



# DARAMALAN COLLEGE

## Mandatory Reporting Policy and Procedures

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### Rationale

“The Community Advocate has statutory responsibilities to seek to ensure the protection of the rights, the well-being and the interests of children.” Section 103 (2) of the Children’s Services Act (now called Children and Young People Act) gazetted on 1 June 1997 states that all suspicions of physical and sexual abuse must be reported by mandated persons.

Section 356 of the *Children and Young People Act 2008* states that **teaching staff, teachers’ assistants or aides (in paid employment at the school), nurses and counsellors are mandated persons. This covers persons who, in the course of their employment, have contact with or provides services to children, young people and their families and are prescribed by regulation.**

Under ACT legislation (Children’s Services Act 1997 and Children and Young People Act (Amendments) 1999, 1 August 2006 and October 2008) **all non-accidental physical injury and sexual abuse must be reported** to Care and Protection Services at Centralised Intake Services. **Other types of abuse and neglect are subject to voluntary reporting.**

### Policy

The staff of Daramalan will meet all legal requirements in regards to the legal expectation of Mandatory Reporting. As such all staff will follow the direction of ACT legislation and will make mandatory reports regarding all non-accidental physical injury and sexual abuse that is either suspected or actually reported by students. Staff are also strongly urged to make a report if they believe other forms of abuse or neglect are occurring.

### Procedures and Information

#### 1. PRINCIPLES

##### 1.1 Legislative Context

The Children and Young People Act 2008 provides general principles and specific Care and Protection principles to guide all decisions and actions made or taken under the Act, whether made by the Chief Executive, the courts or otherwise.

## 1.2 The Best Interests Principle

The first and most significant principle is known as the Best Interests Principle (section 8) which states the following:

*(1) In making a decision under this Act in relation to a particular child or young person, the decision-maker **must regard the best interests of the child or young person as the paramount consideration.***

## 1.3 General Principles

Section 9 requires a decision-maker to apply the following principles except when it would be contrary to the best interests of a child or young person-

- 1.3.1 *the child's or young person's sense of racial, ethnic, religious, individual or cultural identity should be preserved and enhanced;*
- 1.3.2 *the child's or young person's education, training or lawful employment should be encouraged and continued without unnecessary interruption;*
- 1.3.3 *the child's or young person's age, maturity, developmental capacity, sex, background and other relevant characteristics should be considered;*
- 1.3.4 *delay in decision-making processes under the Act should be avoided because delay is likely to prejudice the child's or young person's wellbeing.*

There is a section in the Children and Young People Act 2008 regarding how to deal with Aboriginal and Torres Strait Islander children and young people.

([www.dhcs.act.gov.au/\\_\\_data/assets/pdf\\_file/0017/5660/Keeping\\_Children\\_Young\\_People\\_Safe\\_2008.pdf](http://www.dhcs.act.gov.au/__data/assets/pdf_file/0017/5660/Keeping_Children_Young_People_Safe_2008.pdf))

## 1.4 Reporting requirements

As staff, we have a "Duty of Care". When staff receive a disclosure about non accidental physical injury or sexual abuse, or if they have a reasonable belief that this abuse has occurred, they must **not** investigate the incident. Let the authorities do this. **Staff must pass on knowledge of the disclosure or their belief as outlined in this document.**

**Staff are strongly encouraged to make a voluntary report** if they believe or suspect a child is being abused or neglected or is at risk of abuse or neglect. Section 354 of the *Children and Young People Act 2008* states; *The person may report the belief or suspicion and the reasons for the belief or suspicion, to the Chief Executive.*

If you are unsure that what you are seeing constitutes abuse or neglect you can contact Care and Protection Services at Centralised Intake Services to discuss your concerns.

Care and Protection Services document all discussions about concerns for children and young people. It is recommended that you also document on your file that the discussion has taken place.

There is no penalty if you do not make a **voluntary report**.

