



TASMANIAN
CATHOLIC
education commission

MANDATORY REPORTING POLICY

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1 AUTHORITY AND APPLICATION

Date of approval	2 March 2017
Source of approval	Tasmanian Catholic Education Commission
Start date	7 March 2017
Date of review	March 2020
Date of amendments	20 February 2017
Previous policies replaced by this Policy	Collaborative Care Policy dated 2012

SIGNED:

Chair of the TCEC

DATE:

6 March 2017

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2 RELATED DOCUMENTS

This Policy should be considered in conjunction with the following related documents:

Policies and Procedures	<ul style="list-style-type: none">• Child Safe Code of Conduct• Child Safe Organisation• Employee Code of Conduct• Disciplinary• ICT (Information and Communication Technology) – Workers• Induction• Mandatory Reporting Procedure• Performance Management• Policy Terms, Definitions and Interpretation• School Grievance• Work Health and Safety• Working With Vulnerable People
Applicable Laws	<ul style="list-style-type: none">• <i>Children, Young Persons and their Families Act 1997 (TAS)</i>• <i>Family Law Act 1975 (Cth)</i>• <i>Family Violence Act 2004 (TAS)</i>

3 DEFINITIONS

The TCEC document “Policy Terms, Definitions and Interpretations” defines a number of terms used in this document and should be referred to in conjunction with this policy. Some of the defined terms include:

- **CET** is Catholic Education Tasmania, a reference to the TCEO, all Schools and Governance operating in the Archdiocese of Hobart
- **Child** is a person under 18 years of age or a Student aged 18 years or older
- **Child-connected Work** is any Regulated Activity or other work authorised by the School and performed by a Worker in a School Environment while Children are present or reasonably expected to be present
- **Child Protection Services** has been renamed the Child Safety Service
- **Child Safe** is a safety-oriented approach to providing for the care and protection of Children in an environment and manner that maximises their opportunities to grow, learn and reach their potential

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- **Child Safety Notification** (previously CPAARS) is any information provided to the Child Safety Service that a Child is at risk of abuse or neglect
- **Child Safety Service (CSS)** (previously Child Protection Services) is the organisation established by the Tasmanian Government to protect children and young people who are at risk of abuse or neglect
- **Child Safe Officer** is the person appointed by the Director to:
 - support Principals/Managers/Supervisors with Child Safety matters and queries
 - assist the Director with complex Child Safety matters and queries
- **CPAARS** (Child Protection and Advice Referral System) has been replaced by Child Safety Notifications
- **Director** is the Director of Catholic Education, responsible for overall leadership and management of Catholic Education in Tasmania
- **Gateway Services** are organisations authorised by the Tasmanian Government to provide family services to vulnerable Children, young people and their families to protect and promote their healthy development
- **Governance** is the various authority structures, decision-making processes and lines of accountability and responsibility that pertain to any Catholic education School or organisation operating in the Archdiocese of Hobart
- **Mandatory Report** is a Child Safety Notification made by a Mandatory Reporter
- **Mandatory Reporter** is any person who is prescribed as such under Section 14 of the Children, Young Persons and their Families Act 1997. Within CET this includes any:
 - Principal or Teacher
 - Psychologist registered under the Health Practitioner Regulation National Law (Tasmania)
 - Registered Nurse or Enrolled Nurse
 - Worker involved in the provision, management or administration of education, health, welfare and/or childcare services
- **Mandatory Reporting** is the legislative requirement imposed on Mandatory Reporters to make a report to the Child Safety Service if he or she knows, believes or suspects, on reasonable grounds that:
 - a Child has been or is being abused or neglected;
 - a Child has been or is being affected by family violence;
 - there is a reasonable likelihood of a Child being killed or abused or neglected by a person with whom the Child resides; or
 - while a woman is pregnant, there is a reasonable likelihood that after the birth of the Child:

