

# Weeroona College Bendigo Mandatory Reporting, Failure to Disclose & Failure to Protect Policy

## Mandatory Reporting

### Rationale

Weeroona College Bendigo (WCB) is a child safe school and has zero tolerance to child abuse. All children have a right to feel safe and to be safe. As teachers, we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact, and to report instances that we believe involve physical abuse, sexual abuse or neglect.

## Failure to Disclose

### Rationale

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police. The failure to disclose offence requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16, to report the information to the police.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

## Failure to Protect

### Rationale

The failure to protect offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school.

A person in a position of authority in the school will commit the offence if they know of the risk, but negligently fail to do so.

### Aims

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

To define the roles and responsibilities of school 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.

### Implementation

- All members of the Teaching Service are mandated by law to report signs of physical and/or sexual abuse, and neglect.
- New staff will be informed of mandatory reporting, failure to disclose and failure to protect responsibilities and procedures as part of their induction procedure.
- Staff will be reminded of mandatory reporting, failure to disclose and failure to protect responsibilities and procedures annually.
- Mandatory reporters, 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.
- All concerns must be reported immediately to a member of the Student Wellbeing team or a member of the Principal Team.

## Weeroona College Bendigo Mandatory Reporting, Failure to Disclose & Failure to Protect Policy

- The Student Wellbeing or Principal Team Member will keep a record of all discussions about a student with whom there is a concern.
- If a belief has been formed by a staff member that sexual or physical abuse has taken place the teacher /Student Wellbeing or Principal Team Member will contact the Department of Human Services by telephone the Department of Human Services – Child Protection office in Bendigo as soon as possible to make an official notification. If sexual abuse is suspected staff will follow the DET Responding to Allegations of Student Sexual Assault Flowchart which includes information the police.
- Members of the Department of Human Services, or associated support or intervention services that visit the school following a notification, will interview staff and children only in the presence of a Principal class member or his/her nominee.
- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents are to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- While only mandated by law to report incidents of physical and sexual abuse, and neglect; teachers are asked to report incidents of emotional abuse or neglect.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to a member of the Student Wellbeing Team.
- All staff are reminded that fulfilling their role and responsibilities does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

All other school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police.
- is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns to DHHS Child Protection.
- 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.
- In cases where staff have concerns about a child or young person, they should also discuss their concerns with the principal or a member of the school leadership team.

### Evaluation

This policy will be reviewed as part of the school's three-year review cycle.