

Mandatory Reporting Policy and Procedure

1.0 PURPOSE

To define the roles and responsibilities of Youth2Industry College staff in protecting the safety and wellbeing of students and to enable staff to:

- Identify indicators that a student/child or young person may be in need of protection
- Make a report about a student/child or young person who may be in need of protection
- Comply with reporting obligations under child protection law and criminal law and fulfil their duty of care in particular in reference to Children and Youth and Families (CYF) Act 2005 and Ministerial Order No. 1359 Child Safe Standards

2.0 SCOPE

This policy applies to all Youth2Industry College staff and will be available on the College website and on SharePoint.

3.0 POLICY

3.1 Child Safety Obligations

College staff members play an especially critical role in protecting children (including identifying, responding and reporting child abuse) and must meet a range of legal obligations to do so.

3.2 Minimum standards for school registration

Registered schools must meet the requirements of the Education and Training Reform Act 2006 and the Education and Training Reform Regulations 2017 (the Regulations).

Schedule 4, Clause 12 of the Regulations, state that a registered school must ensure that:

- The care, safety and welfare of all students attending the school is in accordance with any applicable State and Commonwealth laws; and
- All staff employed at the school are advised of their obligations under those laws

3.3 Ministerial Order No. 1359 - Child Safe Standards

All Victorian schools must comply with Ministerial Order No. 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises in order to be registered and remain registered with the Victorian Registration and Qualifications Authority (VRQA).

The Order came into effect on 1 July 2022 and specifies how every Victorian school must:

- Embed a culture of ‘no tolerance’ for child abuse, and
- Comply with the prescribed 11 minimum child safe standards.

In meeting the requirements of the order, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background, international students, students who are unable to live at home and lesbian, gay, bisexual, transgender and intersex (LGBTIQ+) students.

3.4 Child safety and protection

All children and young people have the right to protection in their best interests.

The College understands the important role our school plays in protecting children and young people from abuse including:

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

The staff at Youth2Industry College are required by law to comply with various child safety reporting obligations. We also recognise the diversity of the students at our school and take account of their individual needs and backgrounds when considering child safety.

Refer to **Appendix A** for further information on forms of abuse.

3.5 Mandated reporters

Under the Children, Youth and Families Act 2005, the following are mandatory reporters in Victoria:

- Registered teachers and early childhood teachers
- School principals
- Out of home care workers (excluding voluntary foster and kinship carers)
- Early childhood workers
- School counsellors
- Police officers
- Registered medical practitioners
- Nurses
- Midwives
- Youth justice workers

- Registered psychologists; and
- People in religious ministry.

At schools, mandatory reporters include:

- Victorian Institute of Teaching (VIT) registered teachers, including principal class
- Staff who have been granted permission to teach by the VIT
- Youth workers and
- School counsellors.

A 'school counsellor' is defined as "a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing."

A school counsellor includes the following:

- Student support staff, including Education Support Staff
- Primary Welfare Officers
- Mental health practitioners in secondary schools
- Student Wellbeing Coordinators and
- School-based health and wellbeing staff, including allied health staff, such as social workers, speech pathologists, youth workers and school counsellors.

4.0 REPORTING CHILD PROTECTING CONCERNS

Mandated reporters, at the Youth2Industry College, who believe on reasonable grounds that a student or young person is in need of protection from physical injury or sexual abuse, must report, as soon as is practicable, their concerns on each occasion that they form that belief, to Department of Families Fairness and Housing (DFFH) Child Protection or immediately to Victoria Police if they think there is immediate danger.

All Youth2Industry College staff members who are mandated reporters and form a belief on reasonable grounds that a student or young person:

- Has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse, and
- Parents have not protected, or are unlikely to protect, the child from harm of that type.

In cases where Youth2Industry College staff have concerns about a student or young person, they should also discuss their concerns with the Principal however, mandated reporters are required to report if they have formed that belief regardless of whether or not the Principal shares that belief. In circumstances where another mandated reporter has undertaken to make the report, it remains the responsibility of any other mandated reporter aware of the situation to ensure that the report has in fact been made.