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- the Child will suffer abuse or neglect, or may be killed by a person with whom the Child is likely to reside; or
 - the Child will require medical treatment or other interventions as a result of the behaviour of the woman or other person with whom the woman resides or is likely to reside with, before the birth of the Child.
- **Notifier** is a person who lodges a Child Safety Notification
- **Other Person** refers to any person in a School Environment or Workplace who is not a Worker
- **Parent/Guardian** is a person who has the legal authority and responsibility for the care of a Child
- **Principal** is the person accountable for operating a School in accordance with the School's Governance and is directly responsible for overall leadership and management of the School
- **Regulated Activity** is any activity or service which involves Children as defined in Registration to Work With Vulnerable People Regulations Act 2014 (TAS)
- **School** includes any Systemic School or College, Archdiocesan College or Congregational School or College
- **School Activity** is any Student-based program or endeavour that does not fall within the scope of the regular curriculum (eg school camp, sporting events, excursions, outdoor learning, concerts, competitions etc)
- **School Environment** is any physical or virtual place made available or authorised by a School for use by Children during or outside School hours, that includes:
 - School grounds, including all campuses
 - online School environments, including email, intranet systems and Social Media platforms
 - other locations provided by the School for a Child's use including locations used for School Activities and School Events
- **School Event** is any occasion that involves the wider School community (eg a fair, fundraiser, parent education evenings, parents and friends social functions etc)
- **Student** is a person enrolled at a School
- **Worker** includes any person who carries out work or services in any capacity for CET either as:
 - an Employee
 - a Volunteer
 - a priest or a member of a religious order
 - a contractor, subcontractor or consultant
 - an employee of a contractor, subcontractor or consultant
 - an employee of an employment agency or labour hire company
 - an apprentice or trainee

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- an external student gaining work experience or on work placement

4 PURPOSE

The purpose of this Policy is ensure that Workers are familiar with the legal concept of duty of care and understand their roles and responsibilities with regard to recognising, responding to and reporting disclosed, suspected or known Child abuse or neglect.

5 POLICY

5.1 Commitment to Child Safety

- (a) The TCEC is committed to Child Safety.
- (b) The TCEC acknowledges that safeguarding Children is a shared responsibility and everyone must play their part in taking action to protect Children from harm.
- (c) The TCEC requires all Governance and Schools to ensure that effective structures are in place for members of School communities and Workplaces to identify, report and respond to concerns about a Child's welfare.
- (d) The TCEC requires all Workers involved in Child-connected Work to:
 - (i) familiarise themselves with the legal concept of duty of care;
 - (ii) proactively safeguard and promote the safety and welfare of Children;
 - (iii) respond immediately to concerns about a Child's welfare;
 - (iv) fulfil all Mandatory Reporting requirements;
 - (v) work collaboratively with relevant external agencies that may be involved in Child Safety matters; and
 - (vi) provide ongoing support and assistance to Children who have been abused.

5.2 Duty of Care

- (a) The duty of care is a common law obligation to avoid acts or omissions (which can reasonably be foreseen) that may cause harm to another.
- (b) CET has a duty of care for Children enrolled in its Schools and any Worker undertaking Child-connected Work has a duty of care between themselves and a Child.
- (c) Regardless of any legal obligation, all Workers involved in Child-connected Work have a moral duty of care to not cause harm to others, and to support and protect Children with whom they are professionally involved with, or are in contact.

5.3 Mandatory Reporting Obligations

A. When to report:

- (a) A Mandatory Reporter must report to the Child Safety Service as soon as practicable after

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forming a belief or suspicion on reasonable grounds that

- a Child has been or is being abused or neglected;
- a Child has been or is being affected by family violence;
- there is a reasonable likelihood of a Child being killed or abused or neglected by a person with whom the Child resides; or
- while a woman is pregnant, there is a reasonable likelihood that after the birth of the Child:
 - the Child will suffer abuse or neglect, or may be killed by a person with whom the Child is likely to reside; or
 - the Child will require medical treatment or other interventions as a result of the behaviour of the woman or other person with whom the woman resides or is likely to reside with, before the birth of the Child.

(b) Appendix A lists some typical indicators of abuse and neglect.

(c) ***Safety of the Child is paramount.***

- Where a Child's safety is under immediate threat or it appears that a crime has been committed, phone the Police on 000.
- For urgent matters phone 1300 737 639 to lodge a Child Safe Notification.
- Consult with the Principal (or the TCEO Child Safe Officer if the matter involves the Principal) as the circumstances permit, to determine a strategy to ensure the Child's immediate safety.

