MANDATORY REPORTING OF CHILD PHYSICAL AND SEXUAL ABUSE

RATIONALE
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, form 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.

This policy assists schools to comply with this requirement and fulfil their responsibilities regarding the welfare and protection of children at risk. This policy complements guidelines provided by the Department of Human Services (DHS) to all Victorian schools.

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 run 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 DHS, 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 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 the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. Mandatory reporters include registered school teachers or principals and registered nurses.

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

- a child or young person states that they have been physically injured or sexually abused (self-disclosure);
- a child or young person 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 child or young person states that the child or young person has been physically or sexually abused.
- A child shows signs of being physically or sexually abused
- a relative, friend, acquaintance or sibling of the child 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;
• a staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability 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.

• A child’s action or behaviour may place them at risk of significant harm and the child’s parents are unwilling or unable to protect the child.

School advisory group. A committee consisting of the principal and one or two key school personnel to discuss any concerns and observations in relation to child physical or sexual abuse recorded by a teacher and to offer support to the teacher concerned. A gender balance within the group is an important consideration.

PROCEDURES
1. Forming a 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 Child Protection where they form a reasonable belief that a child is in need of protection.

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

A series of documents published by the DHS and the Department of Education and Early Childhood Development (DEECD) (see Appendix 1) provides background information and guidance for professionals mandated to make a report. These resources have been prepared to:

• ensure that mandatory reporters are aware of their legal responsibilities to report child abuse and neglect to Child Protection;

• provide mandatory reporters with information on how to recognise and respond to child abuse;

• provide mandatory reporters with advice about sharing information with Child FIRST or Child Protection.

It is important that the recommended procedures are followed to support and protect the child at risk.

1.1 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 a School Advisory Group formed to support all involved in matters of this nature. The confidentiality of these discussions
must be maintained.

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

2 Report to relevant agencies

2.1 Department of Human Services Child Protection

The mandatory reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable (see Appendix 2 for a list of Child Protection offices).

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.

Appendix 3 provides a summary of school and DHS processes for the mandatory reporting of child physical and sexual abuse.

Appendix 4 provides a summary of the responsibilities of principals and teachers for the mandatory reporting of child physical and sexual abuse.

2.2 Contact with Child FIRST

A registered school teacher or principal in Victoria 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 (see Appendix 2) 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. The publications listed in Appendix 1 provide advice on why it may be appropriate for a person making a referral or report to disclose their identity.

2.3 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 in the first instance with the Assistant Director, Religious Education and Pastoral Care, Catholic Education Office Melbourne. This action and all other procedures to be followed in this case are outlined in CEOM Policy 2.20, Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices.

3 Ongoing support

The principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student’s family. 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.

Appendix 5 provides a list of various agencies, including the Student Wellbeing Unit at the CEOM, that are able to offer support to teachers and principals in instances of child abuse.

**CEOM POLICY 2.19**

**Mandatory Reporting of Child Physical and Sexual Abuse**

Appendix 1

**Child Protection Offices**

**References and Resources**

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*  

**Resource sites**

Department of Education and Early Childhood Development Victoria

- **Victorian Government Schools Reference Guide**  

- **Student Wellbeing Branch**  
  www.sofweb.vic.edu.au/wellbeing

- **Student Critical Incident Advisory Unit**  

- **Emergency and Security Management**  
  www.sofweb.vic.edu.au/emerg

Victoria Police

- **Sexual Offences and Child Abuse Unit**  
  www.police.vic.gov.au

Department of Human Services

- **Every child every chance**  

- **Office for Children, Youth and Families (Child Protection)**  
  www.cfy.vic.gov.au

Australian Government

- **NetAlert** (providing a safe online environment for all families, especially children)  
  www.netalert.gov.au

Support Centres

- **Centres Against Sexual Assault**  
  www.casa.org.au

- **Child and Adolescent Mental Health Service**  
  www.health.vic.gov.au

- **Children’s Protection Society**  
  www.cps.org.au

- **Australian Childhood Foundation**  
  http://www.childhood.org.au
CEOM POLICY 2.19
Mandatory Reporting of Child Physical and Sexual Abuse Appendix 2
Child Protection Offices