Youth2Industry College staff will be informed of mandatory reporting requirements as part of their initial induction to the Youth2Industry College and will be provided with supporting documentation on SharePoint and the College Staff Handbook.

They will also need to complete the mandated online learning module: Protecting Children - Mandatory Reporting and Other Legal Obligations (for Government Schools, Non-Government Schools and the Early Childhood Sector).

4.1 Reportable Conduct Scheme

The Reportable Conduct Scheme is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a principal, teacher or non-teaching staff member), contractors, volunteers or School Council members.

4.2 Criminal Offences - Failure to disclose

The failure to disclose child sexual abuse offence requires that any adult over 18 years who forms a reasonable belief, that a sexual offence has been committed in Victoria by an adult of or over the age of 18 years against a student/child under 16 years must disclose that information as soon as practicable to police. Failure to disclose the information to police is a criminal offence.

To report ring 000 or go to a Police Station

The offence differs from mandatory reporting under the CYF Act because:

- It applies to all adults, not just certain professionals who work with students/children
- It is limited to the reporting of sexual abuse. Mandatory reporters are required to report suspected physical and sexual abuse
- It requires the person to report a suspected crime to police, rather than reporting a concern about a student/child needing protection to DFFH (child protection); and
- The suspected sexual offence must be reported even if the student/child's parents are acting to protect the student/child.

4.3 Reasonable Belief

A '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 student/child states that they have been sexually abused
- A student/child states that they know someone who has been sexually abused (sometimes the student/child may be talking about themselves)
- Someone who knows a student/child states that the student/child has been sexually abused
- Professional observations of the student/child's behaviour or development leads a professional to form a belief that the I has been sexually abused
- Signs of sexual abuse leads to a belief that the student/child has been sexually abused

4.4 Reasonable Excuse Not to Disclose

A person will not be guilty of the offence if he or she has a reasonable excuse for not disclosing the information. A reasonable excuse includes:

- Fear for safety
- Where the information has already been disclosed

Fear for safety

A reasonable excuse exists in cases where a person has a reasonable fear for their own safety or the safety of another person (such as a student/child or another family member) and they do not report to police due to those circumstances. This defence may apply, for example, if a mother decides not to disclose information about her partner sexually abusing her student/child due to fear of violence to her or her student/child. The person's fear must be subjectively reasonable, that is, it must be reasonable from the perspective of that person in those circumstances. This recognises that the person in question is best placed to judge whether their safety is in danger. The court or jury will consider whether it was reasonable for the person not to report in the circumstances.

Where the information has already been disclosed

It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to add.

An important example of this exception is where the person has already made a report under the mandatory reporting obligation specified in the CYF Act 2005. This obligation requires teachers, doctors and other professionals to report concerns about student/child welfare to child protection authorities within the DFFH.

Under the existing mandatory reporting system, DFFH already passes on all allegations of student/child sexual abuse to police, so it will be a reasonable excuse for not reporting to police if a person has made a report to DFFH or reasonably believes a report has been made to DFFH. This ensures that people are not required to make multiple reports to different agencies.

5.0 PROTECTING STUDENTS FROM THE RISK OF SEXUAL ABUSE - FAILURE TO PROTECT OFFENCE

If the Principal of the College becomes aware that an adult associated with the College (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a student under the care, authority or supervision of the College, they are required to take all reasonable steps to remove or reduce that risk. This includes removing the adult from the child-related work pending investigation and from attending the Youth2IndustryCollege or having any contact with the child.

If the Principal fails to take reasonable steps in these circumstances, this may amount to a criminal offence. The offence applies only to **adults in a position of authority** within the Youth2Industry College.

6.0 WHEN TO REPORT

All staff (teaching and non-teaching), volunteers and contractors working with our students have a moral and legal obligation and a duty of care to protect them from reasonably foreseeable harm and to report any incidents, disclosures or suspicions of child abuse.

