



KNOW YOUR RESPONSIBILITIES – WHAT DOES MANDATORY REPORTING MEAN FOR YOU?

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The introduction of new legislation will require qualified early childhood teachers in Victoria to be registered with the Victorian Institute of Teaching (VIT) from 30 September this year. Registered teachers will become ‘mandatory reporters’, and will be obliged to report any concerns of child abuse or neglect to the appropriate authority. This article examines what this will mean for you, for your service and for the children in your care.

“Every child has the right to live a full and productive life. It is up to all of us to ensure our children grow up in environments that build confidence, friendship, security and happiness, irrespective of a person’s family circumstances and background”ⁱ. The protection of children, one of the most vulnerable groups in society, is a shared

community responsibility and involves ensuring that all children are safe, their needs are met and the possibility of child abuse is minimised.

Keeping children safe requires vigilance and an informed community. In Victoria, the *Children, Youth and Families Act 2005* (CYFA) provides the legislative basis for the delivery of services to vulnerable children, young people and their families, and places children’s best interests at the heart of decision-making and service delivery.

Under current *Education and Care Services National Regulations*, the Approved Provider must ensure that all educators and staff are familiar with current policies and procedures with regard to child protection, including state and territory legislative responsibilities and their obligations under these laws (Regulation 84).

All service staff or volunteers have a duty of care to protect children from harm and are ethically bound to take action if they form a reasonable belief (see below) that a child has been harmed or is at risk of harm. A broad range of professionals in our community are legally obliged to take action – to undertake mandatory reporting.

Who is required to mandatorily report?

Professional groups identified in the *Children Youth and Families Act* as ‘mandatory reporters’ include:

- primary and secondary school teachers and principals (including students in training to become teachers)
- registered medical practitioners (including psychiatrists)
- nurses (including school nurses)
- police

The law states that there must be reasonable grounds for forming the belief that a child has suffered or is likely to suffer physical or sexual abuse. This means that the teacher does not have to be absolutely certain to notify the Department of child abuse, but must genuinely believe, on the basis of the evidence, that the child might have been abused.

From 30 September 2015, this list will also include qualified early childhood teachers who are teaching or intend to teach as an early childhood teacher in an education and care service or a Victorian children's service.

The *Children, Youth and Families Act* (CYFA) specifies that a person registered under the *Education Training and Reform Act 2006*, or with permission to teach under that Act, is designated as a mandatory reporter.

Non-mandated staff members

Mandatory reporting will not apply to educators or staff with qualifications other than an approved early childhood qualification. However, under the CYFA **any person** who believes on reasonable grounds that a child is in need of protection may report their concerns to Child Protection. This applies to all service staff and volunteers.

What does *mandatory reporting* mean?

Mandatory reporting is the legal obligation to report to police or to child protection authorities when a belief is formed on reasonable grounds that a child is in need of protection from significant harm. This harm could be the result of physical injury, sexual abuse, or neglect from which the child's parents or guardians are unwilling or unable to provide protection.

What do I need to do?

Mandatory reporters must report the abuse as soon as practicable to:

- the police, by calling 000, if the offence requires immediate police attention, or
- Child Protection authorities, if they suspect, on reasonable grounds, that a child is suffering abuse or neglect, or wish to discuss their concerns about a child or young person. Telephone the Child Protection Crisis Line: toll free on 13 12 78, or a regional DHHS office.

So what are *reasonable grounds*?

The law states that there must be reasonable grounds for forming the

belief that a child has suffered or is likely to suffer physical or sexual abuse. This means that the teacher does not have to be absolutely certain to notify the DHHS of child abuse, but must genuinely believe, on the basis of the evidence, that the child might have been abused. A reasonable belief can be formed on different types of evidence including: a dramatic change in the behaviour of a student, a drop in grades, withdrawing from social contact, bruises, etc. It is important for teachers to receive training on the symptoms of child abuse. (The information in this section comes from the VIT website. For further information refer to *Protecting the safety and wellbeing of children and young people*).

How and when do I register with VIT?

Details about qualification requirements and how to undertake early childhood teacher registration are available on the **Victorian Institute of Teaching** website: www.vit.vic.edu.au It is anticipated that registrations will begin from July 2015. Information is also provided on the ELAA website.

Where do I find out more?

Further information about Child Protection is available from:

- the Victorian Department of Education and Training website – including the joint protocol on *Protecting the safety and wellbeing of children and young people* – at: <http://www.education.vic.gov.au/childhood/parents/health/Pages/childprotection.aspx>
- the Victorian Department of Health and Human Services – including how to make a report to child protection – at: <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/how-to-make-a-report-to-child-protection>
- ELAA is currently providing a one day seminar on *Working with Vulnerable Families*. Visit the ELAA website for details.
- The VIT website also provides information about mandatory reporting.
- i *Protecting the safety and wellbeing of children and young people: a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*. May 2010. Viewed at: <http://www.dhs.vic.gov.au/cpmanual/library/protocols>

How will I know my responsibilities at the service?

All education and care services are required by law to have policies and procedures in place in relation to providing a child safe environment. This includes issues of child protection. The service's Child Protection Policy should outline specific responsibilities for everyone at the service – the approved provider, nominated supervisor, early childhood teachers, certified supervisors, educators and other staff, parents and volunteers.

PolicyWorks Manual – National Quality Framework was developed by ELAA to enable early childhood services to meet the legal requirement to have specific policies and procedures in place. ELAA is currently in the process of updating the *Child Protection Policy* for the manual. This policy will be separate from, but related to, the *Child Safe Environment Policy* which is also being revised. Services that have previously purchased *PolicyWorks* will be able to download the updated policies free of charge from the ELAA website. Services wishing to purchase *PolicyWorks* can do this on the ELAA website.