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Child Safe

Mandatory Reporting to Child Safety Services Policy and Procedures

Purpose and Objectives

Section 14 of the Children, Young Persons and Their Families Act 1997 (Tas) (CYPF Act) requires certain people to inform either the Department for Education, Children and Young People (Child Safety Services) or a Community-Based Intake Service (Gateway Services) of certain concerns about children's safety. These people are called "prescribed persons" in the CYPF Act, but are more commonly referred to as Mandatory Reporters.

Mandatory Reporters **must** make a report if:

- **in carrying out their official duties or otherwise in the course of their work** (whether paid or voluntary) they **believe, or suspect on reasonable grounds, or know** that:
 - a child has been or is being **abused or neglected**, or is an **affected child within the meaning of the Family Violence Act 2004 (Tas)**; or
 - there is a **reasonable likelihood** of a child being killed or abused or neglected by a person with whom the child resides; or
 - where a woman is pregnant, there is a reasonable likelihood that, after the birth of the child:

- the child will suffer abuse or neglect, or may be killed by a person with whom the child resides; or
- the child will require medical treatment or other intervention because of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child.

A child is defined in the CYPF Act as a person under 18 years of age, so this reporting obligation applies with respect to all children and young people (a child who is 16 or 17 years old).

Failure by a Mandatory Reporter to make a Mandatory Report is an offence.

This Policy and its Procedures outline the College's policies and the procedures that Mandatory Reporters at the College must follow for making a Mandatory Report to Child Safety Services.

Scope

This Policy and its Procedures apply to all Staff, Volunteers and Contractors who are Mandatory Reporters (together referred to as "Mandatory Reporters" for the purposes of this Policy and its Procedures).

They apply in all College environments. College environments include both physical and online environments, as well as any environment (including those outside the College's grounds) where College-related activities are occurring.

Who Is a Mandatory Reporter?

Mandatory Reporters are listed in section 14 of the CYPF Act. They include:

- medical practitioners registered
- or enrolled nurses midwives
- dentists, dental therapists, dental hygienists or oral health therapists
- psychologists police officers probation officers principals and teachers
- paid child care workers and managers of a child care service members of
- the clergy of any church or religious denomination members of Parliament
- in Tasmania any employee or volunteer that works in a government
- agency that provides, or an organisation that receives government
- funding to provide, health, welfare, education, child care or residential
- services for children
- any class of people who are determined by the Minister to be a prescribed person.

This means that, at Eastside Lutheran College, the following people are Mandatory Reporters:

- all Staff, including:
 - the Principal teachers non-teaching Staff, including but not limited to Staff who are
 - psychologists, nurses and other medical practitioners early learning workers casual and
 - temporary Staff Board members all Volunteers

any member of the clergy who works or volunteers at the College in their religious capacity* Direct Contact

- Contractors who are engaged by the College and who receive government funding to provide
- health, welfare, education, child care or residential services for children (e.g. External Education Providers).**

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- *A member of the clergy of any church or religious denomination cannot refuse to make a Mandatory
- Report if they formed the belief or suspicion or gained the knowledge as a consequence of information

communicated to that member during a religious confession.

**It is the responsibility of other Contractors to check whether they are Mandatory Reporters under the CYPF Act.

Responsibilities

Roles and responsibilities relevant to the Mandatory Reporting to Child Safety Services Policy and Procedures are set out in the [Child Safety Responsibilities Policy and Procedures](#).

Policy

Mandatory Reporting Obligations

1. All Mandatory Reporters at the College **must** comply with their Mandatory Reporting obligations under the CYPF Act.

Mandatory Reporters **must** make a Mandatory Report to Child Safety Services or to Gateway Services if they obtain information, while **carrying out their official duties or in the course of their work** (whether paid or voluntary) at or for the College, that causes them to **believe**, or **suspect on reasonable grounds**, or **know** that:

- a child or young person has been or is being **abused or neglected**, or is an **affected child** within the meaning of the Family Violence Act 2004 (Tas); or
- there is a **reasonable likelihood** of a child or young person being killed or abused or neglected by a person with whom the child or young person resides; or
- where a woman is pregnant, there is a reasonable likelihood that, after the birth of the child:

- the child will suffer abuse or neglect, or may be killed by a person with whom the child resides; or
- the child will require medical treatment or other intervention because of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child.

2. While grooming is not specifically included in the CYPF Act as conduct which must be reported, it is the College's policy that grooming behaviour towards a child or young person, or towards someone else with the intention of sexually abusing the child or young person, creates reasonable grounds to suspect that the child or young person has been or is being sexually abused. Therefore, Mandatory Reporters at the College **must** report grooming behaviour to Child Safety Services or Gateway Services.