## **2. DEFINITIONS and INDICATORS (as stated in the Children and Young People Act 2008)**

- 2.1 A child** is a person who is under 12 years of age.
- 2.2 A young person** for the purpose of mandatory or voluntary reporting is a person who is 12 years old or older, but not yet 18 years old.
- 2.3 Abuse** is the term used for different types of maltreatment that endangers a child or young person's wellbeing and development. Child abuse can be a single incident or a chronic pattern of behaviour over time which may be intentional or unintentional. Types of abuses are: physical, sexual and emotional.
- 2.4 Emotional abuse** is used to describe chronic and repetitive ill treatment of a child or young person which is causing significant harm to the child or young person's psychological, social, emotional or cognitive development. Constant yelling, belittling, ignoring and ridiculing are all examples of emotional abuse. It also may result from when children are exposed to domestic violence. (Indicators for this form of abuse can be gained from the website listed on the last page of this document)
- 2.5 Neglect** of a child or a young person means a failure to provide the child or young person with a necessity of life (food, shelter, clothing and health care treatment) if the failure has caused or is causing significant harm to the wellbeing or development of the child or young person. (Indicators for this form of abuse can be gained from the website listed on the last page of this document)

### **2.6 Physical abuse (also referred to as non-accidental physical injury)**

Physical abuse is an act resulting in an injury to a child or young person by a parent, caregiver or another person who has responsibility for the child or young person.

It includes any injury (single episode or repeated episodes) caused by excessive discipline, severe beatings, shakings, damage to soft tissue, dislocations and fractures. It may also include self harming, poisoning, attempted suffocation or strangulation and death.

Physical punishment of a child or young person is a crime when it falls outside the bounds of 'reasonable chastisement'.

#### **2.6.1 Indicators of physical abuse in children and young people**

There is a range of indicators of physical abuse. Each indicator needs to be considered in the context of other indicators and the child's or young person's circumstances. The follow list is not in any order, nor is it exhaustive.

- Facial, head, neck bruising and multiple bruises or injuries

- Other bruising and marks which show the shape of the object used (e.g. a hand print, belt buckle.) It is important to state here that these marks may be caused by other means that are not the result of abuse.
- Lacerations and welts
- Bite marks and scratches where the bruise may show a print of teeth
- Dislocations
- Fractures of bones, especially in children under three years old
- Burns and scalds – a burn with a clear outline may be suspicious
- A large number of scars of different sizes or ages, or on different parts of the body, may suggest abuse
- Verbal disclosure by the child or a friend or others
- Explanation offered by the child or young person is not consistent with the injury
- Flinching when approached by adults
- Frozen watchfulness

### 2.6.2 Indicators in parents and care givers

- Direct admissions by parents or caregivers that they have injured the child or young person
- Family history of violence, including previous harm to children and young people
- Repeated presentations of the child or young person to health or other services with injuries, swallowing of non-food substances or minor complaints
- Marked delay between injury and presentation for medical assistance
- Story of injury which is inconsistent with the physical findings
- History of injury which is vague or variable
- Parent who shows little concern about the welfare of their child or the treatment and care of the injury
- Isolating a child from contact with school, services etc in order to hide injuries or prevent disclosure.

**2.7 Sexual abuse** is any sexual act or sexual threat imposed on a child or young person. This activity occurs between a child and an older, bigger or more powerful person for the latter's sexual gratification. It is based on an unequal power relationship between the child and the adult or bigger person and is also a betrayal of the child's trust.

Children and young people are most likely to be sexually abused by someone who is known to them. This could include a family member, neighbour or friend of the family.

The sexual abuse of children and young people is usually a planned process that follows a particular pattern where a child is identified and targeted. This process is commonly known as "grooming" where the perpetrator gradually engages the child or young person in sexual activity using inducements, bribes, rewards or threats. The whole process relies on secrecy. The offender puts great effort into silencing the child and hindering potential suspicion and protection by the adults around them (Salmond, L. in *Positive Futures Caring Together 2008*).

