



THE HUTCHINS SCHOOL

Mandatory Reporting Policy

Responding to child abuse reports and allegations

Relevant legislation	Children, Young Persons and Their Families Act 1997 (Tas) Registration to Work with Vulnerable People Act 2013 (Tas)
Commencement date	01 July 2017
Last review date	01 March 2021

1. Purpose

The Hutchins School (the School) is committed to the protection of children and young people who attend our programs and services. The purpose of this policy is to inform the understanding of staff, contractors, volunteers and members of the School community of their responsibilities in respect to child abuse reports and allegations.

The Hutchins School promotes equity and respects the diversity of the children and young people and their parents/carers who access our services. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children and young people with a disability.

We take seriously our commitment to deliver a learning environment that is characterised by integrity, humility, kindness, respect and courage, and are dedicated to ensuring the safety of all children and young people to whom we provide services or who participate in our learning programs.

As part of that commitment our Board has endorsed this policy.

2. Scope

All adults within or engaged by the School (whether on a paid or unpaid basis) are required to meet the requirements of this policy, without exception. Note that in this policy 'staff' refers to all persons engaged with the School, whether in a paid or unpaid capacity. This includes both volunteers and contractors.

3. Objectives

The primary objective of this policy is to inform adults engaged with the School - regardless of their position or capacity - of their responsibilities toward mandatory reporting, and to outline mechanisms and processes for responding to child abuse reports and allegations.

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4. Definitions

<p>Bullying</p>	<p>The inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> • <i>Verbal</i> (name calling, put downs, threats); • <i>Physical</i> (hitting, punching, kicking, scratching, tripping, spitting); • <i>Social</i> (ignoring, excluding, ostracising, alienating); and/or • <i>Psychological</i> (spreading rumours, stalking, dirty looks, hiding or damaging possessions).
<p>Child or young person</p>	<p>A person under the age of eighteen years.</p>
<p>Emotional or psychological abuse</p>	<p>Emotional or psychological abuse occurs when a child does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours may result in significant damage to the child's physical, intellectual or emotional wellbeing and development.</p>
<p>Family violence</p>	<p>Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.</p>
<p>Grooming</p>	<p>Grooming is where an adult builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there may be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>

Harm	<p>Harm is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> • physical, psychological or emotional abuse or neglect; • sexual abuse or exploitation; • a single act, omission or circumstance; and/or • a series or combination of acts, omissions or circumstances.
Neglect	<p>Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.</p>
Physical abuse	<p>Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt.</p>
Sexual abuse	<p>Sexual abuse occurs when an adult or a person of authority (e.g. older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.</p>
Sexual exploitation	<p>Sexual exploitation occurs when children are forced into sexual activities that are then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children who are forced into prostitution.</p>
Staff	<p>For the purpose of this policy, 'staff' refers to all people engaged with the School, whether in a paid or unpaid capacity. This includes both volunteers and contractors.</p>

5. Policy statement

Adults engaged with the School are required to report when they know, or believe or suspect on reasonable grounds that a child or young person is suffering, has suffered or is likely to suffer abuse or neglect immediately; or if that is not possible, no later than before ending that person’s shift or session of work at the School. Reports must be made to Strong Families, Safe Kids Advice and Referral Line by calling 1800 000 123.

If a child or young person is at imminent risk of harm or in immediate danger, our personnel are required to report the situation directly to Tasmania Police on 1800 333 000; or, where medical assistance is required, by dialing 000. Mandatory reports may also be made online, at <https://strongfamiliesafekids.tas.gov.au/> - however Strong Families, Safe Kids do prefer that all contact is made via phone so that their team has all the information they need to make an assessment.

Under Tasmanian legislation all staff at the School are ‘mandatory reporters’. Mandatory reporters are individually responsible for sharing with the appropriate authorities concerns of child abuse or neglect. The requirements are detailed in this policy.

These mandatory reporting requirements apply to all personnel within our organisation.

