



PENLEIGH AND ESSENDON GRAMMAR SCHOOL

Student Welfare: Mandatory Reporting of Child Abuse Policy

Penleigh and Essendon Grammar School is committed to supporting the wellbeing of its students and protecting them from child abuse. All members of the school community share a responsibility to ensure the welfare of all students.

Registered teachers are legally required to notify protective services if they form a belief, based on reasonable grounds, that a child has suffered, or is likely to suffer harm as a result of physical injury or sexual abuse, or if the child's parents or guardians have not protected or are unlikely to protect the child from harm of that type.

The school assists its teaching staff in meeting its obligations under the mandatory reporting of child abuse legislation, *Children, Youth and Families Act 2005* (Vic).

While non-teaching members of staff are not mandated legally, they should follow the processes set out in this policy, specifically those procedures in Part 1: forming of a belief.

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.

Procedures

1. Forming a belief

A requirement of the *Children, Youth and Families Act 2005* (Vic.) is that when a registered teacher 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.

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

- a child discloses that he or she has suffered or is suffering non-accidental physical injury or sexual abuse
- a relative, friend or acquaintance states that a child has been sexually abused or non-accidentally injured, or
- professional observations of the child's physical condition or behaviours lead to a reasonable suspicion that the child has suffered or is suffering non-accidental physical injury or sexual abuse.

The concerns and observations regarding the suspected physical injury or sexual abuse of a child must be discussed with the Head of Section, Vice Principal and/or Principal.

Teachers must make every effort to contact the Head of Section, Vice Principal or Principal as soon as possible so there is no delay in contacting protective services.

If a teacher suspects that a child is in need of protection it is essential that he/she document all concerns and observations in a confidential file. This process of documentation may occur over a period of time.

Information about child abuse must remain confidential and the teacher must not discuss this information with anyone other than the Head of Section, Vice Principal, Principal and Child Protection.

Non-teaching staff members who have concerns about suspected physical or sexual abuse of a student must discuss these concerns and observations with the Head of Section, Vice Principal and/or Principal.

2. Reporting to relevant agencies

The two relevant agencies are **Child Protection** and **Child FIRST**.

If the teacher believes in good faith that a child is in need of protection, then he/she must make a report. The usual practice is that the Head of Section, Vice Principal or Principal will notify **Child Protection**.

Child Protection is a Victorian Government agency, provided by the Department of Human Services that protects children at risk of significant harm.

Principals and teachers can share information and make a referral to **Child FIRST** when they have significant concern for a child's wellbeing, but do not believe that the child needs protection.

Child FIRST is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It may be accessed for concerns of an emotional, psychological or social nature. It does not have any statutory powers to protect a child but can refer matters to family services.

The teacher does not have to be able to prove that the child has been abused before notifying protective services.

An attempt is to be made to file the report on the same day as the belief is formed.

A mandated notifier is both legally and professionally protected. That means he/she cannot be successfully sued or subjected to any legal liability, nor can he/she be disciplined for unprofessional conduct by your professional body or the school. Moreover, he/she is able to share information, without legal or professional consequences, with family services such as **Child FIRST** and **Child Protection** to help protect vulnerable children.

The mandatory reporter's identity is usually protected by the *Children, Youth and Families Act 2005* (Vic). Exceptions include when the reporter chooses to inform the child or the child's parents or guardians or when the court decides that it is satisfied that the interests of justice require that the evidence be given.

The teacher is not legally required to notify a protective service if he/she forms a reasonable belief that a child is in need of protection in the teacher's private life or when he/she is working in a capacity that is not directly related to teaching.

If the Head of Section, Vice Principal or Principal does not share the belief that a child is in need of protection and does not notify **Child Protection**, the teacher must still report the child abuse. It is the school's policy that the teacher must inform the Principal that he/she has made a report.

In addition, **Child FIRST** and **Child Protection** can consult Victorian teachers and principals when they are deciding how best to respond to a referral or a report they have received. The legislation allows the teacher to share relevant information with family services about a vulnerable child without needing to be concerned about legal or professional consequences, provided the teacher does so in good faith. However, any information provided should be directly related to the teacher's concerns about the child and not based on second-hand information.

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