

<p><b>Hazel Glen College</b></p>	<p><b>47. Mandatory Reporting Policy</b></p>	
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## Rationale

All children have a right to feel safe and be safe at school and at home. As teachers, we have a legal and moral responsibility to protect the safety and wellbeing of children, and in particular, to respond to serious incidents involving abuse and neglect of the children in our care as well as to report instances that we believe involve physical abuse, sexual abuse or neglect.

## Aims

To ensure college staff are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and are able to:

- understand their various legal obligations to report and take other reasonable steps to discharge the duty of care that may be owed to the child or young person
- identify indicators that a child or young person has been, is being, or is at risk of being abused
- make a report about a child or young person who has been, is being, or is at risk of being abused

## Implementation

### 1. Mandatory Reporters

1.1 A broad range of professional groups are identified as mandatory reporters in the Children, Youth and Families Act 2005 (CYFA). Mandated staff members must make a report to Child Protection as soon as practicable after forming a belief on reasonable grounds that a child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. Proof is not required.

1.2 The following professionals are prescribed as mandatory reporters under section 182 of the CYFA:

- primary and secondary school teachers and principals (including students in training to become teachers)
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police

1.3 Mandatory reporters must make a report to the Department of Health and Human Services (DHHS) (Child Protection) as soon as practicable if, in the course of practising their profession or carrying out their duties, they form reasonable belief that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child from that abuse.

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## **2. Two or more Reporters**

2.1 There may be times when two or more mandated staff members, for example a teacher and a principal, have formed a belief about the same child or young person on the same occasion. In this situation it is sufficient for only one of the mandated staff members to make a report. The other staff member is obliged to ensure that the report has been made, and that all of the grounds for their own belief were included in the report made by the other staff member.

## **3. Non-mandated Staff Members**

3.1 Section 183 of the CYFA states that any person, who believes on reasonable grounds that a child is in need of protection, may report their concerns to Child Protection. This means that any person, including non-mandated staff, is able to make a report to Child Protection when they believe that a child or young person is at risk of harm and in need of protection, and the child’s parents are unable or unwilling to protect the child.

## **4. Training**

4.1 Staff are required to comply with online training relevant to Mandatory Reporting.

## **5. Failure to Report**

5.1 A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.

5.2 All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may amount to a criminal offence unless you have a “reasonable excuse” or have an “exemption” from doing so.

## **6. Advising Parents, Carers or Guardians**

6.1 Staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so. It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

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## 7. Confidentiality

7.1 Staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.

7.2 Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

### Related Policies / Documents

Child Safety Policy

‘failure to disclose’ offence, see: [Department of Justice and Regulation – Failure to disclose offence](#)

### Evaluation

This policy will be reviewed as part of the College review cycle.