



## Mirboo North Secondary College

# CHILD SAFETY REPORTING OBLIGATIONS POLICY AND PROCEDURES

### PURPOSE

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Mirboo North Secondary College. The specific procedures that are applicable at our school are contained at Appendix A.

### SCOPE

This policy applies to all school staff, volunteers and school community members. It also applies to all staff and students engaged in any school and school council-run events, activities and services.

### POLICY

All children and young people have the right to protection in their best interests.

Mirboo North Secondary College understands the important role our school plays in protecting children from risk of harm and all forms of child abuse including:

- Physical abuse
- Sexual abuse
- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution)

The staff at Mirboo North Secondary College are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to the resources included in the body of this policy. At Mirboo North Secondary College we also recognise the diversity of the children and young people at our school and take account of their individual needs and backgrounds when considering child safety.

### Mandatory Reporting

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic).

Mandatory reporters are required by law to make a report to DHHS as soon as practicable if, in the course of practising their profession or carrying out their duties, they form the **reasonable belief** that a child or young person is in need of protection as a result of physical injury, sexual abuse, emotional



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harm or psychological harm and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at [Example School] to be aware that they are legally obliged to make a mandatory report on each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the principal does not share their belief that a report is necessary.

At our school, all mandated school staff must undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. We also encourage all other staff to undertake this module, even where they are not mandatory reporter.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide: [Child Protection – Reporting Obligations](#)*.

### Child in need of protection

Any person can make a report to the Department of Health and Human Services (DHHS) Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection.

The policy of the Department of Education and Training (DET) requires **all staff** who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS, see the Department's *School Policy and Advisory Guide: [Child Protection – Making a Report and Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)*.

[At Mirboo North Secondary College we also encourage all staff to make a referral to DHHS Child FIRST when they have significant concern for a child's wellbeing but do not believe that the child needs protection. For more information about making a referral to Child FIRST see the \*School Policy and Advisory Guide: Child Protection – Reporting Obligations\*.](#)

### Reportable Conduct

Our school must notify the Department's Employee Conduct Branch (9637 2594) if we become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child;
- behaviour causing significant emotional or physical harm to a child; or
- significant neglect of a child, or misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.



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Our principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees.

If school staff become aware of reportable conduct by any person in the above positions, they should notify the school principal immediately.

For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide*: [Reportable Conduct Scheme](#).

### Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable to do so, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 by another person aged 18 years or over.

Failure to disclose information to Victoria Police (by calling 000 or local police station) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. 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 when:

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

"Reasonable excuse" is defined by law and includes (a) fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation) or (b) where the information has already been disclosed, for example, through a mandatory report to DHHS.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

### Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.



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This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

### RELATED POLICIES AND FURTHER INFORMATION

Statement of Commitment to Child Safety, Child Safety Policy

### REVIEW CYCLE

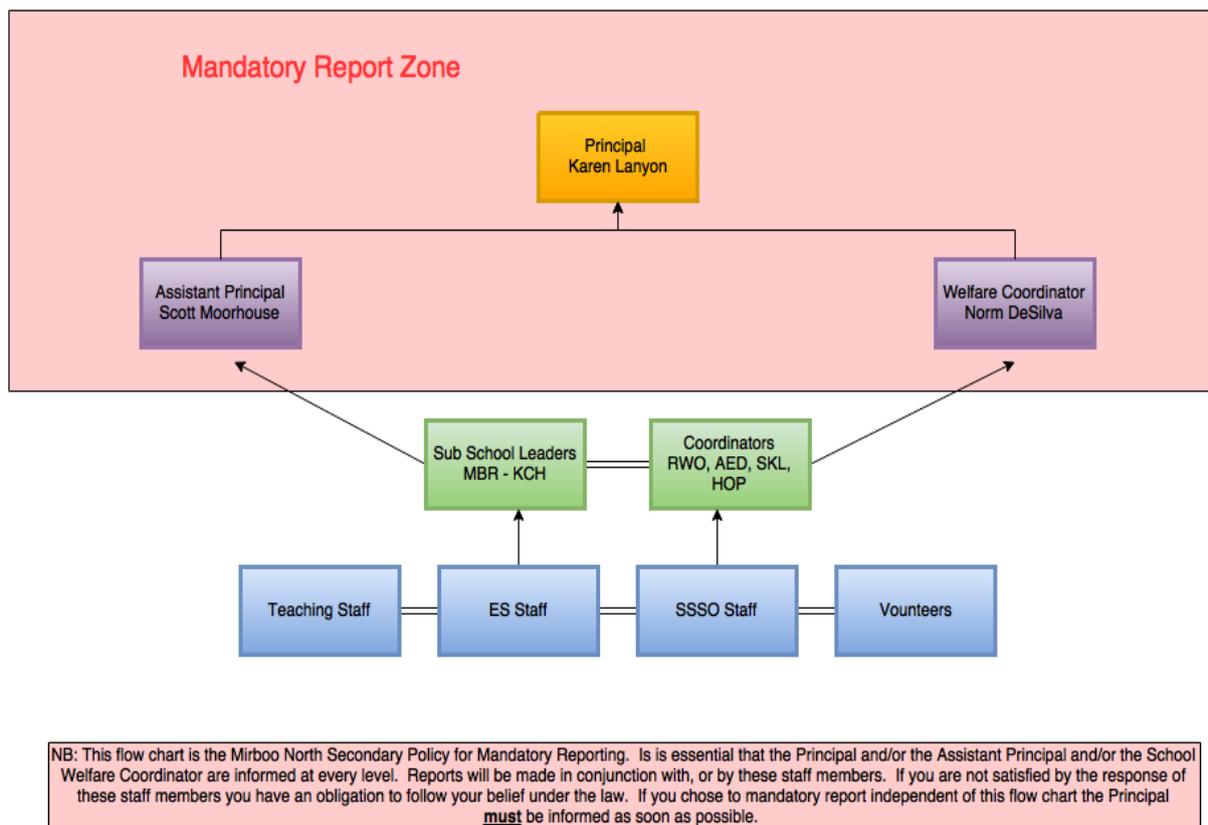
This policy was last updated on 10/8/2018 and is scheduled for review on 10/08/2018



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### APPENDIX 1:

#### MIRBOO NORTH SECONDARY COLLEGE MANDATORY REPORTING FLOW CHART



As of September 2016 all school staff and some volunteers will be mandated to report any signs of physical abuse, sexual abuse and neglect. It is vitally important that all staff in the school remain vigilant and aware of the signs that this may be happening to a student in our care.

If you form a belief that there is something happening to a student that fits one of the above categories you have a legal obligation under your duty of care to mandatory report. At MNSC this is generally handled by the Principal, Assistant Principal or the Welfare Coordinator in conjunction with the person making the report.

It is a policy of this school that the principal be informed of any mandatory report being made and details given. This is because usually, there is further work to be done after the report is made.



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MNSC strongly recommends that the mandatory reporting modules be taken on an annual basis to assist with making decisions in this area. They can be found at the following link:

<http://www.elearn.com.au/det/protectingchildren/>

Any further enquiries need to be directed to the Principal, Assistant Principal or Welfare Coordinator.