Such sexual abuse covers a range of sexual behaviours that are considered harmful to

children and young people which may include: any form of sexual touching; any form of sexual suggestion, including exposure to pornographic material; exhibitionism and voyeurism; using the child or young person for pornographic videos or prostitution. Such sexual abuse is difficult to detect because of the secrecy that surrounds it. Victims are frequently threatened or coerced into remaining silent and are frightened of the consequences if they disclose the abuse.

Children and young people who do disclose either directly or indirectly often later deny what they have said due to fear of the consequences and because of the reactions from family and others. How the adult responds to a disclosure of sexual abuse by the child or young person can be extremely significant for the child or young person's recovery from the trauma of abuse.

### **Sexual abuse of children or young people is a crime.**

#### **2.7.1 Indicators of sexual abuse in children and young people**

There is a range of indicators of sexual abuse. One indicator in isolation may not imply abuse. There may be no physical signs of sexual abuse. Indicators are more likely to be emotional and/or behavioural. The following list is not in any order, nor is it exhaustive.

- Direct or indirect disclosures eg. through art work, story writing, or by pretending it is happening to someone else
- Describes sexual acts e.g. 'he hurts my wee-wee'
- Sexually explicit behaviour, play or conversation inappropriate to the child or young person's age
- Inappropriate or excessive masturbation
- Self destructive behaviour including eating disorders, self mutilation and suicide attempts
- An anxious unwillingness to remove clothes e.g. for sporting events
- Persistent running away from home
- Sudden and unexplained changes in mood or behaviour - emotional behaviour changes can have other causes such as a response to personal or family problems not associated with abuse
- Regression in developmental achievements in younger children
- Unexplained accumulation of money and gifts
- Pain, itching or bleeding in genital or anal area
- Pregnancy in a young person where the identity of the father is not disclosed
- Bruising to buttocks, breasts, abdomen and thighs
- Sexually transmitted infection
- Difficulty sleeping and nightmares

#### **2.7.2 Indicators in parents, siblings, caregivers, relatives, strangers or acquaintances**

- Exposing a child or young person to pornography or using a child or young person for pornographic purposes
- Intentional exposure of child or young person to sexual behaviour in others
- Previously committed or suspected of child sexual assaults

- Denial of adolescent's pregnancy by family
- Inappropriate curtailing or jealousy regarding age appropriate development of independence from the family
- Coercing the child to engage in sexual behaviour with other children
- Verbal threats of sexual abuse
- Exploitation or corruption of children

**You do not have to prove that the abuse actually occurred to make a report.**

**The law does not require proof.**

**The law requires only that if you have a reasonable belief of non-accidental physical injury or sexual abuse that you report this.**

### **3 PROCEDURES FOR REPORTING**

If you consider the risk of harm for the child or young person requires immediate police attention, you **must inform the Principal**.

**Staff must never investigate an incident.** The chances are that if they do, they may contaminate the evidence. By investigating the incident themselves, they may be called as a witness in a court case. It is possible to listen but not to ask too many questions. **Stay calm.**

A person may say "I believe you", "It was not your fault", "I am glad you felt you could tell me", "You have the right to be safe", "I will do what I can to help you".

**Staff must never promise the student that a disclosure will be kept confidential.**

#### **3.1 Procedures in making a report**

3.1.1 The staff member who has the concern directly informs Care and Protection Services Centralised Intake Service.

3.1.2 The staff member may request the assistance of the School Counsellor or Assistant Principal Pastoral Care to help with this report.

3.1.3 The staff member must submit a report to the Principal on the special form which is available on Daranet and from the Principal's Personal Assistant.

3.1.4 The staff member should retain a copy of this written record for their files.

3.1.5 Depending on the circumstances, the Principal may inform the Assistant Principal Pastoral Care and/or the student's Pastoral Care Advisor/House Coordinator.