Department of Human Services Child Protection Offices
Eastern Intake Unit 1300360391
Southern Intake Unit 1300 655795
Northern and Western Intake Unit 1300 369536
Barwon South Western Intake Unit 1800 075 599

Child Protection Emergency After Hours Service
131278 (Toll free for all Victoria, 24 hours, 7 days a week)

Child FIRST: Child and Family Information, Referral and Support Teams

<table>
<thead>
<tr>
<th>Local Catchment Area</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greater Geelong, Queenscliff, Surf Coast</td>
<td>1300 551 948</td>
</tr>
<tr>
<td>Colac – Otway, Corangamite, Warrnambool, Moyne, Glenelg, Southern Grampians</td>
<td>5232 5500, 1300 889 713</td>
</tr>
<tr>
<td>East Gippsland</td>
<td>5152 0052</td>
</tr>
<tr>
<td>Wellington</td>
<td>5144 7777</td>
</tr>
<tr>
<td>La Trobe, Baw Baw</td>
<td>1800 339 100</td>
</tr>
<tr>
<td>South Gippsland, Bass Coast</td>
<td>5662 5150</td>
</tr>
<tr>
<td>Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham</td>
<td>1800 195 114</td>
</tr>
<tr>
<td>Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool</td>
<td>1300 783 341</td>
</tr>
<tr>
<td>Wodonga, Towong, Indigo</td>
<td>1800 705 211</td>
</tr>
<tr>
<td>Alpine, Benalla, Mansfield, Wangaratta</td>
<td>1800 705 211</td>
</tr>
<tr>
<td>Greater Shepparton, Strathbogie, Moira</td>
<td>1300 854 944</td>
</tr>
<tr>
<td>Mitchell, Murrinindindi</td>
<td>1800 663 107</td>
</tr>
<tr>
<td>Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander</td>
<td>1800 260 338</td>
</tr>
<tr>
<td>Buloke, Goonawarra, Swan Hill, Mildura</td>
<td>1800 625 533, 1800 MALLEE</td>
</tr>
<tr>
<td>Yarra Ranges, Knox, Maroondah</td>
<td>1300 369 146</td>
</tr>
<tr>
<td>Monash, Whitehorse, Manningham, Boorooburra</td>
<td>1300 762 125</td>
</tr>
<tr>
<td>Nillumbik, Whittlesea, Banyule, Yarra and Darebin</td>
<td>(03) 9450 0955</td>
</tr>
<tr>
<td>Brimbank, Melton</td>
<td>1300 138 180</td>
</tr>
<tr>
<td>Hume, Moreland</td>
<td>1300 786 433</td>
</tr>
<tr>
<td>Hobson’s Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham</td>
<td>1300 786 433</td>
</tr>
<tr>
<td>Casey, Cardinia, Greater Dandenong</td>
<td>(03) 9794 5973</td>
</tr>
<tr>
<td>Aboriginal children and families (Casey, Cardinia and Great Dandenong)</td>
<td>(03) 9795 3939</td>
</tr>
<tr>
<td>Frankston, Mornington Peninsula</td>
<td>1300 721 383</td>
</tr>
<tr>
<td>Kingston, Bayside, Glen Eira, Stonington, Port Phillip</td>
<td>1300 367 441</td>
</tr>
</tbody>
</table>

PLEASE NOTE: In some parts of Victoria up until 2009, family services in a local area will not have a single phone number to access all services. Phone numbers with an asterisk are of the DHS Family Services Manager who can provide advice about accessing local family services in these areas.
CEOM POLICY 2.19
Mandatory Reporting of Child Physical and Sexual Abuse Appendix 3
FLOWCHART
School and DHS Processes for Mandatory Reporting of Child Physical/Sexual Assault

Procedures for Notification of Possible Student Physical or Sexual Abuse

School Response

- Forming a belief
  - information
  - observation
  - documentation
  - discussion with school advisory group and/or Child FIRST

- When belief is formed that a student is at risk contact:
  Child Protection, Dept of Human Services to make a report

- When there is significant concern about the wellbeing of a child contact:
  Child FIRST

- Offer support to staff member (mandatory reporter), student and student’s family

Procedures for Notification of Possible Student Physical or Sexual Abuse

Human Services Personnel Response

- Investigation
  - Decision
    - Substantiated
      - Family assessment
        - No further action
    - Unsubstantiated
      - Case conference
        - Family counselling
          - Court action
    - No further action

No further action
Discharge of Mandated Responsibility
To discharge their mandated responsibility a teacher or principal must either make a report personally or be satisfied that the report has been made to the Child Protection unit (DHS).

