

Mandatory Reporting Procedure

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1 Purpose

This Mandatory Reporting Procedure (procedure) provides practical advice for all Department for Education, Children and Young People (Department) employees and volunteers ([staff](#)) to fulfil their obligations to help keep children and young people safe through [mandatory reporting to the Strong Families Safe Kids Advice and Referral Line \(ARL\)](#).

This procedure details each staff member's individual responsibility to contact the ARL, and the process for doing so (including circumstances that might lead to concerns for a child or young person), how to support the child or young person to whom the concern relates, and the legislation that underpins this responsibility.

This procedure is consistent with statutory requirements for mandatory reporting under the [Children, Young Persons and Their Families Act 1997](#) (Act) and the [Criminal Code Act 1924](#) (Criminal Code).

This procedure also supports:

- the Department's commitment to protecting the rights of children, including that all children and young people are known, safe, well and learning, and
- the Department's goal of *Wellbeing for Learning: learners and staff are safe, feel supported, and are able to flourish so they can engage in learning*.

2 Overview

Mandatory reporting is an important part of keeping children and young people safe. However, it is not enough to simply respond to instances of [abuse](#); all staff should be aware of their role in creating a child-safe culture and preventing abuse from occurring in the first place.

Volunteers have the same mandatory reporting obligations as paid employees. Therefore, for the purpose of this procedure and mandatory reporting training, [staff](#) refers to both paid employees and volunteers.

Any staff member who holds concerns about abuse of a child or young person **must** call the ARL to discuss these concerns.

Note that references to abuse in this document are intended to include all forms of abuse and neglect.

3 Roles and responsibilities

3.1 Secretary

The Secretary of the Department:

- approves these procedures.

3.2 Managers and Principals

Managers and Principals:

- must ensure all staff are made aware of, understand and comply with these procedures
- must handle concerns, suspicions, allegations, disclosures, incidents and complaints of abuse perpetrated by persons associated with the school, in line with relevant departmental procedures and legislation
- must ensure all staff undertake annual mandatory reporting training
- must support staff in fulfilling their obligations under this procedure
- must ensure that all information about abuse-related concerns and mandatory reports is recorded in the Department's electronic records management system (refer to [Section 4.5](#)).

3.3 Student Support Leaders and Safeguarding Leads

Student Support Leaders and Safeguarding Leads in schools and colleges:

- must ensure Principals, site leaders and staff are made aware of, understand, and adhere to these procedures
- must support Principals and staff to uphold the safety and wellbeing of a child or young person at school who is, or has been, affected by abuse.

3.4 All staff

All staff (employees and volunteers):

- must undertake annual mandatory reporting training
- must consider the best interests of the child or young person as the primary consideration when making any decisions
- must report any concerns about abuse of a child or young person to the ARL
- must fulfil their mandatory reporting obligations
- must record all information about abuse-related concerns and mandatory reports in the Department's electronic records management system (refer to [Section 4.5](#))
- must uphold the ongoing safety and wellbeing of children and young people affected by abuse.

4 Procedure

If a child or young person is at immediate risk and requires urgent police or medical assistance, phone 000.

4.1 When to make a report to the ARL

To best protect children and young people, staff holding **any concerns** about the abuse of a child or young person must discuss this with the **ARL by phoning 1800 000 123**, regardless of whether the concerns meet any thresholds described in either the Act or the Criminal Code.

While not all concerns will amount to child abuse, contacting the ARL with any concerns helps them to develop a more complete picture of a child's circumstances and risk factors to better protect them from harm. Making a report may prevent the occurrence, or further occurrences, of abuse.