Mandatory reporting legislation and summary	Relevant personnel who must comply
<p><i>The Children, Young Persons and Their Families Act 1997</i></p> <p>This legislation requires that mandatory reporters are individually responsible to share with the appropriate authorities concerns of child abuse or neglect. The requirements are detailed in this fact sheet.</p> <p>Please familiarise yourself with this legislation at https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-028</p>	<p><i>“school principals, ministers of religion, teachers, kindergarten teachers, people who manage child care services, and people employed by, or volunteering in... organisations... that provide education or care for children”.</i></p> <p>This means that all staff, whether in paid employment, contracted or volunteering at the School are required to comply with this legislation.</p>

Internal reports and information sharing

It is also requested (though not mandated by legislation) that the reporter notify the Headmaster where a report to external authorities has been made. The intent of this request is to ensure that the School is able to provide a high level of support to the student or child, their family, and our staff, where appropriate. The [Mandatory Report Notification Form](#) has been created for this purpose. This form is online, confidential, and may be completed anonymously. It is designed to notify select persons within the School (primarily Heads of School, Headmaster, Chief Operating Officer and the Policy & Compliance Manager) in the event of a mandatory report, and contains mechanisms and controls to manage potential conflicts of interest. Options are also provided to manage cases

where the report form is being completed by a person other than the original recipient of the disclosure. This form is designed to ensure clear, honest communication within the School in respect to mandatory reports, and to support students, staff, families and community members through what is understood to be a difficult situation. Nonetheless, our staff must report directly to the relevant authorities regardless of whether they have, or intend to report that matter internally.

In taking a report of concern, or recording an incident disclosed by anyone within the School community, our staff are expressly forbidden to:

- assess the validity of allegations or concerns. Simply report all allegations or concerns as disclosed to the nominated person or persons within the School as described in this policy (the validity of an allegation will then be assessed in the manner described in this policy); or
- consider factors such as the authority or position of the persons involved. Any pre-existing views about the good character, or otherwise, of any person involved or under investigation should not influence the reporting process.

In situations where a child or young person is making an allegation, our people are required to:

- listen to the allegation or disclosure supportively, without dispute;
- clarify the basic details, without seeking detailed information or asking suggestive or leading questions;
- explain to the child (if present) that other people may need to be told, in order to stop what is happening; and
- provide reassurance that our school will take immediate action in response to the allegation.

For staff conduct that may not warrant a mandatory report, but is nonetheless unacceptable behaviour, the School has also developed an [Inappropriate Conduct Report Form](#). This form is accessible from the School's Policy and Compliance site (in the 'Safeguarding Children' section), on the Human Resources site, and via Rory. Reports made via this mechanism are confidential, and are delivered in the first instance to the Policy and Compliance Manager and the Human Resources Manager, who will escalate the report if required. This form allows for tracking and reporting, which ensures that where cumulative reports, trends or patterns emerge, the School is positioned to respond and take action.

Additional requirements where concerns or allegations of abuse or neglect involve our employees or volunteers

Our Staff are required to report to the Headmaster (or Deputy Headmaster if the Headmaster is the subject of the complaint) any breach of the Practice and Behaviour Standards or Code of Conduct arising from an action by an employee or volunteer within the School.

In response to any instance of serious breaches which relate to abuse or neglect ('serious' being cases in which the abuse or neglect has resulted in, or is likely to result in, significant harm to a child or young person) the

Headmaster will investigate and deal with the allegations in line with the School's general procedures for complaint and grievance resolution and disciplinary measures and in consultation with Tasmania Police and other authorities. If a serious allegation has been made against a staff member at the School, the Headmaster will:

- complete a [Mandatory Report Notification Form](#) to ensure all relevant details are documented;
- co-operate with the Police and other authorities and assist in their investigation of the allegation;
- take any action necessary to safeguard the child or young person (or other children or young people in our care) from additional harm through options such as:
 - redeploying that staff member to a position where they do not work with children;
 - additional supervision of that staff member;
 - removing/suspending that staff member from duty until the validity of the allegations is determined;
 - assisting in addressing the support needs of those impacted by the allegation including considerations of cultural safety for:
 - the child and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background);
 - the person against whom the complaint is made by, for example, offering professional counselling either internally or through the Employee Assistance Program; and/or
 - other personnel impacted by the allegations.
- make clear to all other personnel who are aware of the allegation that:
 - the allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'; and
 - they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or the Headmaster and only in direct relation to investigation of the allegation.

All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by School Staff will be subjected to a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days (by the Headmaster, or a delegate), in accordance with the requirements of the Safeguarding Children Program.

Confidentiality and privacy

The School is committed to maintaining the confidentiality and privacy of all concerned (including the alleged perpetrator), except where doing so would compromise the welfare of the child or young person and/or investigation of the allegation.

Documentation

The School has developed an online [Mandatory Report Notification Form](#), which may be used by any person to document an allegation, disclosure, incident or concern regarding child abuse. In situations where School staff become aware of abuse (whether through observation of potential indicators such as bruises or cuts, or by direct observation of abusive behaviour towards a child or young person), they are required to use this process to record their observations and concerns as accurately as possible. Completed forms are retained electronically in both Complispace and Synergetic. Synergetic records are tightly controlled, and accessible only to Heads of School and select authorised personnel.

We maintain and regularly monitor records of mandatory report notifications as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and procedure, and to ensure that requirements for reporting to external authorities are complied with in full.

Communication

We communicate this Mandatory Reporting Policy and its requirements to all staff (whether paid or volunteer) who are involved with children and young people within our organisation. We involve our people in reviews of this policy and its requirements, and communicate any significant alterations to all personnel.

Consequences for breaching this policy

A mandatory reporter under the Children, Young Persons and their Families Act 1997 may be charged with an offence for failing to fulfill their reporting responsibilities. If School Staff fail to report instances, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person, the School views such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal.

This policy prohibits all staff from:

- discussing any concerns or allegations with unauthorised personnel – within or outside the School – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of the School's commitment to ensuring privacy, confidentiality and natural justice; and
- making deliberately false, misleading or vexatious allegations.

Our staff are obliged to raise any concerns they might have in relation to:

- the School policies designed to safeguard children and young people – such as outlined in our [Code of Conduct, Practice and Behaviour Standards](#) and in this [Mandatory Reporting Policy](#); and
- actions of other people within the School community that contravene our policies, or that may otherwise have the potential to harm a child or young person.

6. Supporting/related documents

[Code of Conduct](#)

[Commitment to Kindness](#)

[Complaints and Grievances Policy](#)

[Inappropriate Conduct Report Form](#)

[Practice and Behaviour Standards](#)

[Mandatory Report Notification Form](#)

[Safeguarding Children and Young People Policy](#)

7. Record keeping

This policy is to be kept for three (3) years until review, unless there is a significant legislative or organisational change requiring earlier review. We retain 'evidence' to document each review undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result from a review.

External audit and verification based on a sample, conducted by the Australian Childhood Foundation shall occur at 3 yearly intervals.

The master copy is kept in SharePoint Online in read-only in PDF form. All printed copies are uncontrolled.

8. Policy owner

Headmaster

9. Version Control

Version Number	Author	Purpose/Change	Date
1.0	Health, Safety & Risk Manager	Policy First Issue	8/10/2018
2.0	Policy & Compliance Manager	Full review. Significant textual changes to reflect changes in school personnel and to streamline both the policy and the procedural content. Updated phone numbers and referral	1/3/2021

		<p>mechanisms to reflect governmental changes and shifts in legislation.</p> <p>Policy renamed for clarity.</p> <p>References added to the Mandatory Report Notification Form (online, Complispace).</p>	
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