



Mid North Christian College

MANDATORY REPORTING Policy and Procedure

RATIONALE

It is the policy of the Mid North Christian College that all school personnel be trained as Mandated Notifiers under Section 11 (1) & (2) of the Protection of Children Act 1993.

The following information from the Department of Education and Children's Services website will be available to staff for reference following their Mandatory Notification training and induction at Mid North Christian College. School personnel will be required to refresh on this training at the start of each school year.

This information will be updated as further information or changes to legislation are published.

The legal responsibility to report child abuse

Children have the right to be emotionally and physically safe at all times. The state, through has a mandate to intervene in family life when there is a suspicion, on reasonable grounds, that a child is at risk of abuse, or is being abused or neglected.

In South Australia, a wide range of people is required to notify the relevant government authority in where child abuse and neglect are suspected. child protection is the responsibility of the whole community. Notification must be made on the ***Families SA Child Abuse Report Line 131478.***

We all have a role to play in keeping children safe. Child abuse can occur anywhere, eg in family situations or in institutions like schools, preschools and churches. Child abuse can be perpetrated by anyone, eg teachers, childcare workers, priests, police, relatives.

Moral responsibility

Although mandated notifiers have a legal responsibility to notify, EVERYONE has a moral responsibility to report suspected child abuse.

What is child abuse? It can involve:

- sexual abuse
- physical or emotional abuse, or
- neglect of the child to the extent that:
 - the child has suffered, or is likely to suffer, physical, or psychological injury detrimental to the child's well being, or
 - the child's physical or psychological development is in jeopardy.



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Physical abuse is commonly characterised by physical injury resulting from practices such as punching, beating, shaking, biting, burning or otherwise harming a child.

Sexual abuse occurs when someone in a position of power to the child or young person uses his or her power to involve the child or young person in sexual activity. This can include a range of behaviours including: sexual suggestion, exhibitionism, mutual masturbation, oral sex, penile or other penetration of the genital or anal region. **Emotional abuse** tends to be a chronic behavioural pattern directed at the child/young person where by their self esteem and social competence is undermined or eroded over time. A child/young person can also experience emotional abuse by being exposed to a dysfunctional environment which includes domestic violence.

Neglect is characterised by the failure to provide for the child/young person's basic needs. This can occur through direct and deliberate action or by omission or deliberate inaction to care for the child/young person.

Failure to notify

Under Section 11 (1) & (2) of the Act, certain people are obliged by law to notify the relevant government agency if they suspect:

- **on reasonable grounds, that a child has been or is being abused or neglected and the suspicion is formed in the course of the person's work, whether paid or voluntary, or in carrying out official duties.**
- **Failure to notify is an offence under the Act and carries a fine. The Police Department is the agency which can prosecute for failure to notify.**

Why notify?

There is a legal obligation on people who provide healthy welfare, educational, child care or residential services to report suspected child abuse and neglect to the relevant government authority. This is a means by which children can be protected from further harm. When a family cannot ensure a child's safety, relevant government authority has the statutory mandate to assist the family to make provision for the child's care and protection, or to seek alternative care arrangements for the child.

Child abuse and neglect rarely stops without intervention and help.

Rights and responsibilities of mandated notifiers

It is your personal responsibility to report suspected abuse and neglect – it is not just the responsibility of your supervisor, principal or employer.

- You do not have to be able to prove that the abuse has occurred.
- You must accompany your notification with a statement (which may be verbal) of the observations and factual information upon which the suspicion is based.
- You are immune from civil liability for reporting your suspicion in good faith to relevant government authority (Section 12(a) *Children's Protection Act 1993*).
- You are entitled to feedback about the way your notification is being dealt with by the relevant government authority.



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Confidentiality

Under Section 13 of the Act, your identity as the notifier will not be disclosed unless:

- the disclosure is made in the course of 'official duties' to another person acting in the course of 'official duties' eg police acting in the matter of a criminal prosecution may need to take a statement from a teacher who has made the notification
- the court deems the identify of the notifier as evidence
- you have consented to the release of your name. **Confidentiality**

It is the intention of the Act to keep the identity of a mandated notifier confidential. This may be difficult to achieve in some contexts within which the notification arises, eg a notification from a country centre of a child from a farm who has only been to the centre and home.

Obligation of mandated notifiers

Mandated notifiers should contact the *Child Abuse Report Line* on 13 14 78 to make a notification or appropriate referral if they have a reasonable concern regarding a child at risk or suspicion of abuse or neglect.

- All reasonable suspicions of abuse and neglect must be reported without delay. Mandated notifiers need to be aware that notification to relevant government authority does not automatically result in an investigative process.
- The decision to initiate state intervention is a serious one and must be carefully considered by relevant government authority.
- The role of relevant government authority is to assess the notification and determine whether relevant government authority action is warranted.

Some suggestions for responding to the child who tells you that he/she has been abused include:

- listening to the child
- controlling expressions of panic or shock
- expressing your belief that the child is telling the truth
- using the child's language or vocabulary
- telling the child that this has happened to other children/young people, and he or she is not the only one
- reassuring the child that to disclose is the right thing to do
- emphasising that whatever happened was not the child's fault, and that the child is not bad
- telling the child that you know some adults do wrong things
- acknowledging that it is difficult to talk about such things
- telling the child you will do your best to support and protect him or her
- indicating what you will do, for example: I will find out who else can help with this problem. Finding out who else can help is part of my job.

Your legal obligation is to inform relevant government authority of your suspicions as soon as possible.



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You will not be helping the **child if you:**

- u make promises you cannot keep, such as promising that you will not tell anyone
- u push the child into giving details of the abuse
- u conduct an investigation which may prejudice any subsequent investigation by THE RELEVANT GOVERNMENT AUTHORITY or police
- u indiscriminately discuss the circumstances of the child with others not directly involved
- u disbelieve the child because of an existing belief about the alleged perpetrator, eg a valued colleague
- u fail to make a notification because of a perception about the capacity of relevant government authority to respond.

Reasonable grounds

Reasonable grounds to notify suspected abuse or neglect to THE RELEVANT GOVERNMENT AUTHORITY may include the following:

- when a child tells you she/he has been abused
- when your own observation of a particular child's behaviour and/or injuries or your knowledge of children generally leads you to suspect abuse is occurring
- a child tells you she/he knows someone who has been abused but you suspect she/he is the one being abused
- when someone else tell you (perhaps a relative, friend, neighbour or sibling of the child) who is in a position to provide reliable information.

If you are unsure ...

If you are unsure whether you have reasonable grounds to notify, it is appropriate to consult with the *Child Abuse Report Line 13 14 78*. This is a 24 hour line and can be accessed from anywhere in the state for the cost of a local call.

Detail included in a report

When making a notification, advise:

- the child's name, age (date of birth if possible) and address
- your reason for suspecting that the injury to, or behaviour of, or the condition of the child is the result of abuse or neglect
- your assessment of immediate danger to the child (information may be sought about the whereabouts of the alleged abuser/s)
- what arrangements, if any, exist for the care and protection of the child
- what involvement, if any, other agencies have in dealing with the abuse or neglect issues
- your description of the injury, behaviour of condition observed
- the current whereabouts of the child.
- You are not required to have all of the above information in order to make a notification.
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Aboriginal children

A central Aboriginal team called *Yaitya Tirramangkofiti* has been established to operate alongside the Central Intake Team. When you ring the *Child Abuse Report Line 13 14 78*,



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you may be asked if you wish to report directly to the *Yaiya Tirramangkofti* if the matter involves an Aboriginal child or family.

END OF POLICY