



TPS Mandatory Reporting

STANDARD 5

Child Safe

Rationale

Mandatory reporting arises from the requirements of the Children, Youth and Families Act 2005 (Vic.) for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical or sexual abuse, must report that belief and the grounds for it as soon as possible.

All staff and volunteers consider the safety of all children, including the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities and vulnerable children.

Purpose

All teachers, other staff and volunteers within Toorak Primary School are bound by legal and professional obligations to implement child protection and child safety policies, protocols and practices and to ensure the requirements of the duty of care are satisfied.

This policy defines the roles and responsibilities of staff in protecting the safety and wellbeing of children and young people at risk. It complements the guidelines Protecting the safety and wellbeing of children and young people which is a joint protocol of the Department of Health Human Services (DHHS) Child Protection, the Department of Education and Training (DET), Licensed Children's Services and Victorian schools (the Protocols). All staff members are provided annual training and resources to provide assistance and respond appropriately if such an incident were to arise. [Please refer here for full Department of Education and Training \(DET\) policy documents.](#)

This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and criminal law.

Guidelines

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHHS Child Protection Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds 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.</p>	<p><i>Mandatory reporters</i> Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i> Principals of government and non-government schools.</p>	<p>DHHS Child Protection</p>
<p>Child in need of protection Any person may make a report 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"> • The child has been abandoned and there is no other suitable person who is willing and able to care for the child. • 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. • The child has suffered or is likely to suffer harm as a result of physical injury and the parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. • The child's physical development or health has been, or is likely to be harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care. 	<p>Mandatory reporters Any individual who is employed by the DET Volunteer workers and pre service teachers at TPS Any member of the school or greater community</p>	<p>DHHS Child Protection Victoria Police</p>
<p>Child in need of therapeutic treatment</p> <ul style="list-style-type: none"> • Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours. 	<p>Mandatory reporters Any individual who is employed by the DET Volunteer workers and pre service teachers at TPS Any member of the school or greater community</p>	<p>DHHS Child Protection</p>
<p>Significant concerns about wellbeing of a child</p> <ul style="list-style-type: none"> • TPS staff can seek advice from or make referral to DHHS Child Protection or Child FIRST if they have a concern for the wellbeing of a child and where the immediate safety of the child is not compromised. • TPS members should share relevant information with Child FIRST to help them complete their assessment of the referral. 	<p>Mandatory reporters Any individual who is employed by the DET Volunteer workers and pre service teachers at TPS</p>	<p>DHHS Child Protection Child First</p>

	Any member of the school or greater community	
<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</p> <ul style="list-style-type: none"> Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. You will not be guilty of an offence if you do not report in the following circumstances: The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police. The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor. The victim turned 16 years of age before 27 October 2014. 	Any Person aged over 18	Victoria Police
<p>Instances where an individual may delay complying with the requirement include:</p> <ul style="list-style-type: none"> belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm 		

References

- Children, Youth and Families Act 2005
- Crimes Act 1958
- Education and Training Reform Act 2006
- Victorian Institute of Teaching Act 2001
- 2019 Child Safety Code of Conduct Policy
- 2019 Student Engagement Policy
- 2017 Filming and Photography Policy
- 2019 Alcohol at School Events Policy
- 2019 Toorak Primary School Code of School Conduct

[Reporting Obligations](#)

[Child Safe Standards](#)

Evaluation

- This policy will be reviewed as part of the school's annual review cycle. This policy was ratified by School Council in May 2019.