Child abuse includes any instance of physical or sexual abuse (including grooming), emotional or psychological harm, serious or significant neglect and family violence involving a child or young person.

All College employed staff (teaching and non-teaching), volunteers and contractors must:

- Act as soon as they witness an incident, receive a disclosure or form a reasonable belief that a student has, or is at risk of being abused, neglected or exploited
- Act if they form a suspicion or reasonable belief, even if unsure and have not directly observed child abuse (eg. If the victim or another person tells you about the abuse)
- Make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs
- Report any observations or suspicions of concerning behaviour that are in breach of this Policy and/or the Child Safety Code of Conduct or any other child safe related policy.

If a staff member, volunteer or contractor believes that a student is not subject to abuse, but still holds significant concerns for their wellbeing they must still act. This may include making a referral or seeking advice from Child First (in circumstance where the family are open to receiving support) or to DFFH Child Protection or Victoria Police.

It is important to note that even if other people, including the Principal or Child Safety Officer, do not share the same view, the staff member, volunteer or contractor is still required to make a report on each occasion they form a view that a student is at risk.

Where another mandated reporter undertakes to make the report, staff, volunteers and contractors are required to confirm that the report is made.

6.1 Responding to an Emergency – Immediate Harm

If a student is at immediate risk of harm College, staff must ensure their safety by:

- Separating the alleged victim(s) and others involved
- Administering first aid if required
- Calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- Identifying a contact person at the school for future liaison with the Police
- Maintaining the integrity of the potential crime scene and preserve evidence.

6.2 Responding to incidents, disclosures or suspicions of child abuse

The College will follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse (Four Critical Actions) when responding to incidents, disclosures and suspicions of child abuse.

The Four Critical Actions outlines steps to take and services to refer to depending on the assessment of the child's situation. Staff, volunteers and contractors must follow the Four Critical Actions, including reporting to Victoria Police or DFFH Child Protection, or referring to other services like Child FIRST, to ensure that they fulfil their duty of care obligations

The Four Critical Actions are:

1. Responding to an emergency
2. Reporting to authorities
3. Contacting parents/carers
4. Providing ongoing support

The steps to be taken for each action are described in **QMS: 405 Responding and Reporting Policy and Procedure**

6.3 Ongoing support

The College understands that our duty of care and moral and legal obligations to our students is ongoing for the duration of their enrolment.

The College will provide ongoing support for children impacted by abuse. This support may include:

- Referral to wellbeing professionals and other specialised services.
- The convening of a student care team
- Creation of a safety plan for individual student to ensure ongoing protection and outline clear processes for them to follow to ensure safety
- Development of support plans and
- Continued monitoring of students and their families (if applicable).

6.4 Confidentiality

Under the *Children, Youth and Families Act 2005*, your identity as a reporter remains confidential unless:

- You choose to inform the child and/or the child's parents or guardians of the notification yourself
- You consent in writing to your identity as the notifier being disclosed by family services
- The court decides that it needs the information provided in your report in order to ensure the safety and wellbeing of the child; or
- The court decides that it is satisfied that the interests of justice require that the evidence be given.

Under the *Children, Youth and Families Act 2005*, the identity of a person who makes a report to DFFH Child Protection or Child FIRST should remain confidential.

The *Crimes Act 1958* also provides that the identity of persons who report their reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16 years to Victoria Police should remain confidential.

This will usually mean that if there are court proceedings in relation to the child or young person, your identity as a reporter will not be disclosed, unless:

- The Court specifically permits your identity to be disclosed or
- You consent in writing to the disclosure of your identity.

In all cases, a report made in good faith to DFFH Child Protection, Child FIRST or Victoria Police:

- Does not for any purpose constitute unprofessional conduct or a breach of professional ethics on the part of the person making the report; and
- Does not make the person making the report subject to any liability.

6.5 Staff support and training

The College recognises that staff and volunteers will require support and training to ensure that they understand their legal obligations and have the necessary skills and knowledge to effectively manage an incident, disclosure or suspicion in a sensitive and respectful manner while ensuring that they meet all reporting requirements.

