

## Rowville Primary School Child Protection Reporting Policy

### **PURPOSE**

The purpose of this policy is to explain the roles and responsibilities of school staff to protect the safety and wellbeing of children and young people and understand the various legal and other reporting obligations related to child safety at Rowville Primary School.

### **Guidelines:**

#### **1. Mandatory Reporters**

All staff members who are Victorian Institute of Teaching (**VIT**) registered teachers (including principals) or who have been granted permission to teach by the VIT are 'mandatory reporters' under the *Children, Youth and Families Act 2005* (Vic). All mandatory reporters must make a report to the Department of Health and Human Services (DHHS) 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.

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 report to Child Protection. 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.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Rowville Primary 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.

#### **2. Non-mandated staff members**

**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 school staff, is able to make a report to Child Protection or Victoria Police when they believe that a child or young person is at risk of harm and in need of protection and the child's parents, guardians or carers are unable or unwilling to protect the child.

In order to discharge duty of care, staff members, **whether or not mandated**, need to report a belief formed in the course of undertaking their professional duties. A report must be made as soon as practicable after forming the belief, and on each occasion on which they become aware of any further reasonable grounds for the belief.

#### **3. Failure to disclose offence**

All adults, 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 is a criminal offence except in limited circumstances, such as where the information has already been reported to Child Protection or the child is older than 16 when the belief is formed.

#### **4. Duty of care**

School staff has a duty of care to take reasonable steps to protect the safety, health and wellbeing of children in their care.

If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action, which includes the following:

- Reporting their concerns to Child Protection or Victoria Police.
- Notifying the Principal or a member of the school leadership team of their concerns and the reasons for those concerns.

Duty of care obligations are separate and additional to mandatory reporting and 'failure to disclose' reporting obligations.

#### **IMPLEMENTATION**

1. Staff members are expected to follow the Mandatory Reporting policy for making a report.

#### **RELATED POLICIES AND FURTHER INFORMATION**

- Child Safety Policy
- Child Safety Code of Conduct
- Mandatory Reporting Policy
- DET Child Protection Reporting Guidelines
- For more information about reporting obligations see: [Protecting Children — Reporting and Other Legal Obligations](#).

#### **EVALUATION**

Review and updates will take place annually.

This policy was ratified at School Council on 28 <sup>th</sup> October 2020 and is due to be reviewed October 2021.
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