



# Child Protection Reporting Obligation Policy

This policy must be read in conjunction with the Child Protection, Making a Report Policy

## Purpose of this policy:

To ensure school 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.

## Reporting obligations

The following table summarises the mandatory and other reporting obligations where there is a concern that a child or young person has been, is being, or is at risk of being abused.

Mandatory reporting	Obligation
<p>Note: the following professionals are considered mandatory reporters</p> <ul style="list-style-type: none"><li>• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li><li>• Principals of government and non-government schools</li></ul>	<p>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.</p> <p>A mandatory reporter who fails to comply with these reporting obligations may be committing a criminal offence.</p>
<b>Failure to disclose</b>	<p>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</p>

	<p>amount to a criminal offence unless you have a “reasonable excuse” or have an “exemption” from doing so.</p> <p>To read more information about the ‘failure to disclose’ offence, see: <a href="#">Department of Justice and Regulation – Failure to disclose offence</a></p>
<b>Failure to Protect</b>	<p>Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.</p> <p>The offence applies only to adults in a position of authority within an organisation. In a school context, this may include Principals, Assistant Principals, and Campus Principals. To read more information about the 'failure to protect offence', see: <a href="#">Department of Justice and Regulations – Failure to protect offence.</a></p> <p>For more information about managing and responding to the risk of abuse see: Responding to Student Sexual Offending and Risk Management under Department resources below. See also, the Four Critical Actions on the PROTECT portal.</p>

<b>Type of reporting</b>	<b>Obligation</b>
<b>Child in need of protection</b>	<p>Any person can make a report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• the child has suffered or is likely to suffer significant harm as a result of: <ul style="list-style-type: none"> <li>○ physical injury and their parents are unable or unwilling to protect the child</li> <li>○ sexual abuse and their parents are unable or unwilling to protect the child</li> <li>○ emotional or psychological harm and their parents are unable or unwilling to protect the child.</li> </ul> </li> <li>• the child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>• the child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</li> <li>• the child's physical development or health has been, or is likely to be significantly harmed and the parents are unable</li> </ul>

	<p>or unwilling to provide basic care, or effective medical or other remedial care.</p> <p>Department policy requires all staff who form a belief on reasonable grounds that a child or young person is in need of protection to report their concerns to DHHS Child Protection or Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>
<p><b>Child in need of therapeutic treatment</b></p>	<p>Any person who believes on reasonable grounds that a child over 10 but under 15 years of age has been exhibiting sexually abusive behaviours and may be in need of therapeutic treatment should make a report to DHHS Child Protection.</p> <p>Sexually abusive behaviours can be exhibited when a child uses their power, authority or status to engage another person in sexual activity that is unwanted, or where the other party is incapable of giving informed consent (such as other children who are younger or who have cognitive impairments).</p> <p>In the case of student sexual offending, Department policy requires staff to also report to the Victoria Police. In the case of school staff, they must also discuss their concerns with the principal or a member of the school leadership team.</p>

## REVIEW CYCLE

This policy was last updated December 2018 and is scheduled for review in December, 2021