procedure

1. Scope

This procedure is issued in accordance with the *Children, Young Persons and Their Families Act 1997*, (the Act), and have the approval and endorsement of the Secretary of the Department of Health and Human Services (DHHS) in accordance with section 14(4) of the Act.

This procedure applies to all departmental staff and volunteers within the Department of Education. (DoE).

All departmental staff and volunteers are mandatory reporters under the Act. Where a DoE employee or volunteer knows, believes, or suspects, on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect, he or she has a responsibility to take action.

2. Purpose

The aim of this procedure is to provide a clear and detailed process for action to ensure all departmental staff and volunteers fulfil their obligations as mandatory reporters under the Act.

This procedure further supports the department's *Learners First Strategy* to ensure that all learners are provided with a safe and inclusive learning environment which supports and allows them to strive for excellence and reach their full potential.

3. Definitions

As defined under the *Children, Young Persons and Their Families Act 1997*, (the Act),

Abuse or neglect means

- (a) sexual abuse; or
- (b) physical or emotional injury or other abuse, or neglect, to the extent that-
 - I. the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person's wellbeing; or
 - II. the injured, abused or neglected person's physical or psychological development is in jeopardy –

'At risk' means

- (a) The child has been, is being, or is likely to be, abused or neglected; or
- (b) any person with whom the child resides or has frequent contact with the child (whether the person is, or is not, a guardian of the child) who –
 - I. has threatened to kill or abuse or neglect the child and there is a reasonable likelihood of the threat being carried out; or
 - II. has killed or abused or neglected some other child or an adult and there is a reasonable likelihood of the child in question being killed, abused or neglected by that person; or

- III. the child is a child whose safety, psychological wellbeing or interest are likely to be affected by family violence (*Family Violence Act, 2004*).
- IV. the child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution, regularly.

Children, Young Persons and Their Families Act 1997 (the Act) is aimed at providing care and protection to Tasmanian children and young people who are at risk of abuse or neglect in their family unit. The Act provides a framework for government and non-government services, community members and families to work together to achieve this aim.

Community Based Intake Service: Section 14 of the *Children, Young Persons and Their Families Act 1997* provides that a notification of suspected abuse or neglect can be reported to either the Secretary of the Department of Health and Human Services (through the Child Protection Intake Services) or through a Community Based Intake Service. These are more ordinarily referred to a **Gateway Services**.

Confidentiality; if an employee or volunteer of the Department of Education notifies their concerns of abuse or neglect of a child to the Department of Health and Human Services, that information is provided in confidence and the notifiers details will not ordinarily be released to a third party (Section 16 of the *Children, Young Persons and Their Families Act 1997*)

Duty of Care is a duty imposed by law to take care to minimise the risk of harm to another.

Educational Site/s: This includes Tasmanian government schools, senior secondary schools, Early Childhood Intervention Centres (ECIS), and Child and Family Centres.

Mandatory Reporters are all DoE staff and volunteers as identified under the *Children, Young Persons and Their Families Act (1997)* Section 14. The following are deemed “prescribed persons” under the Act and have a mandatory requirement to report abuse and neglect

- a principal and a teacher in any educational institution (including a kindergarten); and
- a person who provides child care, or a child care service, for fee or reward; and
- a person concerned in the management of an approved education and care service, within the meaning of the *Education and Care Services National Law (Tasmania)*, or a child care service licensed under the [Child Care Act 2001](#); and
- any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in –
 - (i) a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children; and
 - (ii) an organisation that receives any funding from the Crown for the provision of such services; and

If a prescribed person, in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows of, or has reasonable grounds for believing, a child has been, is being, or is likely to be abused or neglected, the prescribed person must inform the Secretary (DHHS) or a Community-Based Intake Service of that belief, suspicion or knowledge as soon as practicable after he or she forms the belief or suspicion or gains the knowledge.

Notifier refers to departmental employees and/or volunteers, who have reported to Child Protection or a Community Based Intake Service (Gateway Services) in accordance with the Act and these procedures.

Reasonable Grounds

Whether someone has '**reasonable grounds**' for suspecting abuse or neglect will vary depending on individual circumstances. There may be reasonable grounds for suspecting abuse or neglect where:

- I. a child tells you that he or she has suffered non-accidental physical injury, neglect, sexual abuse and/or emotional trauma.
- II. someone tells you that they believe, or have knowledge of, a child who is suspected of having been abused or neglected. (In such situations, the person who has the knowledge or belief should be encouraged to make the report themselves as it their 'evidence' noting that there are times when this may not be appropriate or possible.)
- III. your own observations of a child's physical condition or behaviour lead you to believe a child has suffered non-accidental physical injury or sexual abuse or neglect.

Volunteer means a person who performs certain tasks within the department, on any educational sites at no financial cost to the department.

4. Procedure Details

4.1 When to make a notification

Under section 14 of the Act all staff members and volunteers **MUST** make a report to Child Protection Services, or Gateway services, when they **believe or suspect**, on reasonable grounds that a child is suffering, has suffered or is likely to suffer abuse or neglect in order to prevent the occurrence or further occurrences of the abuse or neglect.

A report **MUST** also be made when a staff member or volunteer **believes or suspects**, on reasonable grounds that:

- a child's safety, psychological wellbeing or interest is likely to be affected by family violence (*Family Violence Act, 2004*);
- there is a reasonable likelihood of a child being killed, abused or neglected by a person with whom the child resides;
- while a woman is pregnant, there is a likelihood that after the birth of the child – the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside;
- the child will require medical treatment or other intervention as a result of the behaviour of the woman or another person with whom the woman resides or is likely to reside, before the birth of the child.