At Youth2Industry College, all teaching staff and the Principal have received formal training in:

- Mandatory reporting
- Mental Health First Aid and
- First Aid

All staff, (teaching and non-teaching), volunteers and contractors (where applicable), are required to undertake/participate in the following training annually:

- Mandatory Reporting and Other Obligations eLearning Module
- Youth2Industry College Child Safety Policy and procedure refresher/update

All staff are given opportunities to undertake relevant additional training that may be offered by external providers. The following resources are also made available to all staff:

- **QMS: 405 Responding and Reporting Policy and Procedure**
- **QMS: 400-10 Four Critical Actions for Schools:** Responding to Incidents, Disclosures and Suspicions of Child Abuse poster (located on SharePoint and copies provided upon request)
- Guide: Identifying and Responding to All Forms of Abuse in Victorian Schools, DET, 2018
- **QMS: 400-14 Y2IC Child Safe Incident Report Form**

All staff are encouraged to discuss any concerns they have regarding a student with the Principal or the Child Safety Officer.

It can be stressful for staff to be involved in responding to and supporting students affected by abuse. The College will provide the following support for reporters:

- Employee Assistance Program
- Process review
- Further training where required

7.0 CONTACT INFORMATION

24 Hour Services	
Victoria Police	000
Department of Health and Human Services Child Protection	131 278
Centres Against Sexual Assault (CASA) – Emergency Counselling & Support Line	1800 806 292
1800 Respect	1800 737 732
Safe Steps Family Violence Response Centre	1800 015 188
Kid's Help Line	1800 551 800

Other services	
Child FIRST/Orange Door, Port Phillip	1800 319 353
Department of Families, Fairness and Housing Child Protection, Southern Division Intake	1300 655 795
Australian Childhood Foundation	1800 176 453
Child Wise	1800 991 099
Children's Protection Society	(03) 9450 0900
Commission for Children and Young People	1300 782 978
Office of the eSafety Commissioner	1800 880 176
Victims of Crime Help Line: 7 days, 8am-11pm	1800 819 817
Victorian Aboriginal Child Care Agency (VACCA)	(03) 9287 8800
Victorian Aboriginal Community Controlled Health Organisation (VACCHO)	(03) 9411 9411
Victorian Aboriginal Education Association	(03) 9481 0800

8.0 ASSOCIATED DOCUMENTS

- QMS: 400 Y2IC Child Safe Code of Conduct
- QMS: 401 Child Safety Policy
- QMS: 402 Duty of Care Policy for the College Community
- QMS: 403 Duty of Care Policy for Staff
- QMS: 405 Responding and Reporting Policy and Procedure
- QMS: 400-10 Four Critical Actions for Schools.
- QMS:400-13 Y2IC Making Mandatory Report Guide
- QMS: 400-14 Child Safe Incident Report Form
- Appendix A Child Abuse and Indicators of Harm
- DET - Identifying and Responding to All Forms of Abuse in Victorian Schools
- Child FIRST Reporting Flowchart

VERSION CONTROL DETAILS

Revision History

Date	Version	Author	Change Reference
25/5/2020	1.0	P. Vakakis	Initial Policy
24/11/2020	2.0	P. Vakakis	Changes to mandated reporters
26/5/2022	3.0	P. Vakakis	Updates re new Child Safe Standards

Reviewers

Date	Version	Approved By	Next Review Date
25/5/2020	1.0	Y2IC Board	May, 2023
24/11/2020	2.0	Y2IC Board	November 2023
21/6/2022	3.0	Y2IC Board	June 2024

CHILD ABUSE AND INDICATORS OF HARM

The World Health Organization ([WHO], 2006, p. 9) defines child abuse and neglect as:

All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.

Child abuse can be a single incident, but usually takes place over time. Child abuse includes physical abuse, sexual abuse, emotional abuse, neglect and/or family violence.

