



Mandatory Reporting Policy

Statement of Context and Purpose

Ivanhoe Grammar School (the **School**) has an important role to play in supporting students and their families, and in protecting students who may be at risk of harm due to abuse or neglect. Employees in close daily contact with students are well placed to observe when a student appears to be at risk of harm.

Employees and persons involved in student-connected work have a duty of care to support and protect students within the School community with whom they are professionally involved.

This policy aims to:

- Comply with the School's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- Enable School employees to protect the safety and wellbeing of students by identifying indicators that a student may need protection and by making a report about a student who may be in need of protection.

Scope

This policy applies to all Board members, employees, volunteers, contractors and other authorised personnel required to perform functions on the School's premises, or at School-organised activities and events. This policy will refer to all Board members, employees, volunteers, contractors, and other authorised personnel interchangeably as 'staff'.

This policy extends to any person who is engaged in child or student-related work, or who otherwise has direct and regular contact with the School's students (whether supervised or not).

This policy is not intended to override or form part of the terms of any award or contract that applies to an employee but should be considered a reasonable direction to staff. As such all staff are expected to abide by this policy and report any suspected or known breaches of this policy.

Disclosure

It is the School's preference that staff promptly inform the Principal, a member of the Executive Team, or a Student Safety Officer of any matters the subject of a potential reporting obligation under this policy, so that the School can coordinate information and ensure that any mandatory reporting obligations are met by both the School and staff.

However, the School appreciates that in some cases it will be necessary for an external report to be made before the School is notified (and nothing in this policy is intended to limit a staff member's right, or obligation, to make external reports). At the very least, the Principal, a member of the Executive team, or a Student Safety Officer should be notified after an external report is made.

Mandatory Reporting

Mandatory Reporting Overview

Staff must always act in the best interests of the School's students to protect and preserve their care, safety and welfare. As far as is reasonably practicable, the School must monitor the general care, safety and welfare of its students in order to meet responsibilities under the duty of care prescribed by common law and legislation.

When a staff member forms a reasonable belief that a student has been harmed or is at risk of harm, they are obligated to take action to protect the safety and wellbeing of that student.

Certain staff are mandatory reporters, however, and have special external reporting obligations pursuant to legislation.

Who is a Mandatory Reporter?

A mandatory reporter includes but is not limited to registered teachers (including early childhood teachers), those with post-secondary qualifications employed in the care, education or minding of children, school principals, nurses, and students in training to become teachers (who have been granted permission to teach under relevant legislation).

Mandatory reporters also include police officers, registered medical practitioners, midwives, people in religious ministry, youth justice officers, youth parole officers, and any other person referred to in section 182 of the *Children, Youth and Families Act 2005* (Vic) (**CYF Act**).

When a Mandatory Report is Required

Mandatory reporters must ensure that a report is made to Victorian Child Protection Services (**Child Protection**) within the Department of Families, Fairness and Housing (DFFH) as soon as practicable after forming a reasonable belief, in the course of undertaking their professional duties, that a child (aged under 17 or aged 17 and the subject of a child protection order) is in need of protection from significant harm and the child's parents/guardians have not or are unlikely to, protect the child from that harm.

Significant harm may relate to:

- Physical injury
- Sexual abuse
- Emotional or intellectual development
- Physical development or health
- Abandonment or parental incapacity

If the student is aged 17 (and not subject to a child protection order) or over, concerns about the abuse or other harm should be reported to the police. If the student is 18 or over, consent must be obtained from the student unless reporting to the police will lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare.

Making a Mandatory Report

Staff must check whether they are mandatory reporters.

If you are a mandatory reporter and have formed a reasonable belief that a child has experienced or is at risk of significant harm resulting from physical injury or sexual abuse, you must immediately report the belief to Child Protection by calling the North Division Intake on 1300 598 521 during business hours or 13 12 78 after hours.

Child Protection will then decide when follow-up action is required and how to classify the report.

Mandatory reporters may choose, as can anyone, to report to Child Protection in relation to other types of significant harm.

Additional reports must be made on each occasion where a mandatory reporter becomes aware of any further reasonable grounds for the belief.

Mandatory reporters must advise the Principal of all mandatory reports made to Child Protection (and any other bodies for that matter) which concern a student, staff member, or any person otherwise connected to the School.

The mandatory reporter must make a report to Child Protection even if the Principal (or other member of staff) does not share their belief that the report must be made.

Staff who are not mandatory reporters, are nonetheless required to act on any reasonable belief in accordance with this policy and should notify the Principal or a Student Safety Officer but may also make a report to Child Protection.

The School will afford support where appropriate to mandatory reporters who make a report under this policy.

Raising a concern

If a staff member, student, or parent forms a concern about a student safety matter, they are encouraged to raise their concerns with one of the School's Student Safety Officers in accordance with the School's Student Safety Concerns Management Procedure.

The School's Student Safety Officers have received specialised training to assist in identifying whether a concern is required to be reported. After consultation, and if a reasonable belief is formed, the School's Student Safety Officer or if the reasonable belief is first formed by another mandatory reporter, that person, must immediately make a report to relevant bodies, in accordance with this policy and the School's other policies and procedures.

Reporting a Sexual Offence

The *Crimes Act 1958* (Vic) also makes it an offence for **any** adult to fail to disclose a sexual offence against a child under the age of 16.

