

## Mandatory Reporting of Suspected Child Abuse

### 1.0 Purpose

The purpose of this procedure is to define the roles and responsibilities of BKI staff in protecting the safety and wellbeing of children and young people and to enable staff to:

- identify indicators that a child or young person may be in need of protection.
- make a report about a 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.

### 2.0 Scope

This procedure ensures that all BKI staff understand their role and obligations regarding protection of a young person, and ensures that the staff member making a report is provided with support throughout the process.

All staff at Bendigo Kangan Institute have a duty of care to support and protect the children and young people with whom they are professionally involved. When a staff member forms a reasonable belief that a child or young person, under 18 years of age, 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.

### 3.0 Policy Reference

Child Safe Policy

### 4.0 Procedural Steps

No.	Phases and steps	Name of role who actions
4.1	1. When to Report	
4.1.1	Mandatory Reporting to DHHS Child Protection- DHHS Child Protection	<p><i>Mandatory reporters</i></p> <ul style="list-style-type: none"> <li>• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li> <li>• Principals of government and non-government schools</li> <li>• Registered medical practitioners</li> <li>• Nurses</li> <li>• All members of the police force</li> </ul>

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<p>4.1.2</p>	<ul style="list-style-type: none"> <li>• Child in need of protection</li> <li>• 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:</li> <li>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>• 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.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</li> <li>• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> <li>• The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</li> </ul>	<p>Any person</p> <p>Report to DHHS</p> <p>Report to Victoria Police</p>
<p>4.1.3</p>	<p><b><i>Child displaying sexually abusive behaviours and in need of therapeutic treatment</i></b></p> <p>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>	<p>Any person</p>

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4.1.4	<b>Significant concerns about wellbeing of a child</b>	Any person Report to DHHS Child Protection Child FIRST
4.1.5	<p><b>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</b></p> <p>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. It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</li> <li>• The victim turned 16 years of age before 27 October 2014. Reasonable excuses for failing to comply with the requirement include: <ul style="list-style-type: none"> <li>• a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information</li> <li>• a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm</li> </ul> </li> </ul>	Any person aged 18 years and over  Report to Victoria Police
4.2	Procedure steps	
4.2.1	Any staff member who is routinely in contact with students under 18 years may identify signs of possible abuse.	Any person

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4.2.2	Non-teaching staff members who have concerns about suspected physical or sexual abuse of a student must discuss these concerns and observations with the Manager Student Engagement and Retention	
4.2.3	<p>Mandatory reporting (see list of mandatory reporters in definitions) is applicable where there is reasonable belief that a child is in need of protection because:</p> <ul style="list-style-type: none"> <li>• The child discloses that he or she has suffered or is suffering non-accidental physical injury or sexual abuse; or</li> <li>• a relative, friend or acquaintance states that a child has been sexually abused or non-accidentally injured; or</li> <li>• professional observations of the child’s physical condition or behaviours lead to a reasonable suspicion that the child has suffered or is suffering non-accidental physical injury or sexual abuse.</li> </ul>	
4.2.4	Once a reasonable belief is established (preferably the same day), the staff member will request a meeting with the relevant Coordinator/Education Manager(EM) and Manager Student Engagement and Retention or their delegate.	
4.2.5	The Manager Student Engagement and Retention or their delegate, Coordinator/EM and staff member meet to determine the grounds for the belief, the support required for the staff member raising the concern, additional support requirements for the student, and if to notify the student that the Institute is required to report to DHS.	

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4.2.6	<p>The Manager Student Engagement and Retention or their delegate will provide advice and support to the staff member to make the report, and take them through the process of reporting to DHS – Child Protection, see sections <b>When to Report</b> and <b>Making a Report</b>.</p> <p>The EM is responsible to ensure that appropriate support mechanisms are provided to the staff member throughout the process. Where the staff member is from a non-teaching area, the Manager Student Engagement and Retention will ensure their line manager is informed of the situation.</p>	
4.2.7	<p>Where the staff member believes in good faith that a child is in need of protection, they must make a report by phoning <b>DHS Child Protection on 1800 675 598</b>. The staff member does not have to be able to prove that the child has been abused before notifying protective services.</p>	
4.2.8	<p>How to make a report - See section <b>Making a Report</b> in this procedure.</p>	
4.2.9	<p>If the decision was made to notify the student of the report to DHS Child Protection, the Coordinator/EM or delegate arranges a meeting with the student, a Student Engagement and Retention representative and the reporting staff member. The student is advised of the grounds and mandatory requirement for reporting, and offered additional support.</p>	
4.2.10	<p>Where the student has requested support/assistance, the Student Engagement and Retention team will assist where possible to provide links to external and internal resources such as housing, food, financial assistance etc.</p>	
4.2.11	<p>The staff member collects a record of their notes, correspondence and any other related documentation. The record is stored in the student's file.</p>	

