



MANDATORY REPORTING POLICY

Camberwell Grammar School ("The School"):

- has zero tolerance for child abuse
- actively works to listen to and empower students
- has systems to protect students from abuse, and will take all allegations and concerns very seriously and respond to them consistently in line with the school's policies and procedures
- is committed to promoting cultural safety and a safe environment for all students, including Aboriginal and Torres Strait Islander students, students from culturally and/or linguistically diverse backgrounds, and students with a disability.

STATEMENT OF PURPOSE

The School has developed this policy to define the roles and responsibilities of school staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify the indicators of a child or young person who may be in need of protection.
- make a report of a child or young person who may be in need of protection
- comply with reporting obligations under child protection law and criminal law.

APPLICATION

This policy applies to all Camberwell Grammar School staff, students, volunteers, contractors and any other members of the school community.

IMPLEMENTATION

Reporting child protection concerns

Mandatory reporters (including teachers), who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to the Department of Human Services (DHS) Child Protection.

All other school staff who believe on reasonable grounds that a child or young person is in need of:

- protection, are encouraged to report their concerns to DHS Child Protection or Victoria Police.
- therapeutic treatment, are encouraged to report their concerns to DHS Child Protection.

If staff have significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DHS Child Protection or Child FIRST.

In cases where staff have concerns about a child or young person, they should discuss their concerns with the Headmaster, Heads of School or School Counsellors.

Reviewed and updated by RAF: July 2016
Next Review: July 2017

*This is a controlled document. Hardcopies of this document are considered uncontrolled. Please refer to the Intranet - Staff Handbook (staff) or the School's Parent Portal (parents) for the latest version.

Reporting criminal child abuse

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 information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHS Child Protection.

Emanating from the 2013 'Betrayal of Trust' Report, it is now (from 1 July 2015) also an offence if you fail to protect a child under the age of 16 years. Section 49C of the Crimes Act states that "A person who by reason of the position he or she occupies within a relevant organisation has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over

the age of 18 years who is associated with* the ... organisation and knows that there is a substantial risk that that person will commit a sexual offence against a relevant child, must not negligently fail to reduce or remove that risk."

*Associated with includes but is not limited to: Board Members, Employees, Managers, Volunteers, Contractors.

These offences apply to all adults in Victoria, not just professionals who work with children.

Duty of care

School staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

- Notifying one of the School's Child Safety Officers or the Headmaster of their concerns and the reasons for those concerns (as long as it is acted upon).
- Reporting their concerns to the DHHS Child Protection or Victoria Police

Forming a 'reasonable belief'

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation.

A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of child abuse and indicators of harm

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.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage).

Other reports to DHHS Child Protection may be needed for:

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

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 teachers to the possibility of child abuse and neglect.

When to Report

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHS Child Protection</p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p>Mandatory reporters</p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> • Principals of government and non-government schools • Registered medical practitioners • Nurses • All members of the police force 	DHS Child Protection
Type of Reporting	By Whom	To Whom

<p>Child in need of protection</p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> • The child has been abandoned and there is no other suitable person who is willing and able to care for the child. • The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child. • The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. • The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. 	<p>Any person</p>	<ul style="list-style-type: none"> • DHS Child Protection • Victoria Police
<p>Child in need of therapeutic treatment</p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.</p>	<p>Any person</p>	<p>DHS Child Protection</p>
<p>Significant concerns about wellbeing of a child</p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<p>Any person</p>	<ul style="list-style-type: none"> • DHS Child Protection • Child FIRST
<p>Type of Reporting</p>	<p>By Whom</p>	<p>To Whom</p>

<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none"> • The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police • The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> • A reasonable belief that the information has already been reported to police or DHS Child Protection disclosing all of the information • a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm 	<p>Any person aged 18 or over</p>	<p>Victoria Police</p>
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Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

- Keep comprehensive notes. Use the *Incident Report* form in the *Responding to Suspected Child Abuse Procedure*.
- Discuss any concerns about the safety and wellbeing of a student or students with one of the School's Child Safety Officers or the Headmaster, providing your notes on an *Incident Report* form.
- If, after your discussion with one of the School's Child Safety Officers or the Headmaster, the School will not be making a report, but you still hold the belief that a child is at risk, you must make a report to either DHHS Child Protection 13 12 78 (24 hrs 7 days, toll free) or the Victoria Police 000.

Potential consequences of making a report

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> • the reporter chooses to inform the child, young person or parent of the report. • the reporter consents in writing to their identity being disclosed. • a Court or Tribunal decides that it 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 interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter. • the reporter cannot be held legally liable in respect of the report.
Interviews	<p>DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.</p> <p>Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHS Child Protection and/or Victoria Police will notify the Headmaster, Heads of School or School Counsellor of their intention to interview the child or young person on the school premises.</p> <p>When DHS Child Protection practitioners/Victoria Police officers come to the school premises, the Headmaster, Heads of School or School Counsellor should request to see identification before permitting them to have access to the child or young person.</p> <p>When a child or young person is being interviewed by DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:</p> <ul style="list-style-type: none"> • acting as a support person for the child or young person • attending DHS Child Protection case planning meetings • observing and monitoring the child's behaviour • liaising with professionals.
Requests for Information	<p>DHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection.</p>
Witness Summons	<p>If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>

RELATED DOCUMENTS

This policy is to be read in conjunction with the objectives and aims of all other School policies concerning the welfare and protection of the students of the School. These include, but are not limited to:

- Child Safety Policy
- Code of Conduct for Working with Students
- Responding to Suspected Child Abuse Procedure
- Student Welfare Policy

RELEVANT LEGISLATION / DOCUMENTATION

- *Children, Youth and Families Act 2005*
- *Crimes Act 1958*
- *Education and Training Reform Act 2006*
- *Victorian Institute of Teaching Act 2001*
- Child Safe Standards - [Ministerial Order 870](#)
- [Crimes Amendment \(Sexual Offences\) Bill 2016](#)
- Department of Education – Education and Training - [Child protection - Reporting Obligations](#)