**mandatory reporting: January 2020 changes**

Frequently Asked Questions

### What is mandatory reporting?

Certain professionals must, by law, make a report to the Department of Health and Human Services (DHHS) Child Protection if they form a reasonable belief in the course of practising their profession or carrying out their work duties of their office, position or employment that:

* a child has suffered or is likely to suffer significant harm, as a result of physical or sexual abuse, and
* the child’s parents have not protected or are unlikely to protect the child from harm of that type.

The report must be made as soon as practicable after forming the belief, and after each occasion on which they become aware of any further reasonable grounds for the belief. Failure to make a mandatory report is an offence, and penalties apply for failing to comply with your mandatory reporting obligations.

### Who are mandatory reporters?

Within schools, classes of professionals who are mandatory reporters include:

* Victorian Institute of Teaching (VIT) registered teachers, including principal class
* Staff who have been granted permission to teach by the VIT
* Medical practitioners
* Nurses
* Early childhood workers
* Social workers
* Youth workers
* Registered psychologists
* School counsellors (from 31 January 2020).

### What is a ‘school counsellor’?

From 31 January 2020, ‘school counsellors’ will be mandatory reporters. For mandatory reporting purposes, the definition of a school counsellor is broad, meaning:

“a person employed or engaged (other than on a voluntary basis), to provide direct support to school students, at or directly connected with a school, for mental, emotional or psychological wellbeing.”

This may include, but is not limited to, the following staff:

* Student Support Service staff
* Primary Welfare Officers
* Mental Health Practitioners in secondary schools
* Social workers
* Student Wellbeing Coordinators
* Chaplains
* Speech pathologists
* Youth workers

**The above list is NOT exhaustive. You must consider whether your work and duties could mean you are a school counsellor for the purpose of the mandatory reporting laws.**

### Are TAFE student counsellors ‘school counsellors’ under mandatory reporting laws?

A TAFE would not generally be considered a ‘school’, so TAFE student counsellors would not ordinarily fall within the above definition of ‘school counsellors’ for the purpose of mandatory reporting laws. Exceptions to this would include where:

* the TAFE counsellor is a professional who has their own separate mandatory reporting obligations under law (for example, a nurse or psychologist). See Question 2 above; or
* part of the TAFE counsellor’s role requires them to provide direct mental, emotional or psychological support to school students as part of their school studies (i.e. students who are enrolled at a primary or secondary school), for example, school students completing TAFE units as part of their secondary school studies and receiving support from the TAFE counsellor.

Regardless of whether they are mandatory reporters, TAFE student counsellors may still make a voluntary report to DHHS Child Protection if they believe on reasonable grounds that a child is in need of protection.

### When will school counsellors be required to comply mandatory reporting obligations?

From 31 January 2020, school counsellors will be included as mandatory reporters. It is important that you understand your mandatory reporting obligations before that date, so you know how to make a mandatory report.

### What training do I need to do as a mandatory reporter?

You must complete the Department’s [online Mandatory Reporting module](http://elearn.com.au/det/protectingchildren/) and refresh your training every 12 months.

Go to <https://educationvic.elmotalent.com.au/> and select “Create an Account” to begin.

### How do I make a mandatory report?

You can make a mandatory report by contacting the DHHS Child Protection intake service covering the Division where the child normally resides. The telephone numbers to make a report during business hours (8.45am-5.00pm), Monday to Friday, are listed below.

* North Division intake: 1300 664 977
* South Division intake: 1300 655 795
* East Division intake: 1300 360 391
* West Division intake - metropolitan: 1300 664 977
* West Division intake - rural and regional: 1800 075 599
* After Hours: 13 12 78

This process is detailed in the [Four Critical Actions for Schools](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf) on the [PROTECT website](https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx).

For more information, you can also visit the [DHHS Mandatory Reporting website](https://providers.dhhs.vic.gov.au/mandatory-reporting).

### When must I make a mandatory report?

If the child or anyone else is in immediate danger, you must call 000 immediately to report your concerns.

In addition, you must make a mandatory report to DHHS Child Protection as soon as practicable if you form a reasonable belief in the course of practising your profession or carrying out your duties that:

* a child has suffered or is likely to suffer significant harm, as a result of physical or sexual abuse, and
* the child’s parents have not protected or are unlikely to protect the child from harm of that type.

You must also make additional reports every time you become aware of additional reasonable grounds for the above belief.

### Will the family know I have made a report?

In accordance with relevant legislation, the identity of a reporter must remain confidential, unless:

* the reporter chooses to inform the child or family of the report
* the reporter consents in writing to their identity as the reporter being disclosed
* a court or tribunal decides it needs this information in order to ensure the safety and wellbeing of the child
* a court or tribunal decides that in the interests of justice the evidence needs to be given.

### I have made a mandatory report. What else must I do?

After you make a mandatory report, you must inform the principal or school leadership of the situation and your actions, if you have not already done so. You must also keep detailed notes, and to assist you, the Department has developed the [Recording your actions: responding to suspected child abuse template](https://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Schoolstemplate.pdf).

There are a number of additional steps that school staff must take following a mandatory report, consistent with duty of care obligations. These are explained in the [Four Critical Actions for Schools](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf), which must be followed in all situations requiring a mandatory (or non-mandatory) report to be made.

### What if I have concerns that a child is being abused outside of school, but I don’t think it is physical or sexual abuse (e.g. emotional child abuse, exposure to family violence, neglect)?

You must follow the [Four Critical Actions for Schools](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf) and make a report to DHHS Child Protection in all situations where you believe on reasonable grounds that a child is:

* in need of protection from child abuse
* at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child’s safety, stability or development.

You must also report such concerns internally to:

* School principal and/or leadership team
* DET Incident Management and Support Unit (IMSU) on 1800 126 126.

### What if another school staff member has already made a report - do I still have to make a report?

If you are satisfied that another school staff member has already made a report based on the same information, then you do not need to make an additional report of the same information. In this situation, it is sufficient that only one school staff member (who might also be a mandatory reporter) makes a report.

You must make additional reports every time you become aware of additional information that meets the threshold to require you to make a mandatory report, unless you are satisfied that another staff member has made the same additional report(s).

### I have concerns about a student who attends my school but lives across the border in another state. What do I do?

If you have concerns about a student who attends your school but lives across the border in another state, you must report your concerns to that state’s child protection service (see [New South Wales Child Protection Helpline](https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk) and [South Australia Reporting Child Abuse](https://www.childprotection.sa.gov.au/reporting-child-abuse)). You must also continue to follow the other steps in the [Four Critical Actions for Schools](https://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf), and provide the same supports to the student as it would a student who lived in Victoria.

### What are the consequences of not making a mandatory report?

In addition to potentially placing a child at risk of abuse, if you do not comply with your mandatory reporting obligations, you may be charged with a criminal offence.

### Where can I go for more information on mandatory reporting?

For more information on your mandatory reporting obligations, as well as how to identify and respond to child abuse, visit the [PROTECT website](https://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx).

You can also:

* Undertake the [online mandatory reporting module](http://elearn.com.au/det/protectingchildren/)
* Visit the [DHHS Mandatory Reporting website](https://providers.dhhs.vic.gov.au/mandatory-reporting)
* Read the [Child Protection - Reporting Obligations](https://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotectobligation.aspx) page on the School Policy and Advisory Guide
* Speak to your principal/manager or school leadership for further information.