(d) Workers who have a general concern for a Child's safety should contact a Gateway Community Intake service by phoning 1800 171 233 (Mon – Fri 9am – 5pm) or the Child Safety Service 1300 737 639 (24hrs) and advise the Principal. Please note: you don't have to be certain, you only need to have reasonable grounds to have formed your belief or suspicion.

(e) Workers who have a concern about a Child's wellbeing should consult with the Principal and/or discuss with a Gateway Community Intake service 1800 171 233 (Mon – Fri 9am – 5pm). When in doubt about a Child's safety, it is recommended that you err on the side of caution and discuss with a Gateway service.

(f) A Mandatory Reporter must not make undertakings that are inconsistent with this policy or the law, in particular must not make promises to a Child or anyone else that they will not tell anyone about a disclosure of, or suspicion/ belief about, abuse or neglect.

(g) It is important to note that Mandatory Reporting is a legal obligation that cannot be delegated or transferred.

B. Lodging a Child Safety Notification

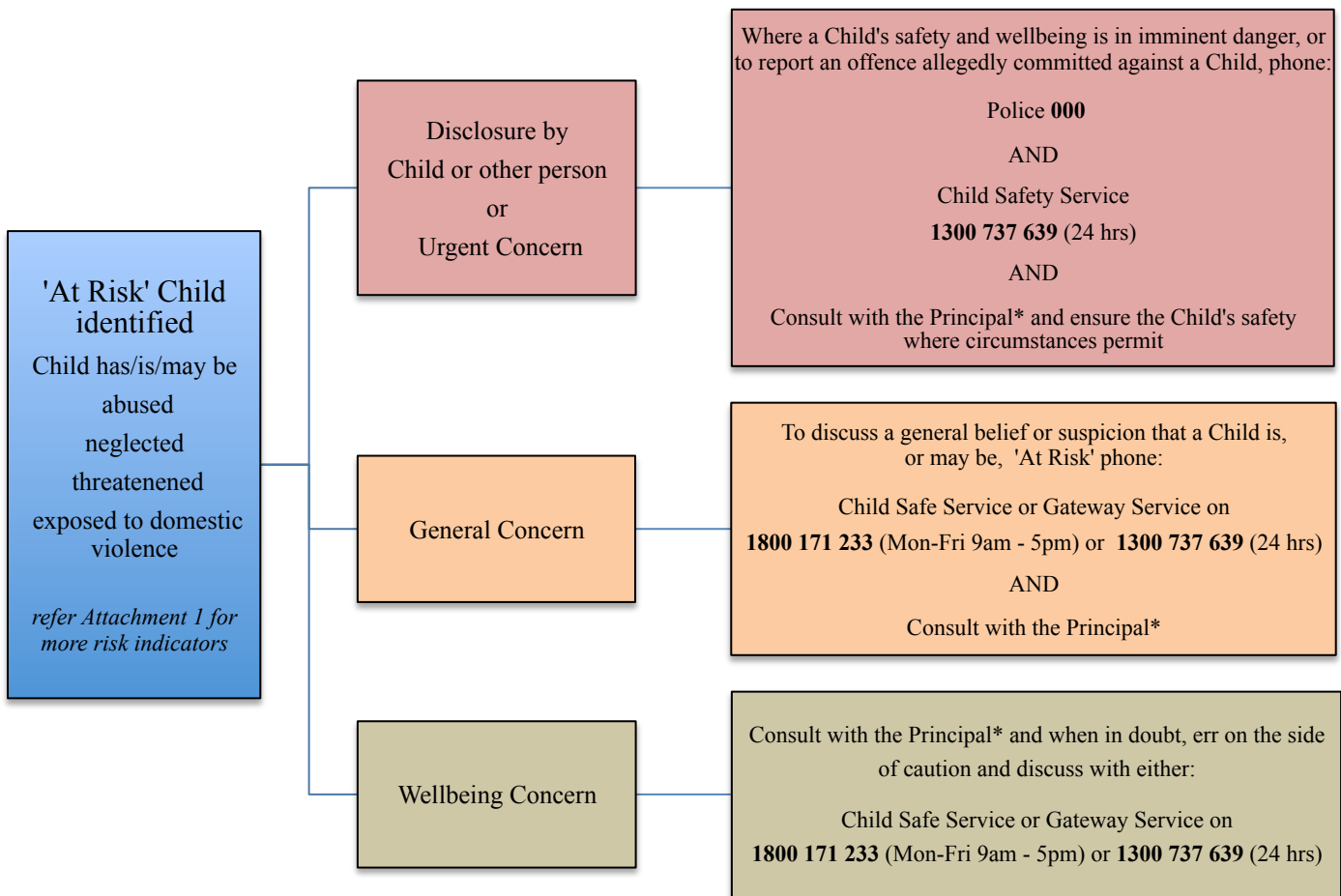
(a) The Child Safety Service prefers notifications to be made by **phone**:

- 1300 737 639 at any time for urgent matters

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- 1800 171 233 (Monday – Friday 9am -5pm to speak to a Community Intake Gateway Service)
- (b) Other options include **online** or **fax** notifications:
- Online electronic form available at:
 - http://www.dhhs.tas.gov.au/children/child_protection_services/what_can_i_expect_when/child_protection_notification_form
 - Printable form available at:
 - http://www.dhhs.tas.gov.au/children/child_protection_services?a=62989
 - Fax numbers:
 - North: (03) 6336 2525
 - North-West: (03) 6434 6330
 - South: (03) 6230 7653

Figure 1: Mandatory Reporting Quick Guide



* or the TCEO Child Safe Officer if the matter involves the Principal

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C. What to report

Appendix 2 provides indicative information required for a Child Safety Notification.

D. Record-keeping

As a minimum, the following information about any concerns for a Child's safety should be kept and stored securely in accordance with TCEC Records and Recordkeeping protocols:

- Identifying information of the child (eg name, date of birth, address, family/carer profile if known)
- date/time and location/context/circumstances of observations/concerns (eg playground/rough play)
- nature of concern (eg physical injuries, Child behaviour)
- source of concern (eg Child disclosure); where possible the actual words spoken should be recorded
- own observations, information, opinions and context upon which the belief, suspicion or knowledge is based
- actions taken (what/when/who eg support given to Child, consultation with Principal, Child Safety Notification lodged,)
- your details.

E. Who Needs to Know

- (a) Information pertaining to suspected or disclosed Child abuse or neglect must be kept confidential and secure and only disclosed on a need-to-know basis to authorised persons for the purposes of managing the support and safety of a Child in the School or by law.
- (b) It should be noted that any unauthorised disclosure of information relating to a Child Safe Notification is an offence.

F. What Happens Next

- (a) The Child Safety Service will assess the notification and should advise the School either:
 - (i) no risk - no further action; or
 - (ii) risk being managed – Child may require monitoring; or
 - (iii) serious risk – investigation to be conducted; Child and people who have information about the matter may require support.
- (b) Where the Child Safety Service may wish to conduct interviews during assessment and/or investigation with anyone who may have information about the matter, the people to be interviewed should be advised of the process and the expectations that they cooperate fully and maintain confidentiality.

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G. Identity of Notifier

- (a) The Notifier's anonymity is protected to the extent possible by law when they are acting on reasonable grounds. However there may be a legal reason why identity may be disclosed, for example if required to provide evidence in court.
- (b) It should be noted that *The Right to Information Act 2009* does not apply to the identity of a Notifier or any information contained in or relating to a Child Safe Notification that may lead to the identification of the Notifier.

6 COVERAGE

This Policy covers and applies to any Worker who is prescribed as a Mandatory Reporter, including any:

- Principal or Teacher;
- Psychologist registered under the Health Practitioner Regulation National Law (Tasmania);
- Registered Nurse or Enrolled Nurse; or
- Worker involved in the provision, management or administration of education, health, welfare and/or childcare services.

7 REQUIREMENTS

- (a) School Governance and the TCEO must communicate and implement this Policy within their area of responsibility.
- (b) Principals/TCEO Child Safety Officer are required to:
 - (i) When approached by a Worker who has concerns for the welfare of a Child, a Principal is required to:
 - determine a strategy to ensure the Child's immediate safety;
 - if necessary, assist a Worker to lodge a Child Safety Notification [Note: a Principal is not to lodge a Child Safety Notification on behalf of another];
 - ensure that any records and documentation associated with concerns for a Child's Safety and/or a Child Safety Notification is kept and stored securely in accordance with TCEC Records and Recordkeeping protocols.
 - (ii) A Principal is required to inform the TCEO Child Safe Officer when a Child Safety Notification has been lodged by a Worker. For privacy reasons this information must be de-identifying.
 - (iii) Where a Principal is aware that a Child Safety Notification involves reportable allegations against a Worker, the Director must be informed immediately.
 - (iv) Following lodgement of a Child Safety Notification, a Principal is required to:
 - provide support and assistance to:

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- the Child;
 - any students that may be affected;
 - the Notifier; and
 - any Workers who may be affected/involved in ongoing support of the Child.
 - continue to observe the Child and take further action as required; and
 - cooperate with any Child Safety Service investigation and recommended protective interventions.
- (c) Principals/Managers/Supervisors are required to promote this Policy within their area of responsibility to ensure that:
- Workers and Other Persons are aware of the School/Workplace’s commitment to Child Safety;
 - Mandatory Reporters are trained and understand their responsibilities in relation to Mandatory Reporting;
 - all suspected or known cases of Child abuse or neglect are reported to the Child Safety Service;
 - ongoing support and assistance is provided to abused/neglected Children; and
 - any potential breaches of this Policy are identified and taken seriously.
- (d) All Workers prescribed as Mandatory Reporters are required to comply with this Policy and Applicable Laws.

8 BREACH OF POLICY

Where a Worker breaches this policy, they may face disciplinary action that could result in termination of employment or engagement. Serious breaches, may result in summary dismissal.

9 ADDITIONAL MANDATORY REPORTING INFORMATION AND RESOURCES

Additional Mandatory Reporting information and resources may be found in/at:

- TCEC Mandatory Reporting Procedure
- Catholic Education Tasmania Knowledge Portal (CETKP)
- http://www.dhhs.tas.gov.au/children/child_protection_services

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APPENDIX 1: CHILD SAFETY RISK INDICATORS

<p>Reasonable Grounds</p>	<p>Whether someone has ‘reasonable grounds’ for suspecting abuse or neglect is a question of fact that will vary depending on individual circumstances. There may be reasonable grounds for suspecting abuse or neglect where:</p> <ul style="list-style-type: none"> • A Child tells you that he or she has suffered non-accidental physical injury, neglect, sexual abuse and/or emotional trauma (eg. extreme fear). • Someone tells you that a Child has been abused. • Your own observations of the Child’s physical condition or behaviours lead you to believe that the Child has suffered non-accidental physical injury or sexual abuse or neglect.
<p>“At Risk”</p>	<p>The <i>Children, Young Persons and their Families Act</i> (cl 4) defines a child at risk if:</p> <ul style="list-style-type: none"> (a) the Child has been, is being, or is likely to be, abused or neglected; or (b) any person with whom the Child resides or who has frequent contact with the Child (whether the person is or is not a guardian of the Child): <ul style="list-style-type: none"> (i) has threatened to kill or abuse or neglect the Child and there is a reasonable likelihood of the threat being carried out; or (ii) has killed or abused or neglected some other Child or an adult and there is a reasonable likelihood of the Child in question being killed, abused or neglected by that person; or (iii) the Child is an “affected child” within the meaning of the <i>Family Violence Act</i> (see definition in next section); or (c) the guardians of a Child are: <ul style="list-style-type: none"> (i) unable to maintain the Child; (ii) unable to exercise adequate supervision and control over the Child; (iii) unwilling to maintain the Child; (iv) unwilling to exercise adequate supervision and control over the Child; (v) dead, have abandoned the Child or cannot be found after reasonable inquiry; (vi) are unwilling or unable to prevent the Child from suffering abuse or neglect; or (vii) the Child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution, regularly.