#### **3.2 Information required when making a report to Care and Protective Services**

3.2.1 Name and date of birth of the child(ren) or young person(s)

- 3.2.2 Home address(es) of the child(ren) or young person(s) and any known previous addresses of the family
- 3.2.3 Current whereabouts of the child(ren) or young person(s)
- 3.2.4 Name of parents/aliases and contact details
- 3.2.5 Names of siblings (if known)
- 3.2.6 Nature of abuse and neglect
- 3.2.7 Known supports to the child, young person and family including extended family
- 3.2.8 Details about when and how you became aware of the information

### **3.3 Interstate issues**

If the child or young person in question is currently in the ACT but resides interstate, the Act requires you or the Principal or the Principal's delegate to report to Care and Protection Services in the ACT. ACT Care and Protection Services may then ask you to notify the interstate authority if the child or young person is to return to their state of origin.

### **3.4 Protection of Reporter**

The protection of the identity of a person who makes a voluntary or mandatory report to Care and Protection Services is afforded a staff member who reports '*honestly and without recklessness*'-

- 3.4.1 Giving the information is not a breach of –
  - a) confidence; or
  - b) professional etiquette or ethics; or
  - c) our Staff Code of Professional Conduct; and
- 3.4.2 The person does not incur civil or criminal liability only because of giving the information

Section 874 of the Act expands on protection of people who give information to Care and Protection Services.

**Giving false or misleading information to the Chief Executive of Care and Protection Services is an offence.**

### 3.5 Care and Protection Services

When Care and Protection Services are contacted they may want to interview the student. It is the student's right to have this interview alone or ask for a support person.

If Care and Protection Services decide to act, it is out of our hands.

## 4 HOW TO DEAL WITH A DISCLOSING STUDENT

Students generally disclose with great hesitation and often with feelings of fear, shame, anger, powerlessness and guilt. A child or young person's disclosure is a statement that they want the abuse to stop. Frequently they only hint or tell part of the story to see how the teacher reacts before fully disclosing. For this reason, it is important to remain calm and supportive, and avoid showing (either verbally or non-verbally) any feelings that may make the student regret having disclosed. **Inform the child or young person that you want to listen and help.**

It is also important to remember that the teacher's role is to listen actively to what the student may say but **not** to push for details or conduct an investigation. Other agencies have the responsibility for investigating and collecting evidence. The person's main role is to support the child or young person.

Hearing a child's disclosure is often overwhelming and may arouse strong feelings of shock, anger, revulsion, fear, disbelief, helplessness, protectiveness or sadness in the adult to whom the disclosure is made. Such feelings are natural, and it is advisable to deal with them appropriately after the disclosure. While the student is disclosing, however, it is important to be aware of your feelings and to control them.

If you suspect abuse, but the child or young person has not told anyone, be aware of the emotional distress that the child or young person may be experiencing. Remember that it is not easy for students to disclose child sexual assault. They may have been coerced, bribed, or threatened into secrecy.

Sometimes a student will try to elicit a promise that you will not tell anyone else about the disclosure. If this happens, it is important to be honest with the student and explain that you have to report the disclosure. However, care should be taken to be supportive and to reassure the student that it is all right for certain other people to be told as they can help stop the assault.

### 4.1 Handling a Disclosure Situation

#### 4.1.1 You can help disclosing students by:

- a) avoiding physical barriers in the interview setting, eg, do not sit behind a desk
- b) listening to them – let them take their time and use their own words
- c) staying calm and telling them that you believe them



- d) saying that you are pleased they told you – it was the right thing to do, emphasizing that whatever has happened was not their fault (only if the child indicates this is what they believe)
- e) acknowledging that it is hard to talk about such things
- f) indicating what you will do, i.e. that you will talk to someone who can give you some advice about what should happen next
- g) if you are not in a position to answer all the questions that a child or young person may have, explain that you don't know but will pass on their questions or concerns to the relevant person.