Reasons for making a report to the ARL may include*:

- observed or reported instances of inappropriate, unwarranted or unwelcome physical touching of a child
- physical abuse or unexplained injury to a child
- threats of physical injury or death
- cumulative harm, such that the child's or young person's development has been compromised (such as the harm caused by ongoing exposure to family violence and chronic neglect)
- persistent emotional or psychological abuse
- the presence of indicators that suggest the child is subject to chronic neglect or inadequate supervision
- disclosure of sexual abuse by a child, or the presence of indicators that suggest sexual abuse (including grooming) may be occurring or likely to occur
- observation or disclosure of concerning or abusive behaviour by an adult (for example forced marriage)
- observation or disclosure of concerning or abusive behaviour by another child or young person (including harmful sexual behaviour displayed towards a child, young person or adult).

*Further guidance on signs of the above is provided in [Appendix A](#).

Abuse can occur in many different settings, including online, and may be committed by:

- a parent, carer or other household member
- another child or young person
- staff or volunteers
- coaches, instructors or tutors
- someone at a young person's workplace
- a stranger or any other person.

Staff do not need to witness the abuse or neglect to make a report. They might be worried because:

- a child has told them something themselves
- another child or person has told them something
- the staff member has personally observed things
- the staff member has come across information that makes them think a child might be unsafe.

4.1.1 If staff are unsure whether to submit a report

It is important that staff contact the **ARL on 1800 000 123** with **any concern** about abuse of a child or young person. The ARL will always want to hear staff concerns.

4.1.2 Seeking support from managers and Principals

Staff may contact their manager or the relevant Principal if they require assistance or support in making a report. However, **it is each staff member's individual responsibility to report to the ARL.**

Support provided by a manager or Principal may include:

- offering resources (for example a private office with a phone at school) and advice or guidance about the reporting process
- ensuring the relevant staff member's legal obligations for [mandatory reporting](#) are fulfilled
- providing the reporting individual/s with supports, including information about the Department's Employee Assistance Program (EAP).

Note that if a report involves the behaviour of the reporting person's manager or Principal, staff may call Workplace Relations for support on 6165 6249 or 6165 6250.

4.2 Making a report to the ARL

Staff who need to contact the ARL should do so by calling them on **1800 000 123**.

When required for recordkeeping purposes, staff may request a transcript of the conversation at the beginning of the call.

Note that while an [online contact form](#) is available on the Strong Families Safe Kids website, the ARL prefers all contact to be made by phone to ensure they have all the information they need to make an assessment.

4.2.1 What to expect when contacting the ARL

When contact is made, ARL personnel taking the call will speak with the reporting staff member about the situation involving the child or young person and their family, including:

- what the staff member is concerned about
- anything that is going well for the child and their family, and

- what the staff member thinks might help.

ARL staff will also:

- ask for the caller's name and work details, and whether they agree for this to be shared with the family
- find out whether help is already being provided to the family and whether the family knows there is concern for the safety and wellbeing of their child
- assess the risk to the child, based on what has been discussed and other information available to the ARL
- make a record of the conversation, including the information provided and any agreements made between the ARL and the caller
- talk through the next steps to be taken.

4.2.2 Confidentiality

Anyone who contacts the ARL has a legal right to confidentiality under section 16 of the Act. In addition, the names of notifiers cannot be released through an application under the [Right to Information Act 2009](#).

ARL staff will record caller details but will not disclose the caller's identity without their consent, unless they need to consult with another person acting in the course of official duties under the Act (such as another ARL staff member, Tasmania Police or a Child Safety Officer), or if they have been ordered to disclose this information by a court.

While ARL staff will not disclose the caller's details, they will need to talk to the family about what has been reported. In many cases, the family may guess the source of the information. ARL staff can discuss this scenario with the caller, including any potential impact on them and the child involved, and how they might wish to respond.

4.3 Reports that involve child sexual abuse

In instances of child sexual abuse, staff must also follow the [Advice for Staff - Responding to incidents, disclosures and suspicions of child sexual abuse](#).

If the matter relates to [harmful sexual behaviour](#) by a child or young person, staff are to refer to the [Responding to incidents, disclosures or suspicions of harmful sexual behaviour Flowchart for Principal/Site Leader/Delegate](#).

