

Marlborough Primary School

School Policies Manual



CHILD SAFE REPORTING OBLIGATIONS

Purpose

The purpose of this policy is to ensure that all staff and members of our school community understand the various legal and other reporting obligations related to child safety that apply to Example School.

Scope

This policy applies to all school staff and volunteers.

Policy

Example School understands the important role our school plays in protecting children from risk of harm. The staff at Example School are required by law to comply with various child safety reporting obligations. For detailed information about each obligation, please refer to the resources included in the body of this policy.

Child in need of protection

Any person can make a report to the Department of Health and Human Services (DHHS) if they believe on reasonable grounds that a child is in need of protection. The policy of the Department of Education and Training (DET) requires all staff who form a reasonable belief that a child is in need of protection to report their concerns to DHHS or Victoria Police, and discuss their concerns with the school leadership team.

For more information about making a report to DHHS, see the Department's *School Policy and Advisory Guide*: [Child Protection – Making a Report](#) and [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

Mandatory Reporting

Principals, registered teachers, registered medical practitioners, nurses and all members of the police force are mandatory reporters.

Mandatory reporters are required by law to make a report to DHHS if, in the course of practising their profession or carrying out their duties, they form the *reasonable belief* that a child or young person is in need of protection as a result of physical injury, sexual abuse, emotional harm or psychological harm and the child's parents are unable or unwilling to protect the child from that abuse.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence.

DET requires all mandated school staff to undertake the *Mandatory Reporting and Other Obligations eLearning Module* annually. All other staff in schools are strongly encouraged to do the training.

For more information about Mandatory Reporting see the Department's *School Policy and Advisory Guide*: [Child Protection – Reporting Obligations](#).

Reportable Conduct

Principals must notify the Department's Employee Conduct Branch if they become aware of an allegation of 'reportable conduct'.

There is an allegation of reportable conduct where a person has formed a reasonable belief that there has been: a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child; behaviour causing significant emotional or physical harm to a child; or significant neglect of a child, or misconduct involving any of the above.

The Department, through the Employee Conduct Branch, has a legal obligation to inform the Commission for Children and Young People when an allegation of reportable conduct is made.

The principal must notify the Department's Employee Conduct Branch of any reportable conduct allegations involving current or former teachers, contractors, volunteers (including parents), allied health staff and school council employees. If school staff become aware of reportable conduct by any person in the above positions, they should notify their school principal immediately. For more information about Reportable Conduct see the Department's *School Policy and Advisory Guide*: [Reportable Conduct Scheme](#).

Failure to disclose offence

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 information to Victoria Police may amount to a criminal offence unless a person has a reasonable excuse or exemption from doing so.

"Reasonable excuse" is defined by law and includes (a) fear for the safety of yourself or another person (including the potential victim) or (b) where the information has already been disclosed, for example, through a mandatory report to DHHS.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to disclose offence](#).

Failure to protect offence

This reporting obligation applies to school staff in a position of authority. This can include principals, assistant principals and campus principals. Any staff member in a position of authority who becomes aware that an adult associated with their school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult from working with children pending an investigation and reporting your concerns to Victoria Police.

If a school staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

For more information about this reporting obligation, see the Department's *School Policy and Advisory Guide*: [Failure to protect offence](#).

Review Cycle

This policy was last updated April 2018 and is scheduled for review on April 2021.