



## 1 Statement of Context and Purpose

Bacchus Marsh Grammar has an important role to play in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect.

Employees in close daily contact with students are well placed to observe when a child or young person appears to be at risk of harm.

Employees have a duty of care to support and protect the children and young people with whom they are professionally involved.

When an employee forms a reasonable belief that a child or young person has been harmed or is at risk of harm, they are legally obligated (by legislation) to take action to protect the safety and wellbeing of that child or young person.

Employees must always act in the best interests of those children and young people to protect and preserve their safety, health and wellbeing. As far as is practicable, employees must monitor the general safety and wellbeing of each and every student in order to meet responsibilities under the duty of care prescribed by legislation.

## 2 Application

This policy applies to all mandatory reporters performing functions for Bacchus Marsh Grammar.

Those employees who are not mandatory reporters are still required to be aware of the content of this policy and its implications upon their work.

## 3 Reference Points/Background Papers

- *Children, Youth and Families Act 2005* (Vic);
- *Education and Training Reform Act 2006* (Vic);
- *Education and Training Reform Regulations 2007*;
- *Children's Services Act 1996* (Vic);
- *Children's Services Regulations 2009* (Vic);
- *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- 'National Framework for Protecting Australia's Children';
- 'Guiding Principles for a Safe and Supportive School Environment';
- 'Protecting the Safety and Wellbeing of Children and Young People'; and
- Performance Management, Misconduct and Disciplinary Action Policy.

## 4 Definitions

**Mandatory reporters** has the meaning given to it by the *Children, Youth and Families Act 2005* (Vic) and includes primary and secondary school teachers, employees with post-secondary qualifications employed to undertake childcare services, principals, school nurses and students in training to become teachers.

## 5 Responsibilities

### 5.1 When a mandatory report is required

- 5.1.1 Mandatory reporters must, and employees who are not mandatory reporters are expected to take steps (in accordance with the law and this policy) to, ensure that a report is made to Child Protection (within the Department of Human Services) as soon as practicable after forming a belief on reasonable grounds, in the

course of undertaking their professional duties, that a young child or young person is in need of protection from significant harm as a result of physical injury or sexual abuse, and the child's parents/guardians have not, or are unlikely to, protect the child from that harm.

## 5.2 Referral to Child FIRST

- 5.2.1 A referral to Child FIRST should be considered if, after taking into account the available information, the mandatory reporter forms a view that the concerns have a low-to-moderate impact on the wellbeing of the child and the child is not at immediate risk of harm.

## 5.3 Who should make a report or referral?

- 5.3.1 Generally it would be the Principal that would make a report to Child Protection or a referral to Child FIRST after consultation with the mandatory reporter(s).
- 5.3.2 If the Principal is not available, it will be an individual who the Principal has delegated responsibility to. The Principal will inform the relevant mandatory reporter(s) if they have or have not made a report or a referral.
- 5.3.3 If the Principal does not wish to make a mandatory report, this does not discharge the mandatory reporter's legal obligation to do so *if the mandatory reporter continues to hold a reasonable belief that abuse may have occurred in circumstances where the student's parents/guardians have not or are unlikely to protect their child from that harm*. In that circumstance, the mandatory reporter must still make a report to Child Protection or a referral to Child FIRST.

## 5.4 Protocol

- 5.4.1 The mandatory reporter(s) will be instructed to:
- Document date(s), time(s), nature of incident, patterns of behaviour, current and/or prior concerns and grounds for belief, regarding the student in their care (employees will be provided with a list of possible indicators of harm, and definitions to assist in deciding if abuse is occurring and if the impact warrants a report to Child Protection, Child FIRST or another course of action);
  - Consult directly with the Deputy Principal, Assistant Principal – Pastoral Care and/or the Head of Student Welfare, and provide the documentation described above; and
  - Document and consult directly with the persons listed above for each and every incident for a child they have concerns about.
- 5.4.2 The Principal will:
- Coordinate information from the reporter and reference any additional student files and information from the Deputy Principal, Assistant Principal -Pastoral Care, Head of Student Welfare, Section Coordinators, Year Level Coordinators, Heads of Schools, Health Centre, etc.
  - If deemed to be appropriate, contact the relevant family.
  - If deemed to be appropriate, report the matter to Child Protection or refer to Child FIRST.
  - Act as the School's liaison person with Child Protection, Victoria Police or any other relevant authorities.

## 5.5 Own investigations strictly prohibited

- 5.5.1 Mandatory reporters must follow the above protocol strictly. Under no circumstances should the mandatory reporter 'investigate' an allegation of child abuse. This is the role of Child Protection and/or Victoria Police.

## 5.6 Confidentiality

- 5.6.1 All employees must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may only discuss case details and the identity of the child or young person and their family only with those involved in managing the situation.

## 6 Consequences of a Breach of this Policy

- 6.1.1 Bacchus Marsh Grammar emphasises the need to comply with the requirements of this policy.



- 6.1.2 Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment.
- 6.1.3 Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy for further information.

## 7 Implications for practice

### 7.1 At Board/Principal Level

- 7.1.1 To properly implement this policy, Bacchus Marsh Grammar, the Board and/or the Principal must ensure:
  - that this policy is endorsed on an annual basis;
  - that copies of this policy are made available to employees, for example on the Bacchus Marsh Grammar intranet, in physical form in the staff room and on employee bulletin notice boards;
  - that this policy is incorporated into the Board's / Principal's record of current policies;
  - that this policy is incorporated into Bacchus Marsh Grammar's induction program, to ensure that all employees are aware of the policy, have read and understood the policy, and acknowledge their commitment to comply with the policy;
  - that periodic training and refresher sessions are administered to all employees in relation to this policy.

### 7.2 At Other Levels

- 7.2.1 To properly implement this policy, all Bacchus Marsh Grammar's employees must ensure that they will abide by this policy and assist Bacchus Marsh Grammar in the implementation of this policy.

## 8 Authorisation

<b>Council Document No.</b>	<b>GOV.020</b>	
<b>Council Document Name</b>	<b>Mandatory Reporting Policy</b>	
<b>Approval Authority</b>	Chairperson BMG Council	
<b>Administrator</b>	Secretary to BMG Council	
<b>Approval Date</b>	24 April 2013	
<b>Effective Date</b> <small>[Current version if different from amended date]</small>	24 April 2013	
<b>Amendment History</b>		
<b>Date of Next Review</b>		