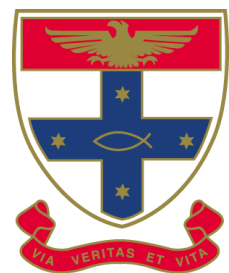


# **MANDATORY REPORTING POLICY**



**St. Francis Xavier College  
Berwick, Beaconsfield & Officer  
Ratified by College Board September, 2007  
Amended June, 2011  
Ratified by College Board July, 2011**

## VISION

St. Francis Xavier College is a Catholic community that is educative and supportive. We have a clear purpose: the development of a person of competence, conscience and compassion formed in the Christian tradition; one who is guided by a sense of hope and self-belief and who will be of service in the world. We recognise God's presence in our lives by celebrating and pursuing personal excellence and by living courageously with optimism and respect for all.

## RATIONALE

Mandatory reporting arises from the Victorian Government's *Protecting the Safety and Wellbeing of Children & Young People* (May 2010). This legislation is to protect children. Children and young people have the right to be protected from abuse and neglect. Under Victorian child welfare law, a child is any person under seventeen years of age.

Catholic schools educate their students in a community of faith. This community "welcomes individuals to new understandings of life, it nourishes and sustains life and it empowers each one of us to respond to the Gospel call" (CECV Policy No. 1.14, Pastoral Care of Students in Catholic Schools, 1994). Such an environment is caring, freeing and watchful of the interests of each child. In managing a mandatory reporting matter the dignity of each person, made in the image and likeness of God, must be respected.

Among the school's structures that enable teachers and other professionals to care for the total well-being of individual students, there should be those that enable teachers to deal with mandatory reporting of child abuse or neglect. Such structures should incorporate and proclaim those dimensions of justice, whereby the rights of all involved persons are respected, with particular care being taken to protect the child.

## DEFINITION OF CHILD ABUSE

Child abuse is an act by parents or care givers which endangers a child or young person's (hereinafter called 'child') physical or emotional health or development. Child abuse can occur as a result of a single incident, but often takes place over time. In Victoria, a child or young person is someone under 17 years of age. The *Protecting the Safety and Wellbeing of Children & Young People Act* clearly defines the range of abusive behaviours as:

- Physical injury which results from abuse or neglect. This refers to a situation in which a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment, or physically aggressive treatment of a child.
- Sexual abuse, which occurs when an adult or someone stronger and/or older than the child uses power or authority over the child in order to involve the child in sexual activity, and the child's parent or caregiver has not protected the child. Physical force is sometimes involved.
- Emotional abuse, which occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from the parent or caregiver to the extent that it affects the child's physical and emotional growth and development.
- Neglect, which is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that a child's health and development are placed at risk.

## REQUIREMENTS

The College has a key responsibility, in accordance with legal requirements, to report child abuse. The *Children, Youth and Families Act (2005)* requires several professional groups to report cases where they believe, based on reasonable grounds, that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual or other abuse and the child's parents have not protected, or are unlikely to protect, the child from such harm.

More specifically:

Under section 182 of the Act, the following persons are mandatory reporters

- (a) a registered medical practitioner;
- (b) a nurse registered under the **Health Professions Registration Act 2005**;
- (c) a person who is registered as a teacher under the **Education and Training Reform Act 2006** or has been granted permission to teach under that Act;
- (d) the Principal of a Government school or a non-Government school within the meaning of the **Education and Training Reform Act 2006**.
- (e) a member of the police force;
- (f) on and from the relevant date, the proprietor of, or a person with a post-secondary qualification in the care, education or minding of children who is employed by, a children's service to which the **Children's Services Act 1996** applies or a person nominated under section 16(2)(b)(iii) of that Act;

Mandated notifiers, in the course of practicing their profession, may form a belief on reasonable grounds that a child is in need of protection from physical and/or sexual abuse. The *Children, Youth and Families Act (2005)* states that these mandated notifiers must notify the Department of Human Services Child Protection Unit of the Department of Human Services as soon as practicable (a) after forming the belief and (b) after each occasion on which they become aware of any further reasonable grounds for the belief. Grounds for belief are matters about which a person has become aware and any opinion based on those matters. Failure to act may contribute to further risk for the child. Furthermore, the Act prescribes penalties for mandated reporters for non-compliance. The Act is not designed to be punitive. However, in blatant cases of failure to report, proceedings may be brought against an individual by the Police.

## FORMING A BELIEF AND REASONABLE GROUNDS

A belief is considered to be more than a suspicion. A belief may be considered to be formed if an individual is more likely to accept rather than reject a suspicion that a child is at risk of harm from physical abuse or sexual abuse. Mandated notifiers do not require proof that abuse has occurred or is likely to occur. It is the role of The Department of Human Services to determine whether a belief should proceed to be investigated.

Reasonable grounds can be thought of as the mechanism for forming a belief. These may include:

- A child informs a mandated notifier that he or she has been abused.
- Another person(s) informs a mandated notifier (eg. a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.
- A child informs a mandated notifier that he or she knows someone who has been abused (often a child is referring to himself or herself).
- A mandated notifier's own observation of a particular child's behaviour and/or injuries

## **INTERNAL COLLEGE PROCEDURES**

### **STEP 1**

Mandated notifiers employed by the College should make observations and keep dated notes of the concerns that exist that have led them to form the belief that a report may be necessary. It is expected that mandated notifiers enlist the support of the House Coordinator, Deputy Principal- Head of Campus or College Educational Psychologist. It is permissible to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Given the highly sensitive nature of this type of situation confidentiality should be regarded as critical. The fewer the number of people informed the better.

