



Rationale

Mandatory reporting refers to the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

Mandatory reporting arises from the requirements of the Children, Youth and Families Act 2005 (Vic.) for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

The purpose of this policy is to assist schools to comply with their requirement in relation to the welfare and protection of children at risk. The policy provides information for staff on their legal responsibilities in relation to the protection of children under the Children, Youth and Families Act 2005 (Vic).

Scripture

“But if anyone has the world's goods and sees his brother in need, yet closes his heart against him, how does God's love abide in him? Little children, let us not love in word or talk but in deed and in truth. “ 1 John 3 17-18

Vision

Inspired by the life of Christ, our Presentation Heritage and the Salesian Charism, Nagle College is a Catholic community that welcomes, builds strong relationships, evangelizes and prepares young people for life.

Mission

So that all members of the Nagle College community can live out the College motto “Let your light shine”, we will:

- Develop a safe, nurturing and hope-filled community based on Christ’s message of love, justice and service.
- Be people of dignity, respect, compassion, resilience and unconditional love.
- Continue to build sustainable relationships with faith communities, other educational institutions, and community organisations and businesses.



Policy Statement

In relation to matters concerning a reasonable belief by a staff member that a student of Nagle College has suffered or is at risk of suffering physical or sexual abuse they are obligated under the Children, Youth and Families Act 2005 (Vic) to make a mandatory report about the matter to the Department of Health and Human Services (DHHS) Child Protection.

In cases of mandatory reporting the following definitions and procedures are to be used:

Definitions

Child: 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 runs by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Child Protection: The Victorian Government agency, provided by the Department of Health and Human Services (DHHS), that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Mandatory Report: A report made to DHHS Child Protection, by a person mandated under the Act that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or neglect or harm caused as a result of sexual abuse.

Mandatory Reporter: Person(s) required under the Children, Youth and Families Act 2005 (Vic.) to make a report to Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. Mandatory reporters include any person who is registered as a teacher under the Education, Training and Reform Act 2006 (Vic), registered psychologists, any person who has been granted Permission to Teach under this act and school principals. From January 2020 this legal obligation will extend to school counsellors.

Forming a reasonable belief

A requirement of the Children, Youth and Families Act 2005 (Vic.) is that when a mandatory reporter 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 as soon as practicable.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to DHHS Child Protection where they form a reasonable belief that a child is in need of protection.

A person may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child. Proof is not required. The role of investigating an allegation of child abuse is undertaken by DHHS Child Protection and/or Victoria Police.



A reasonable belief that a child is in need of protection is more likely formed in circumstances including:

- a child states that they have been physically injured or sexually abused (self-disclosure);
- a child states that they know someone who has been physically injured or sexually abused (sometimes the child may be talking about him or herself);
- someone who knows the young person states that the child has been physically injured or sexually abused;
- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been abused;
- the staff member is aware of factors such as persistent family violence or parental substance misuse that is impacting on the child or young person's safety, stability or development;
- the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision;

Procedures

If in the course of his or her duties, a mandated staff member forms the belief on reasonable grounds that a child is in need of protection on the grounds that the 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 must notify DHHS Child Protection of that belief and of the grounds for it, as soon as practicable;

- (a) after forming the belief
- (b) after each occasion on which he or she becomes aware of any further reasonable grounds for the belief

Staff members should refer to the Protect Protocol: Four Critical Actions for Schools –Responding to Incidents, Disclosures and Suspicions of Child Abuse (DET, CECV, Independent Schools Victoria, 2018). Additional information can be obtained in the Nagle College Child Protection Program. It may be necessary for the DHHS Child Protection to interview a child at school once a notification of abuse has been received. Such requests must be directed to the Principal or Deputy Principal Pastoral.

Record Keeping

It is a requirement under Ministerial Order No. 870 - Child Safe Standards - Managing the risk of child abuse in schools for schools to keep clear and comprehensive notes on all observations, disclosures and other details that led them to suspect the abuse.

The mandatory reporter must document all actions using the official responding to disclosures and suspicions of child abuse record keeping template in the Nagle College Child Protection Program. All records should be forwarded to the Principal and will be kept in a Confidential File.



Discussing concerns

It is recommended that the mandatory reporter's concerns and observations regarding the suspected physical injury or sexual abuse of a child are discussed with the Principal or the Deputy Principal Pastoral. The confidentiality of these discussions must be maintained.

A mandatory reporter may make a referral to Child FIRST or a report to DHHS Child Protection without the prior knowledge of the Principal or Deputy Principal Pastoral. However, it is good practice for the mandatory reporter to inform the Principal/Deputy Principal Pastoral of his/her action as soon as practicable.

Those involved in the process of consultation around mandatory reporting must maintain confidentiality at all times. The identity of a mandated reporter must be kept confidential.

Report to relevant agencies

Department of Health and Human Services Child Protection

The mandatory reporter may form the belief that it is necessary to make a report to DHHS Child Protection. In this case, the staff member is required to make a report as soon as practicable.

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse.

Contact with Child FIRST

A staff member can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or Principal should share relevant information with Child FIRST to help them complete their assessment of the referral. Contact should be made with the nearest Child FIRST office for information and advice.

A mandated reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child First or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent.

Allegations of misconduct against lay employees in Catholic schools and Catholic education offices

If the alleged perpetrator is a staff member, Principal or any other person employed by the school, contact should be made as soon as possible to the Director of Catholic Education, Diocese of Sale.

Ongoing support

The Principal and the Deputy Principal Pastoral has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family and others involved. The Principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students.



References

Children, Youth and Families Act 2005 (Vic). Retrieved from:

http://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/vic/consol_act/cyafa2005252/

Department of Education and Early Childhood Development Victoria 2007, *Allegations of Student Sexual Assault in Schools: Information for school staff*.

Department of Human Services 2007, *Providing Support to Vulnerable Children and Families: An information sharing guide for registered school teachers and principals in Victoria*.

Department of Human Services Victoria 2001, *Safe From Harm: The role of professionals in protecting children & young people*.

Department of Education and Early Childhood Development & Department of Human Services. (2010). *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. Melbourne.

Department of Education and Training Victoria. Catholic Education Commission of Victoria. & Independent Schools Victoria. (2018). *Protect: Four Critical Actions for Schools. Responding to incidents, Disclosures and Suspicions of Child Abuse*. Retrieved from:

<https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActionsChildAbuse.pdf>

Merlino, J. (2015). *Ministerial Order 870*. Retrieved from:

<https://www.vrga.vic.gov.au/childsafepages/documents/Min%20Order%20870%20Child%20Safe%20Standards.pdf>

Nagle College Child Protection Program, Nagle College, 2016.

Resource Sites

Department of Education and Early Childhood Development Victoria

- [Protect Protocol: Four Critical Actions for Schools-Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)
- [Catholic Schools Operational Guide](#) (CEVN site, password required)
- [Victorian Government School Policy and Advisory Guide](#)

Victoria Police

- [Sexual Offences and Child Abuse Unit](#)

Department of Human Services

- [Every child every chance](#)

Support Centres

- [Centres Against Sexual Assault](#)
- [Child and Adolescent Mental Health Service](#)
- [Children's Protection Society](#)
- [Australian Childhood Foundation](#)

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