**4.1.2** You will not be helping the student if you:

- a) express anger or disgust about the alleged abuser
- b) make promises that you cannot keep, such as promising that you will not tell anyone
- c) seek further details beyond those that the student freely wants to tell you
- d) try to investigate the matter yourself – this is a matter for an agent of Care and Protection Services. Do not confront the alleged abuser

Remember that questioning children about details may be interpreted as disbelief.

**Your role is to support and listen to the child or young person, not to conduct an investigation.**

## **5** CONCLUSION

### **5.1 A person commits an offence if**

- 5.1.1 the person is a mandated reporter; and
- 5.1.2 the person is an adult; and
- 5.1.3 the person believes on reasonable grounds that a child or young person has experienced, or is experiencing-
  - a) sexual abuse; or
  - b) non-accidental physical injury; and
- 5.1.4 the person's reasons for the belief arise from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid); and
- 5.1.5 the person does not, as soon as practicable after forming the belief, report (a mandatory report) to the Chief Executive-

- a) the child's or young person's name or description; and
- b) the reasons for the person's belief.

**Maximum penalty:** 50 penalty units, imprisonment for 6 months or both.

## 5.2 Exceptions to mandatory reporting

5.2.1 Section 356 of the Act does not apply to a person if the person believes on reasonable grounds that -

- a) someone else has made a report to the Chief Executive about the same child or young person in relation to the same abuse or neglect.

**Examples of the above would be** if someone informed you that they had told the Care and Protection Services, or you read the file, or you sighted the reporting documentation that a report was made about the same child or young person in relation to the same abuse or neglect with the same reasons given for their belief as you have for your belief.

5.2.2 Section 356 of the Act does not apply to a person if the person believes on reasonable grounds that -

- a) the child or young person (the injured person) has experienced, or is experiencing, non-accidental physical injury caused by another **child or young person**; and
- b) a person with parental responsibility for the injured person is willing and able to protect the injured person from further injury.

It is an offence to make a report that contains information or allegations that are false or misleading. It is also an offence if you **knowingly** omit or withhold information relevant to the allegations. By withholding this information the allegations are false or misleading.

Maximum penalty for doing so is 50 penalty units, imprisonment for 6 months or both.

## 6 CONTACTS FOR MAKING A REPORT

### Care and Protection Services Centralised Intake Services

General Public line (24 hours) 1300 556 729

Mandated Persons line (24 hours) 1300 556 728 - fax line (24 hours) 02 6205 0641

Email address: [childprotection@act.gov.au](mailto:childprotection@act.gov.au)

**Other important contacts**

**Police Urgent and immediate assistance 000**

**NSW DoCS Helpline 132 111**

**The Office for Children, Youth and Family Support website <http://www.dhcs.act.gov.au/ocyfs>**

**Children and Young People Act 2008**

**[http://www.austlii.edu.au/au/legis/act/consol\\_act/caypa2008242/](http://www.austlii.edu.au/au/legis/act/consol_act/caypa2008242/)**

Permission was granted to download parts of this document from the above websites.

<b>Approved by:</b>	College Executive
<b>Contact Staff Member:</b>	Assistant Principal Pastoral Care
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<b>Revision Date:</b>	Term 2 2018



**DARAMALAN COLLEGE**

**Notification of Mandatory Report to Care and Protection Services ACT**

1. Student's name:.....
  
2. Name of person to whom disclosure was made: .....
  
3. Name of person who made the report:.....
  
4. Date of report to Care and Protection Services:.....
  
5. Name of intake officer:.....
  
6. Action to be taken by Care and Protection Services:  
.....  
.....

**Please send this completed form to the Principal as soon as possible after making the report.**

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***Please note that if you make a report the following information is what Care and Protection Services will ask for:***

- Name and date of birth of the child/young person
- Home address of the child/young person and any known previous addresses of the family
- Current whereabouts of the child/young person
- Name of parent/aliases and contact details
- Name of known siblings
- Nature of abuse and neglect
- Known supports to the child/young person and family
- Details about when and how you became aware of the information.

(January, 2014)