4.4 How to support a child or young person who discloses abuse

If a child discloses abuse, staff are to:

- believe them, and tell them that they are believed
- listen to, support and understand them
- let them know that it is not their fault
- tell them they have done the right thing by telling someone
- explain what will happen next and why, providing them with choice where appropriate (for example, they might like you to call a parent/carer first or to sit with you while you make the report)
- only discuss their situation with people dealing with the matter.

A child who has disclosed abuse must be provided with ongoing support by their school, including access to professional support staff and communication with the child's parent or carer, if appropriate. Before contact is made with a parent or carer, staff should seek ARL advice about what information may be shared with the parent/carer.

In the case of child sexual abuse, the staff member who is the designated lead on the matter must consult with the appropriate business unit, in accordance with the [Advice for Staff - Responding to incidents, disclosures and suspicions of child sexual abuse](#).

[Student Support Leaders](#) can provide advice on various supports for the child or young person, as required.

The Principal, in conjunction with [Learning Services](#) and [Legal Services](#), can provide advice about maintaining the safety of the affected child or young person while on a departmental site.

4.5 Documenting and recording concerns or disclosures of abuse

All aspects of a concern, disclosure or incident of child abuse must be documented in a professional and objective manner, recorded in the relevant workplace's designated electronic recordkeeping system and stored in accordance with the Department's [Records Management Policy](#).

Staff who require support and/or are unsure about where, how, when and what type of information must be recorded should seek advice from their manager or Principal.

Records are to include:

- description and date of the initial concern or disclosure of abuse, including any relevant observations
- when, why and to whom information about the concern or disclosure was reported, including details of verbal reports and copies of written reports
- name, position title and contact information for the designated lead person (staff member) for the case
- when and what subsequent actions were taken by staff and others involved in the case, including external officers (e.g. the ARL or Tasmania Police)
- the rationale for all internally initiated actions and information provided to/received from external officers
- copies of all relevant emails, other reports and written information
- when, what and who will be involved in follow-up activities and/or monitoring.

4.6 Mandatory reporting training

Managers and Principals must ensure that staff are aware of their mandatory reporting obligations and the requirements of this procedure, including ensuring that all staff undertake Mandatory Reporting Training every year:

- Wherever possible, staff must complete the online training module. A certificate of completion is provided to those who successfully complete the online module.
- Managers and Principals must ensure that staff who are unable to access and/or complete the online training module (for example, non-teaching staff and volunteers) undertake an alternative form of individual or group training prior to undertaking their duties.

The ARL also offers presentations for school staff, including additional information and support for compliance with mandatory reporting requirements. ARL training for individual schools can be requested by contacting the ARL on 1800 000 123.

4.7 Legislative requirements

The process described above applies to departmental employees and volunteers in accordance with the legislative requirements for reporting abuse (child abuse and neglect), as described in the Act and the Criminal Code.

4.7.1 Criminal Code Act 1924

Under **section 105A** of the Criminal Code, it is a crime if a person:

- a) has information that leads the person to form a reasonable belief that an **abuse offence** has been committed against another person who was a child at the time of the alleged offence, and
- b) fails without **reasonable excuse** to disclose that information to a police officer as soon as practicable.

This does not include the following:

- a) if the information was obtained by that person when they were a child
- b) the alleged victim of the offence to which the information relates had attained the age of 18 years at the time the information was obtained by the person and the person believes on reasonable grounds that the alleged victim does not wish the information to be reported to a police officer.

A **reasonable excuse** for not reporting to Tasmania Police could include that:

- the person fears on reasonable grounds that disclosing the information would endanger the safety of any person (other than the person reasonably believed to have committed, or to have been involved in, the child abuse offence), or
- the person believes on reasonable grounds that another person has already reported the information to a proper authority; or a proper authority already has the information, or
- the information is generally available to members of the public.

