

Notification of Child Abuse /Mandatory Reporting Guidelines for Teaching Staff

Legal Requirements of Teachers:

Since 18 July 1994, all Primary and Secondary School Principals and teachers, including pre-service teachers were mandated by law to report all cases of physical and sexual abuse of students under the age of 17 years in their school to Department of Health and Human Services (DHHS) Child Protection. Under this legislation, teachers are required to make a notification when they believe, based on reasonable grounds, that a child has suffered, or is likely to suffer, significant harm as a result of physical or sexual abuse, and the child's parents have not protected, or are unlikely to protect the child from such harm. Where a member of our teaching staff has reasonable grounds for believing such abuse has occurred, they are legally required to make a formal notification to the Child Protection Service. Teachers are required to make a report as soon as practicable after a reasonable belief is formed and on each occasion thereafter. Non-teaching staff are not mandated, but may receive confidential information or make observations which lead them to believe that abuse has occurred. Such concerns should be referred to the Principal, Assistant Principal or Primary Welfare Officer.

Some children may experience emotional abuse and neglect, although it is not mandatory to report these forms of abuse. However, where there are concerns that a child is at risk of significant harm from emotional abuse or neglect, these concerns need to be discussed with the Principal. We all have a moral obligation to report these forms of abuse if there is significant risk to a child at our school.

Teachers are not legally obliged to make a notification if they encounter child abuse in their private life. They are only required to make a notification when working directly within their professional occupation as a member of the teaching staff at Cranbourne Carlisle Primary School.

Reasonable Grounds-When To Report Abuse:

Teachers do not need to prove that abuse has occurred, but need to have formed a reasonable belief that a child has been abused. A member of our teaching staff may develop reasonable grounds to make a notification when:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- a relative, friend, acquaintance or sibling states that the child has been abused
- professional observations of the child's behaviour or development leads the teacher to form a belief that the child been abused
- signs of physical or sexual abuse lead to a belief that the child has been abused

Should a teacher make a notification in good faith, that is, they believe they have reasonable grounds from which to form a belief, they then cannot be held legally liable regardless of the outcome of the notification. If you are unsure whether you have reasonable grounds to notify, please discuss your concerns with the Principal, Assistant Principal or Primary Welfare Officer.

Confidentiality

Teachers do not need permission from parents or caregivers to report child abuse, though confidentiality is to be respected should a teacher need to consult and discuss concerns with a colleague, Principal, Assistant Principal or Primary Welfare Officer. Teachers are encouraged to limit the number of colleagues involved in order to maintain the child's privacy and confidentiality.

It may be necessary to gather information through careful observation of behavioural and physical signs of abuse or statements made by the child. All notes need to be stored in a safe and secure location with access restricted to the teacher. Record direct observations and statements made, including dates rather than personal interpretations or assumptions.

The identification of the person making the report is not revealed by DHHS Child Protection to the family of the child concerned, unless the teacher chooses to inform the child or family of the notification or the court decides it requires this information to ensure the child's safety and wellbeing. It is not general practice for the Children's Court to seek information regarding the notifier.

Preferred Procedure For Teacher Notifications At Cranbourne Carlisle Primary School:

Although teachers may report their concerns directly to DHHS Child Protection, staff will find it helpful and are encouraged to consult with selected colleagues including the Primary Welfare Officer, Assistant Principal and the Principal before a notification is made.

The following procedure is recommended for all staff:

1. Having become aware or informed of physical or sexual abuse of a child, the teacher refers the matter for consultation with the Principal, Assistant Principal or Primary Welfare Officer.
2. In consultation with the Principal, Assistant Principal or Primary Welfare Officer, the teacher may form a belief as to whether the child has experienced or is likely to experience significant harm, and the parents or guardians of that child are unable to protect the child from that harm. Further advice may be sought from the school's Guidance Officer/Psychologist and Social Worker.
3. A notification to DHHS Child Protection is made as soon as practicable by the Principal, Assistant Principal or Primary Welfare Officer, together with the teacher involved, or with their knowledge. It remains the teacher's responsibility to ensure that a notification has been made if they believe, on reasonable grounds, that the child is at risk of significant harm.
4. The teacher and Principal, Assistant Principal or Primary Welfare Officer will maintain their own confidential record of the information gathered that caused the teacher to develop a reasonable belief that physical or sexual abuse had occurred, noting direct observations, statements and steps taken by staff.
5. The teacher may wish to continue to meet with the Principal, Assistant Principal or Primary Welfare Officer to manage any outcomes from the notification for the child or for the teacher. This may take the form of personal and confidential support for the teacher and may involve other professionals as required including the school's Guidance Officer and Social Worker.
6. The teacher continues to support the child and monitor the situation and may recommend a Child Support Group be established if appropriate.

Staff Support:

Gathering information, hearing a child disclose an incident, attending a case conference or a court hearing can be stressful and staff are encouraged to access confidential support from a colleague, as well as from the Principal, Assistant Principal or Primary Welfare Officer. Teachers involved in a notification regarding the safety and wellbeing of a child can then be assisted with legal advice, personal support and planning at any stage as required.

Child Support:

Similarly, a Child Support Team may, depending on circumstances, be formed with the child to provide ongoing support. The Child Support Team may involve the child's teacher / Principal / or other appropriate staff who can meet with the child to review progress, plan and put in place procedures to maximise the child's comfort and wellbeing.

Reporting criminal child sexual abuse - failure to disclose offence

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to all adults in Victoria, not just professionals who work with children. To read more information about the 'failure to disclose' offence, see: Department of Justice and Regulation – Failure to disclose offence

Refer to DET School Policy and Advisory Guide

<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx>

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Cranbourne Carlisle Primary School



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