

1. Objective

This Policy provides clarity to ensure that all employees and volunteer of Cheshire School are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and, in particular, when mandatory reporting is required.

2. Scope

This Policy applies to all employees and volunteers of Cheshire School.

3. Context and Guiding Principles

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This Policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

This Policy is designed to support employees of Cheshire School in:

- Identifying the indicators of a child or young person who may be in need of protection
- Understanding how a 'reasonable belief' is formed
- Making a report of a child or young person who may be in need of protection
- Complying with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law

Key guiding principles include:

- A safe environment is required to protect children and young people from harm and to prevent employees from abusing their position of authority and trust
- Employees need to be informed of matters related to child sexual abuse and be fully self-aware of their professional obligations and responsibilities
- All children and young people have the right to a thorough and systematic education in personal safety, including safety in relationships
- Abuse of children or young people by persons in positions of trust or authority is a serious matter. All allegations must receive a response and be dealt with promptly.
- After a disclosure, any ongoing harm to the child or young person and the employee is minimised by:
 - Adherence to agreed procedures
 - Provision of appropriate social and emotional support and pastoral care and
 - Appropriate confidentiality.
- The child or young person's ongoing safety and wellbeing should be the primary focus of decision making
- Mandatory reporters must make a report to the Department of Families, Fairness and Housing (**DFFH**) (Child Protection) as soon as practicable if, in the due course of

practising their profession or carrying out their duties they form a 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 or young person’s parents, guardians or carers are unable or unwilling to protect the child or young person from that abuse.

4. Definitions

For the purposes of this Policy, the following definitions apply:

Word	Definition
Child and Young Persons	<ul style="list-style-type: none"> ● A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.
Confidential	<ul style="list-style-type: none"> ● Being trusted with private and restricted information that must be treated as such, both in written and verbal form.
Duty of Care	<ul style="list-style-type: none"> ● Employees, including volunteers and contractors working in the school, have a duty of care to support and protect the children and young people with whom they are professionally involved. <p>When employees form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some employees this obligation is legally mandated.</p> <p>Duty of care is breached if a person:</p> <ul style="list-style-type: none"> ○ Does something that a reasonable person in the person’s position would not do in a particular situation ○ Fails to do something a reasonable person in that person’s position would do in the circumstances ○ Acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care ○ Fails to report when mandated.
Mandatory Reporting	<ul style="list-style-type: none"> ● The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons at Cheshire School include registered teachers, the Head of School and registered psychologists.
Reasonable belief	<ul style="list-style-type: none"> ● A ‘reasonable belief’ is not the same as having proof. A ‘reasonable belief’ is formed if a reasonable person in the

	<p>same position would have formed the belief on the same grounds.</p> <p>For example, a 'reasonable belief' might be formed when:</p> <ul style="list-style-type: none"> ○ A child or young person states that they have been sexually abused ○ A child or young person states that they know someone who has been sexually abused (sometimes the child or young person may be talking about themselves) ○ Someone who knows a child or young person states the child or young person has been sexually abused ○ Professional observations of the child or young person's behaviour or development leads a mandated professional to form a belief that the child or young person has been sexually abused ○ Signs of sexual abuse lead to a belief that the child or young person has been sexually abused.
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5. Policy

5.1. Mandatory Reporters

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury, sexual abuse or other forms of abuse, must report their concerns to the Department of Family, Fairness and Housing (DFFH) (Child Protection).

All other school staff who believe on reasonable grounds that child or young person is in need of:

- Protection are encouraged to report their concerns to DFFH Child Protection or Victoria Policy
- Therapeutic treatment are encouraged to report their concerns to DFFH Child Protection.

If staff members have significant concerns for the wellbeing of a child or young person they are encouraged to report their concerns to DFFH Child Protection or Child First.

In cases where staff members have concerns about a child or young person, they should also discuss their concerns with the Head of School or senior member of staff.

5.2. Legal Obligations

Type of Reporting	By Whom	To Whom
<p><u>Mandatory Reporting</u></p> <p>Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.</p>	<p><u>Mandatory Reporters</u></p> <ul style="list-style-type: none"> • Teachers registered to teach or who have permission to teach pursuant to the 	<ul style="list-style-type: none"> • DFFH Child Protection

<p>Mandatory reporters must make a report as soon as practicable if, in the course of practicing 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, guardians or carers are unable or unwilling to protect the child.</p> <p>Types of child abuse include:</p> <ul style="list-style-type: none"> • Physical abuse • Sexual abuse • Emotional abuse • Neglect • Medical neglect • Family violence • Risk taking behaviours <p>All adults, not just professionals who work with children, have a legal obligation to report to Victoria Police any suspected, alleged or disclosed or having formed a reasonable belief that another adult may have committed a sexual or physical offence against a child under the age of 16.</p>	<p><i>Education and Training Reform Act 2006 (Vic.)</i></p> <ul style="list-style-type: none"> • Principals/Heads of School of government and non-government schools • Registered medical practitioners • Nurses • All members of the police force • Social workers • Youth workers • Psychologists • Any person 	<ul style="list-style-type: none"> • DFFH Child Protection • Victoria Police
<p><u>Child in need of protection</u></p> <p>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, guardians or carers are deceased 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 significant harm as a result of physical injury and the parents, guardians or carers 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 the parents, guardians or carers are unable or unwilling to protect the child. • The child has suffered or is likely to suffer harm as a result of emotional or psychological harm 	<ul style="list-style-type: none"> • Any person 	<ul style="list-style-type: none"> • DFFH Child Protection • Victoria Police

<p>and the parents, guardians or carers are unable or unwilling to protect the child.</p> <ul style="list-style-type: none"> The child's physical development or health has been, or is likely to be significantly harmed and the parents, guardians or carers are unable or unwilling to provide basic care or effective medical or other remedial care. 		
<p><u>Child in need of therapeutic treatment</u> 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 they have exhibited sexually-abusive behaviours.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DFFH Child Protection
<p><u>Significant concerns about wellbeing of a child</u> Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	<ul style="list-style-type: none"> Any person 	<ul style="list-style-type: none"> DFFS Child Protection

6. Associated Procedures

- 001.2 Child Safe Policy and Procedure
- 001.8 Child Safety Code of Conduct
- 001.1 Child Protection Policy and Procedure
- 001.25 Reportable Conduct Scheme Policy and Procedure
- Information Sharing Scheme Policy

7. Relevant Legislation Sources

- [Child Information Sharing Scheme Ministerial Guidance](#)
- [Child Wellbeing and Safety Act 2005](#) (Vic.)
- [Child Wellbeing and Safety \(Information Sharing\) Regulations 2018](#)
- [Children, Youth and Families Act 2005](#) (Vic.)
- [Crimes Act 1958](#) (Vic.)
- [Crimes Amendment \(Protection of Children\) Act 2014](#) (Vic.)
- [Education and Training Reform Act 2006](#) (Vic.)
- [Family Violence Protection Act 2008](#) (Vic.)
- [Family Violence Protection \(Information Sharing and Risk Management\) Regulations 2018](#)
- [Family Violence Multi-Agency Risk Assessment and Management Framework](#)
- [Information Sharing and Family Violence Reforms Contextualised Guidance](#)