Abuse offences are defined in section 105A(1) of the Criminal Code and cover a range of serious criminal code offences (including attempt to commit) and include:

- persistent sexual abuse of a child or young person
- indecent act with a child or young person
- procuring a child or young person for sexual abuse
- indecent assault
- communications with intent to procure a child or young person (i.e. grooming)
- production of child exploitation material
- incest
- murder
- concealment of birth
- wounding or causing grievous bodily harm
- unlawfully administering poison with intent to harm
- involving a person under 18 years in production of child exploitation material.
- administering a noxious thing
- failure to supply necessities
- ill-treatment of children
- female genital mutilation
- common assault
- assault on a pregnant woman
- rape
- abduction
- stalking and bullying

The list provided above is **not** exhaustive. If staff think they may need to report an **abuse offence** to Tasmania Police but are unsure of its nature, they may contact [Legal Services](#) for advice. Any concern, suspicion or belief that child abuse has occurred must be reported, regardless of the nature of the abuse.

4.7.2 Children, Young Persons and Their Families Act 1997

All staff are prescribed persons under section 14 of the Act. This means that all staff **must** make a report to the ARL (phone 1800 000 123) when they know, believe or suspect on reasonable grounds that a child, young person or unborn baby is, or is likely to:

- be abused or neglected
- have their safety, psychological wellbeing or interests affected by family violence
- be killed, abused or neglected by a person with whom the child resides, or

- if the baby isn't born yet, need medical treatment or other intervention as a result of behaviour by the pregnant woman or another person.

If a staff member fails to inform the ARL of the reasonable belief, suspicion or knowledge of a child suffering abuse or at risk of abuse, they may be charged with an offence under section 14(2) of the Act.

Further to the responsibility to make a mandatory report, under section 13 of the Act any adult who knows, believes or suspects on reasonable grounds that a child (including an unborn child) is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

An important step that all staff members must take to prevent the occurrence of future abuse or neglect is to contact the ARL.

5 Related policies

- [Conditions of Use Policy for all users of Information and Communications Technology](#)
- [Professional Standards for Staff Policy](#) [staff only]
- [Records Management Policy](#) [staff only]

6 Related procedures

- [Duty of Care for Students Procedure](#) [staff only]
- [Respectful School Visitor and Volunteer Behaviour Procedure](#)

7 Supporting information/tools

- [Advice for Staff - Responding to incidents, disclosures and suspicions of child sexual abuse](#) [staff only]
- [Child Safety Service Website \(Communities Tasmania\)](#)
- [Conduct and Behaviour Standards](#) [staff only]
- [Professional Standards for Staff Guidelines](#) [staff only]
- [Responding to incidents, disclosures or suspicions of child sexual abuse by a current or former DoE employee Flowchart for Principal/Site Leader/Delegate](#) [staff only]
- [Responding to incidents, disclosures or suspicions of child sexual abuse by an adult in the family or community, including visitors and volunteers in schools Flowchart for Principal/Site Leader/Delegate](#) [staff only]
- [Responding to incidents, disclosures or suspicions of harmful sexual behaviour Flowchart for Principal/Site Leader/Delegate](#) [staff only]
- [Strong Families, Safe Kids website](#)

8 Definitions

Abuse

In the context of this document, abuse encompasses any or all types of abuse and neglect, including physical abuse, emotional abuse, psychological abuse, sexual abuse, and exposure to or involvement in domestic and family violence.

At risk

At risk means:

- (a) the child or young person has been, is being, or is likely to be, abused or neglected, or
- (b) any person with whom the child resides or has frequent contact with the child (whether the person is, or is not, a guardian of the child):
 - i. has threatened to kill, abuse or neglect the child and there is a reasonable likelihood of the threat being carried out, or
 - ii. has killed, 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
- (c) the child is a child whose safety, psychological wellbeing or interest are likely to be affected by family violence (*Family Violence Act 2004*), or
- (d) the child is under 16 years of age and does not, without lawful excuse, attend a school, or other educational or training institution regularly. [See section 4 of the Act for the full meaning.]

Note that under the *Education Act 2016*, for the purpose of mandatory reporting, 'at-risk' includes a child under 18 years of age who does not, without lawful excuse, regularly attend a school or other educational or training institution.

