

Mandatory Reporting Policy



Source of Obligation

The Children, Youth and Families Act 2005 (Vic) (CYFA) (section 184) requires Mandatory Reporters to make a report to the Department of Health and Human Services (DHHS) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a Mandatory Reporter makes a report in accordance with their Mandatory Reporting obligations under the CYFA, an additional report to the Police under section 327 of the Crimes Act 1958 (Vic) may not be required unless you have further information.

This Policy must be read in conjunction with the Child Abuse Key Risk Indicators (available in CompliSpace) and The Obligation to Report a Sexual Offence Policy (available on the College Website and in CompliSpace).

A Mandatory Reporter must make a report even if the Lavalla Catholic College Child Protection Officer does not share their belief that a report must be made.

Who Must Make a Mandatory Report?

Mandatory Reporters are defined by the CYFA and include:

- teachers
- the Principal
- medical practitioners
- nurses
- registered psychologists
- early childhood workers
- persons in religious ministry

“Persons in religious ministry” is defined by the CYFA to mean “a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution”. This definition includes a chaplain, priest, pastor, minister, brother and nun.

It is the responsibility of other staff, volunteers or members of the College community to check whether they are Mandatory Reporters under child protection legislation.

Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of protection.

The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to DHHS Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Protection Officer as soon as possible to discuss their concerns. Also refer to **The Obligation to Report a Sexual Offence Policy**.

What Gives Rise to a Mandatory Report?

A Mandatory Report must be made when you form a belief on **reasonable grounds** that a child is in need of protection where 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.

A Mandatory Reporter must make a report even if the Lavalla Catholic College Child Protection Officer does not share their belief that a report must be made.

Reasonable Grounds

The concept of “reasonable grounds” requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- a child states they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused
- someone who knows the child states that the child has been physically or sexually abused
- a child shows signs of being physically or sexually abused
- the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development
- the staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child

Significant

“Significant” means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is “significant” is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing.

Significant harm can result from a single act or omission or an accumulation of these.

Physical Injury or Sexual Abuse

Physical violence occurs when a child (under 18) suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline.

A sexual offence occurs when a person involves a child (under 18) in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Children may be bribed or threatened physically and psychologically to make them participate in the activity. Sexual offences are outlined in the Crimes Act 1958 (Vic).

Parents Have Not Protected, or Are Unlikely to Protect, the Child from Harm of That Type

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who “has not protected, or is unlikely to protect that child from harm of that type” includes parent who wants to protect their child from harm, but lacks the means to.

It also includes a parent who has the means to protect their child from harm, but does not want to.

A parent may be rendered “unlikely to protect” that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring
- that parent or child may be subject to domestic violence
- that parent’s partner may be abusive or harmful to the child

“Parent” includes:

- the child’s father
- the child’s mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child’s birth certificate
- a person who acknowledges that he is the father of the child by an instrument under the Status of Children Act 1974 (Vic)
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child

What to Report and When

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

Refer to the Victorian Department of Education’s Guide to **Making a Report to Child Protection or Child FIRST** (Child and Family Information, Referral and Support Team) for guidance on making a decision on whether to report.

How is a Report / Referral Made?

Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

A report to DHHS Child Protection should be considered if the staff member forms the view that the child is in need of protection because:

- The harm or risk of harm has a serious impact on the child’s immediate safety, stability or development
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child’s safety, stability and development
- The child’s parents cannot or will not protect the child from harm

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 13 12 78.

Concerns that require immediate attention should be made to the local or regional Human Services Child Protection Office, or the After Hours Child Protection Emergency Services on 13 12 78.

What if I Don't Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a College Child Protection Officer.

There is also the option to refer the matter to Child FIRST.

A referral to Child FIRST should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- significant parenting problems
- family conflict
- a family member's physical or mental illness, substance abuse, disability or bereavement
- isolated or unsupported families
- significant social or economic disadvantage

What Happens After a Report / Referral is Made?

After receiving a report, DHHS Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, DHHS Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, Child FIRST may consult an experienced community-based Child Protection Practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation.

Child FIRST must report the matter to DHHS Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

Allegations Against Staff

Where there is a reasonable belief, allegation, disclosure of child abuse or a child protection incident at the College that relates to a member of the College's teaching staff, non-teaching staff, Leadership Team, or a Volunteer, Third Party Contractor or External Education Provider, the College must notify the MSA Regional Director as soon as reasonably practicable, and in any event within 12 hours.

Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to our **Child Protection Record Keeping Policy** (available in CompliSpace and on the College website).