

# Mandatory Reporting Policy (QMS:342)



## Purpose

The purpose of this document is to guide IMVC Mandatory Reporters in their legal requirements under the Children, Youth and Families Act 2005.

## Scope

This policy applies to all IMVC staff who are mandated to report in Victoria. IMVC is committed to communicating our mandatory reporting strategies to the IMVC community through our website, staff and student/parent handbooks, parent information nights and on our SharePoint.

## Policy

### What is mandatory reporting?

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.

### Who is mandated to report in Victoria?

The following are mandatory reporters in Victoria:

- Registered medical practitioners
- Nurses
- Midwives
- Registered teachers and early childhood teachers
- School Principals
- School counsellors
- Police officers
- Out of home care workers (excluding voluntary foster and kinship carers)
- Early childhood workers
- Youth justice workers
- Registered psychologists
- People in religious ministry

### What are mandatory reporters required to do?

In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection, if in the course of practicing their profession or carrying out duties in their office, position or employment, they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

### What is a belief on reasonable grounds?

IMVC mandatory reporters will need to determine whether they have formed a belief on reasonable grounds that a child has or is being abused or is at risk of being abused.

For the avoidance of doubt, a belief formed on reasonable grounds is one which a reasonable person, doing the same work, would have formed on those grounds.

Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.

A reasonable belief may be formed where a person has:

- Witnessed behaviour
- A suspicion, or
- Received a disclosure of child abuse

### **When is a child in need of protection?**

A child may need protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- Physical injury
- Sexual abuse
- Emotional or intellectual development
- Psychical development or health
- Abandonment or parental incapacity

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

### **When do I have to report?**

A report must be made to Child Protection as soon as practicable after forming your belief. You must make a new report in any circumstance where you become aware of any further reasonable grounds for the belief. Every report is critical to protecting a child.

This means that you must make a report even if:

- DHHS Child Protection or Victoria Police were previously involved or are already involved with the child and/or their family
- IMVC personnel are aware that another party, such as a family member, has already raised concerns with the relevant authorities
- Another mandated reporter has undertaken to make the report
- The principal, or equivalent, does not share their belief

If you are concerned about a child's wellbeing but do not believe they need protection, you may make a referral to ChildFIRST or The Orange Door (see Appendix 1).

## What will child protection do?

The best interests of the child are the paramount consideration. Child Protection will decide when follow up is required and how to classify the report. This may mean providing advice to the reporter, progressing the matter to an investigation, referring the family to support services in the community, or taking no further action.

## Will the family know I have made a report or referral?

Whilst it is often considered best practice to inform the family that you have made a report or referral, where appropriate, the identity of a reporter to Child Protection or a referrer to Child FIRST of The Orange Door must remain confidential unless:

- The reporter or referrer chooses to inform the child or family of the report or referral
- The reporter or referrer consents in writing to their identify as the reporter being disclosed
- A court or tribunal decides it needs this information in order to ensure the safety and wellbeing of the child
- A court or tribunal decides that in the interests of justice the evidence needs to be given

## Know your responsibilities

The IMVC has a responsibility to all personnel classified as mandatory reporters, to provide policies and procedures to guide personnel to fulfill their legal responsibilities. All mandatory reporters are expected to understand and comply with their responsibilities. To support this, please refer to the [DHHS mandatory reporting to child protection in Victoria generic factsheet](#) and [frequently asked questions](#).

## Mandatory Reporting Obligations

Legislation Name	Mandated reporters	When must a report be made?	Who is a child?
Crimes Act 1958 (Vic)	Any person 18 years or older	A mandated reporter must make a report if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years. NB: exceptions may apply.	A person under 16 years old
Children, Youth and Families Act 2005 (Vic)	<ul style="list-style-type: none"><li>• Registered medical practitioners, midwives and registered nurses</li><li>• Teachers registered or granted permission to teach under the Education, Training and Reform Act 2006</li></ul>	A mandated reporter must make a report if: <ul style="list-style-type: none"><li>• They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;</li></ul>	A person under 17 years old

	<ul style="list-style-type: none"> <li>• Principals</li> <li>• Police</li> </ul>	<ul style="list-style-type: none"> <li>• The parents cannot or will not protect the child; and</li> <li>• The belief is formed in the course of practising his/her position of employment. NB: exceptions may apply.</li> </ul>	
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## Associated documents

- Appendix 1 – Reporting Guide

## Version control

### Revision history

Date	Version	Author	Change Reference
03/02/2020	2.0	B. Newman	Updated to include Orange Door information and advice Updated to fit with new QMS version control guidelines and updated standards
03/09/2020	3.0	M. Van Looy	Updated to include reference to Mandatory reporting obligations table and reference to the Crimes Act 1958 (Vic)

### Reviewers

Date	Version	Approved By	Next Review Date
03/02/2020	2.0	P. Vakakis	03/02/2022
03/09/2020	3.0	P. Vakakis	03/09/2022

## Appendix 1- Reporting Guide

### Child Protection

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. Telephone numbers to make a report during business hours (8:45am- 5:00pm), Monday to Friday, are:

- North Division Intake: 1300 664 977
- South Division Intake: 1300 655 795
- East Division Intake: 1300 360 391
- West Division Intake- metropolitan: 1300 664 977
- West Division Intake- rural and regional: 1800 075 599

If you are unsure which number to call, refer to the [DHHS child protection contacts](#) for guidance.

### For immediate help

To report concerns that are life threatening, contact Victoria Police on 000.

To report concerns about the immediate safety of a child outside normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

### Child FIRST or The Orange Door

If you have significant concerns for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate.

Referring the Child FIRST or The Orange Door would be appropriate where families:

- Are experiencing significant parenting problems that may be affecting the child's development
- Are experiencing family conflict, including family breakdown
- Are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Are young, isolated or unsupported
- Are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development

Information and contact numbers are listed at the [child and family services information, referral and support teams](#) page on the DHHS services website.