Child sexual abuse

Child sexual abuse is any act (including grooming) that exposes a child to, or involves a child in, sexual processes that are beyond their understanding, are contrary to accepted community standards, or are outside what is permitted by law.

Grooming

Grooming means any online or in-person behaviour intended to manipulate and control a child, their family, kin or carers, or other support networks or organisations, with the aim of: gaining access to the child, obtaining the child's compliance, maintaining the child's silence, and/or avoiding discovery of sexual abuse; grooming may be difficult to identify, and can be done by people already known to the child, including by a child's family member, kin or carer.

Harmful sexual behaviour

Harmful sexual behaviour is developmentally inappropriate sexual behaviour displayed by children and young people that may be harmful or abusive, encompassing a range of behaviours, from problematic to abusive, that are directed towards other children, young people or adults, and that may be harmful to those displaying the behaviour as well as those to whom it is directed.

Mandatory reporting

Mandatory reporting is the legal requirement to report a reasonable belief of child abuse to the responsible authorities.

Reasonable grounds

Whether someone has 'reasonable grounds' for suspecting abuse or neglect will vary depending on individual circumstances. There may be reasonable grounds for suspecting abuse or neglect where:

- i. a child tells you that they have suffered non-accidental physical injury, neglect, sexual abuse and/or emotional trauma
- ii. someone tells you that they believe, or have knowledge of, a child who is suspected of having been abused or neglected (In such situations, the person who has the knowledge or belief should be encouraged to make the report themselves as their 'evidence', noting that there are times when this may not be appropriate or possible)
- iii. your own observations of a child's physical condition or behaviour lead you to believe a child has suffered non-accidental physical injury or sexual abuse or neglect.

Staff

In this procedure, 'staff' refers to paid employees of the Department as well as volunteers.

Volunteer

A volunteer is a person who performs certain tasks without payment, including in any setting or location for which the Department is responsible. Volunteers include parents or carers volunteering at schools or school-based activities and community members helping in libraries or on library-related tasks. Volunteers have the same mandatory reporting obligations as paid employees, therefore for the purpose of this procedure, all references to *staff* include volunteers.

9 Relevant legislation

- *Children, Young Persons and Their Families Act 1997*
- *Criminal Code Act 1924*
- *Family Violence Act 2004*
- *Right to Information Act 2009*

Authorised by: Kane Salter, Deputy Secretary Corporate and Business Services

Contact: Legal Services; legal.services@education.tas.gov.au

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Appendix A: Signs that may raise concerns about abuse or abuse risks

Please note that while not all the following examples will mean a child or young person is suffering abuse, staff should be aware that their presence, especially more than one, could indicate a child is being abused.

Abuse type	Example signs
Physical abuse or injury to a child	<p>The child could have bruises, welts, cuts or burns, bite marks, pooling of blood in their eyes or be drowsy, vomiting or wearing clothes unsuitable for the weather conditions to hide injuries.</p> <p>There may be inconsistent or unlikely explanations for an injury, a child might not be able to recall how it happened, or parents/carers may not be able to recall how it happened.</p> <p>The child might have an unusual fear of physical contact with adults.</p> <p>The child may show disproportionate reactions to events such as over-reaction (e.g. an escalation of behaviours, anger or anxiety), or under-reaction (e.g. be overly compliant, shy or withdrawn).</p> <p>The child may have frequent unexplained absences from school.</p>
Threats of physical injury or death	<p>The child may disclose that a parent has threatened to hurt or kill them.</p> <p>The child may be reluctant to go home or be wary/fearful of a caregiver.</p>
Impacts of cumulative neglect and harm (may involve ongoing exposure to family violence)	<p>The child might have significant and unexplained delays in emotional, mental or physical development.</p> <p>The child might 'act out', for example they might show cruelty to animals, they may be extremely demanding and show attention-seeking behaviour.</p> <p>The child may be fearful of parents, carers or going home.</p> <p>The child may be embarrassed about their family and have parent-child conflict.</p> <p>Older children and young people might move or run away from home, enter into relationships early to escape the family home, or undertake risk taking or unlawful activity.</p> <p>The child may demonstrate harmful sexual behaviours.</p> <p>The child may re-enact abuse to their siblings or peers.</p> <p>The child may be withdrawn.</p>

