



Mandatory Reporting Procedure

1 Background

- 1.1 Pymble Ladies' College (the College) is committed to providing a safe and supportive environment for staff, students and visitors to the College. It recognises that both individuals and the College have a range of different obligations relating to the safety, protection, wellbeing and welfare of students.
- 1.2 The purpose of this procedure is to set out staff responsibilities for child protection and processes that staff must follow in relation to the mandatory reporting of child protection matters.

2 Purpose

- 2.1 The purpose of this procedure is to outline the process for all staff members, which includes employees and contractors, for the mandatory reporting of child protection matters.
- 2.2 Staff members who fail to adhere to this procedure may be in breach of their terms of employment.

3 Definitions

- 3.1 In the context of this document definitions have been defined in accordance with the legislation and are in the relevant sections below.

4 Procedure

4.1 General

- 4.1.1 The *Children and Young Persons (Care and Protection) Act 1998 (Care and Protection Act)* provides for mandatory reporting of children at risk of significant harm. For the purposes of this *Act*, a child is a person under the age of 16 years and a young person is aged 16 years or above but who is under the age of 18.
- 4.1.2 Under the *Care and Protection Act* mandatory reporting applies to persons who:
 - in the course of their employment, deliver services including health care, welfare, education, children's services and residential services, to children;
 - hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children;

- are in religious ministry, are providing religion-based activities to children; and
- are registered psychologists providing a professional service as a psychologist

This means that all staff are mandatory reporters and must report concerns directly to the Principal.

4.2 Reports to Department of Communities and Justice (DCJ)

- 4.2.1 Under the legislation a mandatory reporter must, where they have reasonable grounds to suspect that a child is at risk of significant harm, make a report as soon as practicable. The report must include the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.
- 4.2.2 At the College, a mandatory reporter will meet their obligation if they report to the Principal in accordance with the centralised reporting model as varied and replaced and communicated to staff by the College. This centralised reporting model helps to ensure that one person in the College has all of the information that may be relevant to the circumstances of the child or young person at risk of significant harm. It addresses the risk of the College not being aware of individual incidences that amount to cumulative harm.
- 4.2.3 At the College only members of the Wellbeing team, in consultation with the Psychology team, where appropriate, are permitted to complete the Mandatory Reporter Guide Decision Tree and submit reports directly to the DCJ. The information provided by staff through the centralised reporting model will be used by the Wellbeing team to engage with the Mandatory Reporter Guide Decision Tree.
- 4.2.4 In addition to the mandatory reporting obligations above, where a staff member has reasonable grounds to suspect that a young person is at risk of significant harm, they are required to report to the Principal in accordance with the centralised reporting model.

4.3 Reasonable grounds

- 4.3.1 'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:
- First hand observations of the child, young person or family
 - Information the child, young person, parent or another person has disclosed
 - Information that can reasonably be inferred based on professional training and/or experience.
- 4.3.2 'Reasonable grounds' does not mean that you are required to confirm your suspicions or have clear proof before making a report.

4.4 Significant harm

- 4.4.1 A child or young person is 'at risk of significant harm' if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:

- The child's or young person's basic physical or psychological needs are not being met or are at risk of not being met
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- In the case of a child or young person who is required to attend school in accordance with the *Education Act 1990*, the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act
- The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- A parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm
- The child was the subject of a pre-natal report under section 25 of the *Care and Protection Act* and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

4.4.2 What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

4.4.3 What is significant is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or wellbeing.

4.4.4 The significance can result from a single act or omission or an accumulation of these.

4.4.5 If a mandatory reporter is uncertain whether their concern would be considered significant, they should still follow the mandatory reporting process and report their concern to the Principal.

4.5 **Process for Mandatory Reporting**

4.5.1 The Principal, or her delegate, will report these matters to the DCJ and, where necessary the Police. This is supported by the DCJ in accordance with best practice principles.

4.5.2 Therefore, staff members must raise concerns about a child or young person who may be at risk of significant harm with the Principal in accordance with the centralised reporting model as varied and replaced and communicated to staff by the College as soon as possible, to discuss whether the matter meets the threshold of "risk of significant harm" and the steps required to report the matter.

4.5.3 However, if there is an immediate danger to the child or young person and the Principal or next most senior member of staff is not contactable, staff members should speak to the

Police and/or the Child Protection Helpline (13 21 11) directly and then advise the Principal or next most senior member of staff at the College as soon as possible.

- 4.5.4 Staff members are not required to, and must not, undertake any investigation of the matter.
- 4.5.5 Staff members are not permitted to inform the parents or caregivers that a report to DCJ has been made.
- 4.5.6 Staff members are required to deal with the matter confidentially and only disclose it to the persons referred to above or as required to comply with mandatory reporting obligations.
- 4.5.7 Failure to maintain confidentiality will not only be a breach of this procedure but could expose a person to potential civil proceedings for defamation.

4.6 Process for reporting concerns about students

- 4.6.1 The *Care and Protection Act* outlines a mandatory reporter's obligation to report to the DCJ, concerns about risk of significant harm.
- 4.6.2 However, to ensure centralised reporting, all staff members are required to report any concern regarding the safety, welfare and wellbeing of a student to the Principal in accordance with the centralised reporting model as varied and replaced and communicated to staff by the College.
- 4.6.3 Staff members who are unsure as to whether a matter meets the threshold of risk of significant harm should report their concern to the Principal regardless.
- 4.6.4 Staff members are required to deal with all reports regarding the safety, welfare or wellbeing of a student confidentially and only disclose it to the Principal and any other person the Principal nominates.
- 4.7 All records regarding Mandatory Reporting are securely stored as an Edumate (Student Management System) note with restricted permissions against the student's record.

5 Guidelines

- 5.1 Nil

6 Related Documents

- 6.1 Child Protection Policy
- 6.2 EYS – Child Protection Policy
- 6.3 OSHC – Child Protection Policy
- 6.4 Working With Children Check Procedure

- 6.5 Reportable Conduct Procedure
- 6.6 Staff Code of Behaviour
- 6.7 Work Health and Safety Policy
- 6.8 Anti-Discrimination, Anti-Harassment and Anti-Bullying Policy
- 6.9 Anti-Bullying Policy (Students)
- 6.10 Grievance and Dispute Resolution Policy
- 6.11 Student Code of Behaviour Policy
- 6.12 Complaints Policy
- 6.13 Contractors and Volunteers Induction Handbook

7 Responsible for Authorisation

- 7.1 Principal
- 7.2 Chair of the Board

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