It should be noted that the duty to report:
• applies regardless of whether the alleged suspected abuse occurred in Victoria, outside the State or on the school grounds
• is not discharged when a teacher advises the principal of his or her belief. NOTE: If the principal declines to make a report to Child Protection, the teacher is still mandated to report.1

It is the responsibility of the individual teacher to ensure that all reasonable grounds supporting the belief have been reported. It is not a teacher’s role to investigate or prove that abuse has taken place.

Generally speaking, a teacher should seek and gain consent from a child or their parents to disclose information to Child First or Child Protection wherever possible, provided that doing so does not place the child at further risk.2 However, a teacher does not require the consent of the child or their family to make a report.

DHS personnel are responsible for contacting the parents, guardians or caregivers at an appropriate time after a notification has been made.

Interviews with Students
It may be necessary for Child Protection to interview a child at school when a notification of abuse has been made. Such requests may be directed to the principal or the principal’s nominee. It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the principal or a teacher.

When officers of Child Protection or Victoria Police (Sexual Offences and Child Abuse Unit) seek an interview with a child, the principal should cooperate with the authorised agency. The principal should:

• arrange for the child to choose a supportive adult to be present;
• follow the recommended procedures from the DHS and the CEOM;
• ensure that arrangements are in order for any interview which is to take place at the school;
• observe confidentiality at all times in the management of a mandatory reporting case;
• if legal assistance is required, contact the CEOM in the first instance.

References
1. Centres Against Sexual Assault (CASA)
CASA House
3rd Floor, Queen Victoria Women’s Centre
210 Lonsdale St
MELBOURNE
Telephone: 9635 3600
Eastern CASA
17 Ware Crescent
RINGWOOD EAST 3135
Telephone: 9870 7310
Gatehouse Centre
Level 5, South East Building, Royal Children’s Hospital
Flemington Road
PARKVILLE 3052
Telephone: 9345 6391
Northern CASA
Building 26, Repat Campus
Banksia St
HEIDELEBERG WEST 3081
Telephone: 0409 959 579
South Eastern CASA
PO Box 72
EAST BENTLEIGH 3165
Telephone: 9928 8741
West CASA
53 Ballarat Road
FOOTSCRAY 3011
Telephone: 9687 8637

2. Centacare Catholic Family Services
Centacare Administration
576 Victoria Parade
EAST MELBOURNE 3002
Telephone: 9419 5633
96 Cleeland Street
DANDELONG 3175
Telephone: 9793 2200
62 McKillip Street
GEELONG 3220
Telephone: 5221 7055
3 Wingfield Street
FOOTSCRAY 3011
Telephone: 9689 3888
1-3 Valetta Street
MALVERN 3144
Telephone: 9576 2377
510 Whitehorse Road
MITCHAM 3132
Telephone: 9873 4344

3. Children’s Protection Society
70 Altona Street
HEIDELEBERG WEST 3081
Telephone: 9458 3566
Suite 1, 62 Keon Pde
THOMASTOWN 3073
Telephone: 9474 4800

4. Catholic Education Office Melbourne
Members of the Student Wellbeing Unit at the Catholic Education Office Melbourne are available to support principals and teachers in discussion of issues related to Mandatory Reporting, Child FIRST and matters relevant to keeping students safe from harm.
Telephone: 9267 0228
### EVALUATION

This Policy will be reviewed as part of the school’s three year review cycle.

Compiled: 2010  
Reviewed: Fran Seeber  
Responsible: Student Wellbeing Coordinator