Abuse type	Example signs
Persistent emotional and psychological abuse	<p>The child may have a lack of impulse control or social awareness.</p> <p>The child may self-harm.</p> <p>The child may have inadequate supervision.</p> <p>The child may participate in criminal behaviour.</p> <p>The child may be overly compliant, passive and undemanding.</p> <p>The child may be extremely demanding, aggressive, and attention-seeking or show anti-social and destructive behaviour.</p> <p>The child may have a speech disorder such as language delay, stuttering, or be selectively mute.</p> <p>There may be a delay in emotional, mental or physical development.</p> <p>The child may have poor social skills and show a lack of positive social contact with other children.</p>
Chronic neglect or inadequate supervision	<p>The child may have poor self-care, poor personal hygiene or be consistently hungry, tired and listless.</p> <p>The child may appear consistently dirty and unwashed and/or be inappropriately dressed for the weather conditions.</p> <p>The child may have unattended health problems and a lack of routine medical care.</p> <p>The child might be reluctant to go home or want to stay at school for long hours.</p>
Sexual abuse (including grooming) may be occurring or be likely to occur	<p>The child might have an injury to the genital or rectal area and may be in pain when going to the toilet.</p> <p>The child might frequently ask to go to the toilet, fidget or hold themselves in a way that shows they are uncomfortable.</p> <p>The child might have an emotional response that seems inconsistent with the situation.</p> <p>The child might present with an eating disorder.</p> <p>The child might have unexplained gifts or money.</p> <p>The child might have a sexually transmitted disease, have frequent urinary tract infections or become pregnant.</p> <p>The child might have anxiety-related illnesses or depression.</p> <p>The child might be showing persistent and age-inappropriate sexual behaviour.</p> <p>The child might show drug or alcohol misuse, suicidal thoughts, or might self-harm.</p>

Abuse type	Example signs
Grooming	<p>A person might give gifts or pay special attention to a child or young person, making them feel special or indebted to the adult.</p> <p>A person might make close physical contact, including play-fighting, tickling or touching 'accidentally'.</p> <p>A person might be spending unusual amounts of time alone with the child, including singling them out to favour or bully them.</p> <p>The child might be spending time with new 'friends' who may be older than them, or they might go missing from home or school for either short periods or overnight.</p> <p>An adult might offer to do things for a single parent, such as repairs or gardening.</p> <p>An older child might befriend a younger child for no apparent reason and spend unusual amounts of time with them.</p> <p>A person might develop friendships with a child's family and social connections to gain access to the child.</p>
Concerning or abusive behaviour by an adult or child	<p>Family members might try to alienate the child from other family members or have over-protective/volatile relationships with the child.</p> <p>The child or their family might disclose or indicate that the child is to be forcibly married.</p> <p>A person might exhibit inappropriate or unwanted physical touching of a child that makes the child feel uncomfortable or the child identifies as unwanted/inappropriate or unusual.</p> <p>A person might act aggressively towards a child, including handling them in an overly rough manner.</p> <p>A person might be displaying grooming behaviours (see above).</p>
Family violence (including sibling violence)	<p>The child might be reluctant to be alone with one or more of their family members.</p> <p>The child might regress in their behaviour or speech.</p> <p>The child might have difficulty with friendships or stop seeing friends.</p> <p>The child might skip school, have trouble concentrating in class or start receiving lower grades.</p> <p>The child might act out or withdraw.</p> <p>The child might be angry or aggressive towards friends and family.</p> <p>The child might present with low self-esteem and put themselves down.</p> <p>The child or their family might disclose or indicate that the child is to be forcibly married.</p>