

## Mandatory Reporting Procedures

These procedures are designed to supplement the [Luther College Mandatory Reporting Policy](#).

### When to Report

The following table sets out when to report a concern that a child has been abused, or is in need of protection.

This procedure is based on the Department of Education and Training Child Protection Policy:

| Type of Reporting  | By Whom  | To Whom   |
|--|--|---|
| <p><i>Mandatory Reporting - DHHS Child Protection</i></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p> <p>The report must be made as soon as practicable after forming the belief and after each occasion on which they becomes aware of any further reasonable grounds for the belief.</p> | <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> Updated Feb. 2020</li> <li>• registered medical practitioners</li> <li>• nurses</li> <li>• midwives</li> <li>• school counsellors</li> <li>• police officers</li> <li>• out of home care workers (excluding voluntary foster and kinship carers)</li> <li>• early childhood workers</li> <li>• youth justice workers</li> <li>• registered psychologists</li> <li>• people in religious ministry</li> <li>•</li> </ul> | <ul style="list-style-type: none"> <li>• DHHS Child Protection</li> </ul> |
| <p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></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. You will not be guilty of an offence if you do not report in the following circumstances:</p>  | <ul style="list-style-type: none"> <li>• Any person aged 18 or over</li> </ul>   | <ul style="list-style-type: none"> <li>• Victoria Police</li> </ul>       |

| Type of Reporting   | By Whom  | To Whom  |
|---|--|--|
| <p>The victim is 16 years of age or older and does not have an intellectual disability that limits their capacity to make an informed decision; and they do not want the information reported to the police.</p>  |  |  |
| <p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16 cont...</i></p> <p>The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</p> <p>The victim turned 16 years of age before 27 October 2014.</p> <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> <li>• a reasonable belief that the information has already been reported to police or DHS 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>   | <ul style="list-style-type: none"> <li>• Any person aged 18 or over</li> </ul> | <ul style="list-style-type: none"> <li>• Victoria Police</li> </ul>                                  |
| <p><i>Child in need of protection</i></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"> <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 emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> </ul> | <ul style="list-style-type: none"> <li>• Any person</li> </ul>                 | <ul style="list-style-type: none"> <li>• DHHS Child Protection</li> <li>• Victoria Police</li> </ul> |

| Type of Reporting  | By Whom  | To Whom  |
|--|--|--|
| <ul style="list-style-type: none"> <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><i>Child displaying sexually abusive behaviours and in need of therapeutic treatment</i></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> | <ul style="list-style-type: none"> <li>Any person</li> </ul> | <ul style="list-style-type: none"> <li>DHHS Child Protection</li> </ul>                      |
| <p><i>Significant concerns about wellbeing of a child</i></p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>  | <ul style="list-style-type: none"> <li>Any person</li> </ul> | <ul style="list-style-type: none"> <li>DHHS Child Protection</li> <li>Child FIRST</li> </ul> |

Please note, in the case where one mandated professional directs another not to make a report, and the person continues to hold the belief that the child is in need of protection, then that person is legally obliged to make a report to Child Protection.

## Making a Report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

This procedure is based on the *Department of Education and Training Child Protection Policy*:

| Step | Description  |
|------|--|
| 1    | <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> <p>Alternatively, 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)</p>  |
| 2    | <p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>the source of those concerns (e.g. observation, report from child or another person)</li> <li>the actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).</li> </ul> |

|   |   |
|---|---|
| 3 | Discuss any concerns about the safety and wellbeing of students with a designated Child Safety Officer or the Principal. The individual staff member should then make their own assessment about whether they should make a report about the child and to whom the report should be made.   |
| 4 | Gather the relevant information necessary to make the report. This should include the following information: <ul style="list-style-type: none"> <li>• full name, date of birth, and residential address of the child</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• the individual staff member's involvement with the child</li> <li>• details of any other agencies who may be involved with the child.</li> </ul>  |
| 5 | Make a report to the relevant agency <ul style="list-style-type: none"> <li>• To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or <a href="#">click here</a>)</li> <li>• 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 hrs 7 days, toll free)</li> <li>• To report concerns to DHHS Child Protection, contact your local child protection office</li> </ul> |
| 6 | Make a written record of the report which includes the following information: <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> <p>Use the <a href="#">Luther College Mandatory Reporting Record</a>, also available under Printable Forms on Scholaris.</p>   |
| 7 | Notify the Principal of a report to DHHS Child Protection or Child FIRST. <ul style="list-style-type: none"> <li>• School staff are required to advise the Principal if they have made a report.</li> </ul>   |

## Post Reporting

This table describes the internal processes once a report has been made.

| Step | Description   |
|------|---|
| 1    | At the time of making the report, complete the <a href="#">Luther College Mandatory Reporting Record</a> , also available under Printable Forms on Omnia. |
| 2    | Return the completed form to the Principal as soon as possible.   |
| 3    | Act on the agency recommendations in collaboration with the Principal. This may include arranging agency visits for the purpose of interview.             |
| 4    | After making the report and notifying the Principal, you have discharged your mandated responsibilities.  |



## Potential consequences of making a report

This table describes the potential consequences of making a report.

This procedure is based on the [Department of Education and Training Child Protection Policy](#):

| Potential consequence   | Description   |
|-------------------------|---|
| Confidentiality         | <p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>• the reporter chooses to inform the child or parent of the report.</li> <li>• the reporter consents in writing to their identity being disclosed.</li> <li>• a Court or Tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.</li> <li>• a Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>   |
| Professional Protection | <p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>• it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.</li> <li>• the reporter cannot be held legally liable in respect of the report.</li> </ul>   |
| Interviews              | <p>DHHS Child Protection and/or Victoria Police may conduct interviews of children at the school without the parent’s knowledge or consent.</p> <p>Interviewing children at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</p> <p>DHHS Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team of their intention to interview the child on the school premises.</p> <p>When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the Principal or a member of the leadership team should request to see identification before permitting them to have access to the child.</p> <p>When a child is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child.</p> <p>For more information on these requests and school responsibilities, see: <a href="#">Police and DHHS Interviews</a></p> |
| Support for the child   | <p>The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>• acting as a support person for the child</li> <li>• attending DHHS Child Protection case planning meetings</li> <li>• observing and monitoring the child’s behaviour</li> <li>• liaising with professionals</li> </ul>  |

| Potential consequence    | Description  |
|--------------------------|--|
| Requests for Information | <p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection, see: <a href="#">Requests for Information About Students</a></p> |
| Witness Summons          | <p>If DHHS Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings, see: <a href="#">Subpoenas and Witness Summonses</a></p>   |

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