Teachers and non-teaching staff, volunteers, and contractors play a critical role in protecting children from child abuse. In some cases they may be the best-placed, or only, adult in a child or young person's life who is in a position to identify and respond to signs that a child/young person is being abused, or is at risk of abuse or that a school community member (including a school staff member) may be a perpetrator of child abuse.

Staff, volunteers, and contractors should pay attention to:

- Physical signs of abuse or neglect – these could include bruises, burns, fractures (broken bones), frequent hunger, sexually transmitted infections (STIs) or poor hygiene.
- Behavioural signs of abuse or neglect – these could include showing little or no emotion when hurt, wariness of their parents, alcohol or drug misuse, age-inappropriate sexual behaviour, stealing food, excessive friendliness to strangers or wearing long sleeves and trousers in hot weather (to hide bruises).
- Disclosure – if the student tells you they have been abused.

Forms and indicators of child abuse

Note:

The information provided here is an overview only. For detailed information on forms of child abuse and the physical and behavioural indicators, refer to:

[PROTECT Identifying and Responding to All Forms of Abuse in Victorian Schools](#)

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect.

Physical abuse

Physical child abuse is any non-accidental infliction of physical violence on a child by any person. Examples of physical abuse may include beating, shaking or burning, assault with implements and female genital mutilation.

Indicators of physical abuse may include recurrent bruising, sprains, cuts and scratches; fractured or broken bones; lack of emotion; unlikely explanations for injuries; fear, nervousness or aggression.

Sexual abuse

Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity and can include a wide range of sexual activity including fondling the child's genitals, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- Talking to a child in a sexually explicit way
- Sending sexual messages or emails to a child
- Exposing a sexual body part to a child
- Forcing a child to watch a sexual act (including showing pornography to a child)
- Having a child pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances a child may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

Many of the physical indicators of sexual abuse are only identifiable via a medical examination, for example sexually transmitted diseases, vaginal or anal bruising or scarring. Often the first indication the child gives is when they tell a person whom they trust that they have been sexually abused.

Behavioural indicators of sexual abuse may include suicidal and self-harm behaviour, regressive behaviour or aggression.

Grooming

Grooming is a criminal offence and occurs when an adult engages in predatory conduct to prepare a child for sexual abuse 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/guardian.

Sometimes it is hard to see when someone is being groomed until after they have been sexually abused, because some grooming behaviour can look like "normal" caring behaviour.

Examples of grooming behaviours may include:

- Giving gifts or special attention to a child or their parent/guardian
- Controlling a child through threats, manipulation, force or use of authority
- Making close physical contact, such as inappropriate tickling and wrestling
- Making sexual comments or jokes

Grooming includes online grooming which occurs when an adult uses electronic communication (including social media) in a predatory fashion to try to lower a child's inhibitions, or heighten their curiosity regarding sex, with the aim of eventually meeting them in person for the purposes of sexual activity. This can include online chats, sexting, and other interactions.

Emotional abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Indicators of emotional abuse may include low self-esteem, lack of trust in people, alcohol or drug abuse, self-harm, lack of social skills and attention seeking behaviour.

Family Violence

Family violence is violence or abuse used by the perpetrator to exert control over members of the immediate or extended family. It includes behaviour which results in physical harm, sexual assault and/or psychological trauma, forced isolation, economic deprivation or behaviour that causes the victim to live in fear.

Family violence also includes behaviour that causes a child to hear or witness, or otherwise be exposed to the effects of, any of these behaviours.

Indicators of family violence may include injuries, absenteeism, change in behaviour, fear of conflict, depression or fear of a parent.

Neglect

Neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision.

In some circumstances the neglect of a child:

- Can place the child's immediate safety and development at serious risk, or
- May not immediately compromise the safety of the child but is likely to result in longer term cumulative harm.

Indicators of neglect may include poor personal hygiene, inadequate or inappropriate clothing, hunger, tired or falling asleep at inappropriate times, frequent lateness, early arrival or reluctance to leave school, drug and/or alcohol abuse in the home.