

Child Safety Responding and Reporting Obligations (including Mandatory Reporting)

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 Sunshine Special Developmental School (SDS). The school also has documented procedures.

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.

Sunshine SDS understands the important role our school plays in protecting children from abuse including:

- Physical abuse
- Sexual abuse (including sexual exploitation)
- Family violence
- Emotional abuse
- Neglect (including medical neglect)
- Grooming

The staff at Sunshine SDS are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to [Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

At Sunshine SDS 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

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- School staff who have been granted permission to teach by the VIT
- registered medical practitioners and nurses
- registered psychologists
- all members of the police force
- People in religious ministry
- Staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school positive climate for learning staff, mental health practitioners, chaplains, and Student Support Services staff

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

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ 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 who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Sunshine SDS 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.

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 DFFH 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 needs protection to report their concerns to DFFH or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DFFH Child Protection, 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 Sunshine SDS we also encourage all staff to make a referral to Child FIRST when they have significant concern for a child's wellbeing. 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 (even prior to criminal proceedings commencing), 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;
- 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.

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. If the allegation relates to the principal, they should notify the Regional Director.

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 (i.e., 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, 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 lead to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)
- where the information has already been disclosed, for example, through a mandatory report to the Department of Fairness, Family and Housing (DFFH) Child Protection.

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 the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e., 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](#).

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic). This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer.

For more information about this offence and reporting obligations see: [Child Exploitation and Grooming](#).

APPENDICES

- [Child Safe and Code of Conduct](#): Sunshine Special Developmental School Code of Conduct for Staff, Mentors, Volunteers and Participants involved with children.
- [Code of Conduct Policy](#)
- [Four Critical Incidents, Disclosures and Responding to Child Abuse](#)
- [At Step-by-Step Guide to making a report to Child Protection or Child First](#)

REVIEW CYCLE

This policy will be evaluated as part of a 3-year cycle of policy review.

This policy was approved by School Council on 18th May 2021 and is scheduled for review in May 2024

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