<p>“Affected Child”</p>	<p>The <i>Family Violence Act</i> (clause 4) defines an “affected child” as: a Child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence.</p>
<p>Abuse or neglect</p>	<p>The <i>Children, Young Persons and their Families Act</i> (cl 4) defines abuse or neglect as:</p> <p>(a) sexual abuse; or</p> <p>(b) physical or emotional injury or other abuse, or neglect, to the extent that:</p> <p>(i) the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person’s wellbeing; or</p> <p>(ii) the injured, abused or neglected person’s physical or psychological development is in jeopardy.</p>
<p>Physical abuse</p>	<p>Refers to non-accidental injury to a Child. Physical abuse may result in a range of injuries from cuts, bruises, burns, soft tissue injuries to dislocations and fractures and caused by a range of acts such as excessive discipline, severe beatings or shakings. It may also include poisoning, attempted suffocation or strangulation and death.</p> <p>Physical abuse also includes the deliberate denial of a Child’s basic needs such as food, shelter or supervision to the extent that injury or impaired development is inevitable.</p>
<p>Sexual abuse</p>	<p>Refers to any sexual behaviour between a Child and an adult or an older, bigger, or more powerful person for that person’s sexual gratification. The range of sexual behaviours that are considered harmful to Children is very broad. It includes:</p> <ul style="list-style-type: none"> • any form of sexual touching or fondling of genitals, buttocks, breasts etc; any oral/genital contact; any penile or digital penetration • any form of sexual suggestion to Children, including the showing of pornography • the use of Children to produce pornographic photos, videos or films • exhibitionism • Child prostitution
<p>Emotional abuse</p>	<p>Refers to a chronic attitude or behaviour directed at a Child or the creation of an emotional environment which is seriously detrimental to, or impairs, the Child’s social, emotional, cognitive, intellectual, psychological and/or physical development resulting from behaviours of family members or other caregivers such as persistent hostility, rejection or scapegoating.</p> <p>In cases of emotional abuse, parents or caregivers may see no relationship between their attitude to the Child and the Child’s behaviour, and so they identify problems in terms of the Child being the cause of the problem.</p>

<i>Neglect</i>	The persistent failure to meet a Child's essential needs or a failure to deal with something that is life-threatening for the Child. It may include:
<i>Physical</i>	the failure to provide basic needs to sustain the life or health of the Child eg the of food, clothing and shelter.
<i>Medical</i>	occurs when a parent fails to provide adequate health care. It includes refusing or delaying in seeking medical treatment, failing to give regular medication for chronic conditions such as diabetes or asthma, and failing to take normal preventative measures.
<i>Supervisory</i>	occurs when parents fail to supervise their Child, or to arrange for proper supervision in their absence. Supervisory neglect often occurs where Children are left in the care of another Child who is not old enough.
<i>Emotional</i>	is failing to provide adequately for a Child's emotional and psychological developmental needs. This includes not spending enough time with the Child, or not providing the experiences a child needs for their mind and emotions to develop.
<i>Educational</i>	occurs when the Child is not provided with learning opportunities. Even before a Child goes to school, some parents do not provide the stimulating objects and experiences which very young Children need.
<i>Abandonment</i>	involves leaving a Child totally, without arranging for necessary care.

APPENDIX 2: INDICATIVE CHILD SAFETY NOTIFICATION CHECKLIST

The following list suggests details you may be required to notify– please note that the list is indicative only, details will vary for each notification.

- What knowledge or indicators do you have that the Child has suffered, or may be suffering, abuse or neglect
- Perceived risk to the child and how vulnerable are they (eg. under five years)
- What is the impact on the Child’s safety, stability, health, wellbeing and development
- Names, ages and home addresses of the Child, any siblings, and their School
- Aboriginal status of the child (required by the *Children, Young Persons and their Families Act*)
- Is there a history of concerns with this Child and/or other Children in the family
- Names and addresses of any parent(s) with whom the child lives and other caregivers or known community supports
- Names and addresses of the people/person believed responsible for any abuse, their whereabouts, if known, and any other relevant information
- An indication of whether the parent or any other person ‘believed responsible’ for the suspected abuse is aware of the contact being made, and their reaction, if known
- An indication of whether the parents are capable and willing to take action to promote the Child’s health, wellbeing and development and ensure the safety and stability of the Child, including using support services
- Any particular contacts within the School with whom the child and family have a trust and rapport who may be able to participate actively in any follow up.
- Any other information that may prove useful in determining the most appropriate action which serves both to protect the child and strengthen the family (e.g. whether a visit from a Child Safety Officer would potentially escalate an already volatile situation or whether this would in fact precipitate a positive change in the circumstances)
- Principal/TCEO Child Safe Officer notified
- Principal informs TCEO Child Safe Officer/Director that a notification has been made

Remember: As a Mandatory Reporter you have a legal obligation to report when you identify a Child At Risk

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