### **STEP 2**

These concerns should be discussed, in the first instance, with the Deputy Principal- Head of Campus or College Educational Psychologist. It is essential that reports are managed in a caring, supportive and confidential manner and that the mandated notifier be supported. Written records of any conversations held and dated notes should be returned to the Deputy Principal- Head of Campus or College Educational Psychologist. These notes will be stored with the College Educational Psychologist.

### **STEP 3**

If there is uncertainty about the need for a mandatory report to Child Protection & Family Services – Department of Human Services, the Deputy Principal- Head of Campus will meet with the College Educational Psychologist (and Principal if necessary) to decide upon a course of action.

### **STEP 4**

If the harm to the child is or is likely to be inflicted by a person other than the child's parents then the parents must be informed. If it appears the child's parents are unable to keep the child safe, the Child Protection & Family Services – Department of Human Services needs to be notified immediately.

### **STEP 5**

After these internal discussions, the Deputy Principal- Head of Campus or College Educational Psychologist should phone a report Child Protection & Family Services – Department of Human Services

### **STEP 6**

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the wellbeing of the child will be affected should the matter be discussed with anyone else.

If, following a report, a family approaches the school, it is recommended that any interview be conducted with a minimum of 2 school staff members present. It is recommended that the College Educational Psychologist or Deputy Principal- Head of Campus be present at such a meeting. The focus of such a meeting should be on the welfare of the child; not on justifying the actions of the staff involved.

### **STEP 7**

After notification to Child Protection & Family Services – Department of Human Services is made a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If the notifying staff member is not advised, the Deputy Principal- Head of Campus should phone the Department of Human Services and request information about what action is proposed.

## **STEP 8**

At an appropriate time the standard practice for the Department of Human Services is to contact the parents, guardians or caregivers after a notification has been made. When Officers of Child Protection & Family Services – Department of Human Services or the Police seek an interview with a child, the Deputy Principal- Head of Campus should cooperate with the authorised agency as follows:

- Arrange for the child to choose a supportive adult to be present
- Follow the recommended procedures from the Department of Human Services and the Catholic Education Office
- Ensure that arrangements are in order for any interview which is to take place at the school
- Seek or offer appropriate pastoral support for the reporting staff member
- Observe confidentiality at all times in the management of a mandatory reporting case
- If legal assistance is required, contact the Catholic Education Office in the first instance

### **Important Notes**

Please note that, except in very urgent situations, a member of staff should consult with the Principal or Deputy Principal- Head of Campus or College Educational Psychologist before disclosing information about a child or the family without their consent.

Any teacher involved in the process above retains the right, regardless of the outcome of discussions with the Deputy Principal- Head of Campus or College Educational Psychologist, to proceed with the report. If the outcome of the discussions is not to proceed with a report but a teacher exercises the individual right to report it, the teacher is asked to formally notify the Principal or Deputy Principal- Head of Campus that this course of action is being taken.

Following a discussion with the Principal or Principal's nominee, if the teacher has formed the belief that it is necessary to make a report, then it is the teacher's responsibility to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.

A teacher may notify the Department of Human Services of his/her belief without the prior knowledge of the Principal. However, it is strongly recommended that the teacher inform the Principal or Principal's nominee of his/her action as soon as possible.

If the alleged perpetrator is the Principal contact should be made in the first instance with the school's Educational Consultant at the CEO Warragul.

## REFERENCES

Child Abuse and Neglect: Effective Court Practice, A Guide for Professionals, Victorian Government Department of Health and Community Services, 1994.

Child Abuse and Neglect: The Teacher's Response, 2nd edn, Victorian Government Department of Health and Community Services, 1994.

Child Physical Abuse: Understanding and Responding, Child Protection Victoria, Victorian Government Department of Health and Community Services, 1994.

Child Sexual Abuse: Understanding and Responding, Protection and Care Branch of the Department of Human Services, 1993.

Reporting Child Abuse, Child Protection Victoria, Victorian Government Department of Human Services, 1997.

Every child every chance – An information sharing guide for registered school teachers and principals in Victoria - a publication of the Department of Human Services

## SUPPORT AGENCIES

1. Department of Human Services  
Southern Metropolitan Region  
122 Thomas Street  
DANDENONG 3175  
Telephone: 9213 2111
2. Child Protection Crisis Line – 24 Hours, 7 Days a Week.  
Telephone: 13 12 78
3. Centacare Catholic Family Services  
383 Albert Street  
EAST MELBOURNE 3002  
Telephone: 9419 5633  
Facsimile: 9419 5734
4. Children's Protection Society  
70 Altona Street  
HEIDELBERG WEST 3081  
Telephone: 9458 3566
5. Further information about services available in Victoria for vulnerable children and their families can be found at: [www.dhs.gov.au/everychildeverychance](http://www.dhs.gov.au/everychildeverychance)