Information about child abuse and neglect may come via observations or disclosure from a child or young person.

Reasons for notifying will include:

- Serious physical abuse or unexplained injury to a child
- Evidence of threats of serious physical injury or death
- Evidence of the impact of cumulative harm such that the child or young person's development has been seriously compromised (may involve ongoing exposure to family violence)
- Evidence of serious and persistent emotional abuse

- The presence of indicators that suggest the child is subject to chronic neglect or inadequate supervision
- A disclosure of sexual abuse by a child or the presence of indicators which suggest that sexual abuse may be occurring;

Sometimes a child or young person may disclose information. If a child reports that they have been abused, staff and volunteers should:

- believe them
- listen, support and understand them
- let the child know that it is not their fault
- tell them they have done the right thing by telling someone
- explain what will happen next and why
- only discuss the child's situation with people dealing with this matter

If staff or volunteers are unsure of:

- what to do if they have reason to believe, through observation or information received, that a child is in danger or has been abused or neglected
- what to do with the information a child has disclosed
- forming concerns of the child being 'at risk'

It is important to make a notification **as soon as possible** following information about potential abuse being communicated by children to staff and volunteers.

A notification early in the school day allows for a window of opportunity for Child Protection workers to talk with the child in a safe environment at school.

If staff or volunteers are still unsure about their level of concerns and assessment of risk for a child, they should seek support and advice from their principal or a senior staff member or seek advice from Child Protection Services or Gateway Services.

Principals and senior staff can support a notifier by:

- offering them advice and guidance about the reporting process
- clarifying with them that they have done their due diligence and that they have the relevant information to make a report
- ensuring that they fulfil their legal obligations as Mandatory Reporters.

Child Protection Services

Child Protection Services prefer to talk directly to a notifier to assist them in gathering relevant information.

To make a notification to Child Protection Services (CPS) or to seek their advice, phone 1300 737 639.

An [online notification](#) can also be made—these have the added benefit of an electronic record.

An out of hours service for emergency notifications—high risk, serious injury or life threatening injuries can be made at 1300 737 639

Child Protection Services, as a delegate of the Secretary of DHHS, has the power to request further information relating to the safety, welfare and wellbeing of a child from department employees or volunteers.

Whilst it is preferable to notify CPS as the departmental statutory intake service, the Act permits a notification can also be made to a “Community Based Intake Service” (**Gateway Services**), who have regional divisions across Tasmania.

Gateway Services is the single entry point to all family and disability services in each area of the State - South East, South West, North and North West.

Referrals to Gateway Services can be made by calling **1800 171 233** and speaking to a Gateway Intake Worker.

4.2 Mandatory Reporting Training

Principals must ensure that all staff and volunteers undertake Mandatory Reporting training annually.

5. Roles and Responsibilities

All department employees and volunteers must:

Report any reasonable belief, suspicion, or knowledge of a child suffering abuse or who is at risk of abuse directly to Child Protection Services or Gateway Services.

- Child Protection Services–1300 737 639
- Gateway Services 1800 171 233
- Online Service http://www.dhhs.tas.gov.au/children/child_protection_services

Principals must ensure that all staff and volunteers receive Mandatory Reporting training annually. This can be provided at a staff meeting by the principal, their delegate or school social worker, using the DHHS approved Mandatory Reporting Training Module Power Point that is available at:

<https://www.education.tas.gov.au/intranet/EYS/policy-and-planning/Pages/Mandatory-Reporting.aspx>

The Secretary (DoE and DHHS)	<ul style="list-style-type: none"> • Are to approve the Mandatory Reporting procedures.
General Managers – Learning Services	<ul style="list-style-type: none"> • Must ensure principals, teachers, staff and volunteers are made aware of, understand and adhere to these procedures. • Must ensure principals are delivering and recording Mandatory Reporting Training to all school staff annually. • Must report to Child Protection Services or Gateway Services their own reasonable belief, suspicion, or knowledge of, a child who is suffering abuse or who is at risk of abuse.
Operations Managers	<ul style="list-style-type: none"> • Must ensure that all schools are provided with Mandatory Reporting training annually
Principals	<ul style="list-style-type: none"> • Must ensure teachers, staff and volunteers are made aware of, understand and adhere to these procedures. • Must ensure that they provide all staff and volunteers with Mandatory Reporting training

	<p>session annually and this is reported on and signed off by them.</p> <ul style="list-style-type: none"> • Must report to Child Protection Services or Gateway Services any reasonable belief, suspicion, or knowledge of a child who is suffering abuse or who is at risk of abuse. • Must ensure they provide guidance and support (if required) to all staff and volunteers on the processes for making a notification to ensure staff and volunteers fulfil their legal obligations as Mandatory Reporters.
All departmental employees and volunteers <i>(all departmental staff and volunteers who provide and support learning on all educational sites in Tasmania)</i>	<ul style="list-style-type: none"> • Must report to Child Protection Services or Gateway Services any reasonable belief, suspicion, or knowledge of a child who is suffering abuse or who is at risk of abuse.

6. Risk Management

If a staff member or volunteer fails to directly inform Child Protection Services of the reasonable belief, suspicion or knowledge of a child suffering abuse or at risk of abuse, they may be charged with an offence under the Act.

As outlined under section 16 of the Act the names of notifiers **WILL NOT** be disclosed.

Names of notifiers cannot be released through an application under the *Right to Information Act 2009*.

7. Associated Materials and Documents

- [Duty of Care for Students on Departmental Educational Sites](#) (Doc ID: TASED-4-4435)
- [Children, Young Persons and Their Families Act 1997](#)

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