As a result, any person aged 18 or over, whether or not an employee of the School, must disclose to a Victoria police officer as soon as practicable after forming a belief on reasonable grounds that a sexual offence has been committed against that child (meaning not just a student, but any person under the age of 16 years, as per section 327(2) of the *Crimes Act*), by a person aged 18 years or over.

You must then make a further report on each occasion on which you become aware of any further reasonable grounds for the reasonable belief.

Failure to make a report without reasonable excuse is an offence under section 327 of the *Crimes Act* and carries a potential term of imprisonment. Failure by a person in authority to protect a child from a sexual offence is also an offence under section 490 of the *Crimes Act*.

However, it may not be an offence not to disclose a sexual offence against a child to Victoria Police if you have a reasonable excuse under the *Crimes Act* for not doing so. A reasonable excuse includes:

- A belief on reasonable grounds that the information has already been disclosed to Victoria Police by another person in compliance with the mandatory reporting obligations of this policy. For example, where Child Protection has been notified.
- Where you have a reasonable fear that reporting your reasonable belief to Victoria Police may pose a risk to your own or another person's health and safety (including the victim but not including the alleged perpetrator of the sexual offence).
- Where you were told about the sexual offence by the alleged victim, who was aged 16 or older at the time that they disclosed the abuse, and they asked you not to report the abuse.

If there is any uncertainty about the need for a mandatory report to Child Protection or to contact Victoria Police, this should be raised with the Principal, Executive Team, or a Student Safety Officer for consideration about whether you are still required to make a mandatory report.

Referral to The Orange Door

A referral to The Orange Door should be considered if, after taking into account the available information, you form a view that the concerns have a low-to-moderate impact on the wellbeing of a student under the age of 17 years, but the child is not at risk of significant harm (meaning a mandatory report is not required).

Anyone with a concern for a student's wellbeing can make a referral to The Orange Door.

Examples of situations where a referral to The Orange Door may be appropriate include:

- Significant parenting problems that may be affecting the child's development.
- Family conflict, including family breakdown.
- A family under pressure due to a family member's physical or mental illness, substance abuse, disability, or bereavement.
- Young, isolated and/or unsupported families.
- Significant social or economic disadvantage that may adversely impact a child's care or development.

Many cases will not fit neatly into these categories. For guidance about whether a referral to The Orange Door should be considered, staff can refer to the School's Student Safety Officers and information available on the Department of Families, Fairness and Housing's website.

The relevant contact numbers for The Orange Door are outlined below:

- The Orange Door in North East Melbourne 1800 319 355
nema@orangedoor.vic.gov.au
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Report to the Victorian Institute of Teaching (VIT)

In accordance with the *Education and Training Reform Act 2006* (Vic), the School must notify VIT if it has taken any action against a registered teacher in response to allegations:

- Of serious incompetence.
- Of serious misconduct.
- That the teacher is unfit to be a teacher.
- That the teacher's ability to practice as a teacher is seriously detrimentally affected, or likely to be seriously affected because of an impairment.
- Any other actions against a registered teacher that may be relevant to their fitness to teach.

The School must also notify VIT if it becomes aware that a registered teacher has been:

- Charged with, convicted, or found guilty of certain criminal offences that affect the right to hold a Working with Children Check (WWCC).
- Given a negative notice in relation to a WWCC.

Related Documents

External Documents

Relevant Legislation or Authority:

- *Children, Youth and Families Act 2005* (Vic)
- *Crimes Act 1958* (Vic)
- *Education and Training Reform Act 2006* (Vic)
- *Education and Training Reform Regulations 2017* (Vic)

Internal Documents

Policies and Procedures:

- Student Safety Code of Conduct
- Student Safety Policy
- Student Safety – Concerns Management Procedure
- Student Safety Responsibilities
- Reportable Conduct Policy
- Working with Children Check Policy

Breach of this Policy

The School emphasises the need to comply with the requirements of this policy. Breaches of this policy and its procedures may result in suspension of access to the School's information resources. Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment.

Definitions

Reasonable belief means a belief that would lead a reasonable person in the same position as you, and with the same information as you to form a belief that child abuse (including sexual abuse) or reportable conduct is occurring or may occur. There must be some objective basis for the belief. However, it is not necessary to have proof to form a reasonable belief, nor do you need to make a judgement about the truth of an allegation. However, a reasonable belief is more than suspicion, mere rumour, or speculation. For examples of circumstances where a reasonable belief may be formed, refer to the Student Safety – Concerns Management Procedure.

Student Safety Officer means a staff member referred to in the Student Safety Policy who is the first point of contact to provide advice and support to students, parents, employees and volunteers regarding the safety and wellbeing of students at the School.

Student means a student who is enrolled at Ivanhoe Grammar School and includes any student who is aged 18+.

Student-related work means a service, organisation, place, or activity that usually involves, or is likely to involve contact with a child which is direct and part of the person's regular duties.

This contact may be in the form of:

- Face-to-face contact
- Contact by post or other written communication
- Contact by telephone or other oral communication

- Contact by email or other electronic communication.

The Orange Door is a Victorian Government service to provide support and help for women, children and young people experiencing family violence, and families who need assistance with the care and wellbeing of children. Anyone may make a referral to The Orange Door if they have a concern for a child's wellbeing.

Victorian Child Protection Services (Child Protection) is the statutory child protection service provided by the Department of Families, Fairness and Housing, which can intervene to protect children at risk of significant harm.

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