



# Mary MacKillop College South Gippsland

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## Mandatory Reporting Policy

Ratified July 2018 – to be reviewed 2019

### Rationale

When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.

The school must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005* as well as meet the school's duty of care obligations to students.

### Purpose

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

### Definitions

#### Child abuse/neglect

Child abuse and neglect occurs when a parent/guardian or any other person having the care of a child inflicts, or allows to be inflicted, physical injury or gross deprivation on the child that causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse and/or sexual exploitation of the child.

Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services

### Mandatory reporting

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Human Services Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the *Children, Youth and Families Act 2005*. In summary:

- If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the Department of Human Services Child Protection of that belief and of the reasonable grounds for it, as soon as practicable -
  - (a) after forming the belief; and
  - (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

## **Forming a belief**

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

- A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.
- **Proof is not required that abuse has occurred or is likely to occur.** A belief is sufficient. It is the role of the Department of Human Services to determine whether that belief should be investigated.

## **Reasonable grounds**

- Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:
- a child tells the teacher they have been abused
- someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse
- a child tells the teacher that they know someone who has been abused (often a child is referring to him or herself)
- the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

## **Implementation**

- Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to any person 17 years of age or younger that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.
- Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the Department of Human Services and will be provided with information on how to recognise and respond to child abuse.

## **Reporting**

When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services. Teachers should follow the Child Safety Reporting Procedure – Staff, Advisory Council Members and Volunteers.

## **Providing Ongoing Support**

Teachers should follow the Child Safety Reporting Procedure – Staff, Advisory Council Members and Volunteers.

In the event of an interview taking place here at the College, the teacher should:

- a) Arrange for the child to choose a supportive adult to be present;
- b) Follow the recommended procedures from the Department of Human Services and the Catholic Education Office;
- c) Ensure that arrangements are in order for any interview which is to take place at the school;
- d) Seek or offer appropriate pastoral support for the reporting staff member;
- e) Observe confidentiality at all times in the management of a mandatory reporting case;
- f) If legal assistance is required, contact the Catholic Education Office, Diocese of Sale.