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4.2.12	To ensure the Institute is able to support the staff member, the relevant Executive Director and/or Manager Student Engagement and Retention will meet with the Chief Executive Officer, to outline the concerns raised, and provide them with a confidential written report. This report will also provide the dates that the belief was determined, and the date that the report was made to DHS – Child Protection. This will provide Bendigo Kangan Institute with documentation which may be used for future legal reference in a court of law.	
4.3	<p><b>Making a report</b></p> <p>This step below describes how to make a mandatory report, to report child abuse or child protections concerns.</p> <p><b>In case of emergency or if a child is in immediate danger contact triple Zero (000) or the local police station</b></p>	
4.3.1	To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 ( 24 hours, 7 days, toll free)	
4.3.2	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• Information that has led to concerns about the child’s safety (eg physical injuries, student behaviour,</li> <li>• The source of this information (observation of behaviour, report from child or another person,</li> <li>• The actions taken as a result of the concerns (consultation with ED or Manager of Student Engagement and Retention or DHHS Child Protection etc).</li> </ul>	

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4.3.3	Discuss any concerns about the safety and wellbeing of students with the Education Manager and/or Manager of Student Engagement and Retention. The individual staff member should then make their own assessment about whether they should make a report about the young person and to whom the report should be made.	
4.3.4	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• Full name, date of birth and residential address of the young person,</li> <li>• The details of the concerns and the reasons for those concerns,</li> <li>• The individual staff members involvement with the young person,</li> <li>• Details of any other agencies who may be involved with the young person, if known,</li> </ul>	
4.3.5	Make a report to the relevant agency	
4.3.6	<p>To report concerns that are life threatening, phone 000 or the local police station.</p> <ul style="list-style-type: none"> <li>• To find the nearest Victoria police sexual offences and child abuse investigation team contact your local police station,</li> </ul>	
4.3.7	To report concerns about the immediate safety of a young person within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours, 7 days, toll free).	
4.3.8	<p>Make a written record of the report and a summary of what was reported including:</p> <ul style="list-style-type: none"> <li>• The date and time of the report and a summary of what was reported,</li> <li>• The name and position of the person who made the report and the person who received the report.</li> </ul>	

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4.3.9	Notify the Education Manager and/or Manager of Student Engagement and Retention.	
4.3.10	Education Manager and/or Manager of Student Engagement and Retention report to their Executive.	





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### 6.0 Roles and Responsibilities

Role	Responsibilities
Executive Director, Learner Experience	Oversee the mandatory reporting procedure is communicated and followed.
Manager, Student Engagement and Retention	Manage the mandatory reporting process across BKI.
Education Managers	Ensure that the mandatory reporting procedure is followed for their portfolio area.
BKI Staff	Follow the process for mandatory reporting to report concerns.

### 7.0 Definitions

Word/Term	Definition
<b>Suspected Child Abuse:</b>	Is a belief on reasonable grounds that a child is in need of protection on a ground referred to in Sections 162(c) or 162(d) of the Children, Youth and Families Act, formed in the course of practising his or her office, position or employment. This includes suspicions of any of the recognised abuse types, i.e. physical abuse, emotional abuse, sexual abuse and neglect.
<b>Child Protection:</b>	Is a Victorian Government agency, provided by the Department of Human Services (DHS) that protects children at risk of significant harm.
<b>Child FIRST:</b>	Is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It may be accessed for concerns of an emotional, psychological or social nature. It does not have any statutory powers to protect a child but can refer matters to family services.

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Word/Term	Definition
<p><b>Reasonable belief: or a 'Belief on Reasonable Grounds'</b></p>	<p>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 if:</p> <ul style="list-style-type: none"> <li>• a child states that they have been physically or sexually abused</li> <li>• a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)</li> <li>• someone who knows a child states that the child has been physically or sexually abused</li> <li>• professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused</li> <li>• signs of abuse lead to a belief that the child has been physically or sexually abused.</li> </ul>
<p><b>Mandatory reporter</b></p>	<p><i>Mandatory reporters</i>, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.</p> <p>All other school staff members who form a belief on reasonable grounds that a child or young person:</p> <ul style="list-style-type: none"> <li>• is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.</li> <li>• is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.</li> </ul> <p>If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection or Child FIRST.</p> <p>In cases where staff have concerns about a child or young person, they should also discuss their concerns with their manager or a member of BKI's leadership team.</p> <ul style="list-style-type: none"> <li>• Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)</li> <li>• Principals of government and non-government schools</li> <li>• Registered medical practitioners</li> <li>• Nurses</li> <li>• All members of the police force</li> </ul>

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Word/Term	Definition
<p><b>Duty of care</b></p>	<p>All BKI staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.</p> <p>In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, BKI staff can discharge this duty of care by taking action which includes the following:</p> <ul style="list-style-type: none"> <li>• reporting their concerns to the DHHS Child Protection or another appropriate agency</li> <li>• notifying their Manager or a member of BKI's leadership team of their concerns and the reasons for those concerns.</li> </ul>
<p><b>Protecting children from the risk of sexual abuse - failure to protect offence</b></p>	<p>Any staff member in a position of authority, who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the organisation, must take all reasonable steps to remove or reduce that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.</p> <p>The offence applies only to adults in a position of authority within an organisation, including Principals, senior school staff, regional directors and other senior managers.</p>
<p><b>Reporting criminal child sexual abuse - failure to disclose offence</b></p>	<p>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.</p> <p>The offence applies to all adults in Victoria, not just professionals who work with children</p>

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### 8.0 Related Documents and Records Management

Documents used in this procedure		
Title	Doc. ID.	Location
Child Safe Policy		BKI Intranet

### 9.0 Version Control and Change History

Ver.	Approved By	Approval Date	Issue Date	Summary of changes	Next Review Date