3. Members of the clergy who work or volunteer at the College in their religious capacity **must** make Mandatory Reports even if their belief, reasonable suspicion or knowledge arose as a consequence of information obtained during a religious confession.

4. Mandatory Reporters have a personal legal obligation to make a report. Mandatory Reporters at the College **must** make a report if their concerns reach the required threshold, even if they have also reported internally to a Child Protection Officer or the Principal and that person does not believe that a report must be made.

Record Keeping about Mandatory Reports to Child Safety Services

1. When a Mandatory Reporter at the College makes a Mandatory Report to Child Safety Services in response to a child safety incident or concern, they must document that they made this report, as set out in the [Child Safety Record Keeping Policy and Procedures](#).

2. However, if the Mandatory Reporter does not wish to be identified, there are legislative protections for that person under the CYPF Act. The College will take all reasonable steps to de-identify that information if this is necessary.

Mandatory Reporting and Other Obligations

Fulfilling the roles and responsibilities contained in this Policy and its Procedures does not displace or discharge any other obligations that arise if a person reasonably believes that a student has suffered, is suffering or is at risk of suffering harm.

In particular, Mandatory Reporters must also:

- comply with all external reporting obligations that they may have under other legislation or under our Child Safety Program, including in particular:
 - [Voluntary Risk Notifications to Child Safety Services Policy and Procedures](#)
 - [Reporting to Police Policies and Procedures](#)
 - [Responding to Other Concerns About a Student's Wellbeing Policy and Procedures](#)
- report internally to the Principal or a Child Protection Officer as soon as possible, as set out in the [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#).

Procedures

Application to Students Aged 18 or Over

The legislative requirements for Mandatory Reporting to Child Safety Services apply only with respect to students aged under 18. Therefore, a belief, reasonable suspicion or knowledge that a student aged 18 or over:

- has been or is being abused or neglected is being exposed or subjected to family violence is
- reasonably likely to be killed, abused or neglected by a person with whom they reside cannot
- be reported to Child Safety Services or Gateway Services.

These concerns should instead be reported to Police, as set out in the [Reporting to Police Policies and Procedures](#). Reporting to Police, however, can only occur if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare. For more information, refer to our Information Sharing (Child Safety) Policy and Procedures.

It is the College's policy that all child safety incidents and concerns involving a student, including those involving students aged 18 and over, must be reported internally. Therefore, even if an external report is not possible, staff members have the same internal reporting obligations with respect to students aged 18 or over as they do for students under 18. For more information, refer to [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#).

Reporting by Non-Mandatory Reporters

Any person in Tasmania can voluntarily report to Child Safety Services if they believe, reasonably suspect or know that a child, has suffered, is suffering or is likely to suffer abuse or neglect. This means that Staff, Volunteers and Contractors who are not Mandatory Reporters can still make a report.

It also means that Mandatory Reporters:

- who believe, reasonably suspect or know that there is a reasonable likelihood of a child or young person being killed or abused or neglected by a person with whom the child or young person does not reside;
- whose concerns arose other than from information obtained in carrying out their official duties or other than in the course of their work at or for the College can still make a report.

For more information, refer to Voluntary Risk Notifications to Child Safety Services Policy and Procedures.

When to Make a Mandatory Report

Mandatory Reporters must make their Mandatory Report as soon as practicable after forming the belief or suspicion or gaining the knowledge.

What If I am Unsure if I Have a Belief, a Reasonable Suspicion or Knowledge?

If you are concerned that a student:

- has been or is being abused or neglected is being exposed or subjected to family violence is
- reasonably likely to be killed, abused or neglected by a person with whom they reside
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but you are unsure whether your concern rises to the level of “a belief, reasonable suspicion or knowledge”, you should immediately raise your concerns with a Child Protection Officer.

They can assist you in clarifying your concerns and managing the next steps.

To help you decide whether or not you should make a Mandatory Report, you can also seek advice from:

- Gateway Services on 1800 171 233 (note that by contacting Gateway Services, you are meeting your legal requirement to make a Mandatory Report if it turns out that such a report is required) • the Strong Families Safe Kids Advice and Referral Line on 1800 000 123 (note that by contacting the Strong Families Safe Kids Advice and Referral Line, you are meeting your legal requirement to make a Mandatory Report if it turns out that such a report is required).

Child Safety Services and Gateway Services: Who to Report to and How

Child Safety Services

Mandatory Reports may be made directly to Child Safety Services, by calling the Strong Families Safe Kids Advice and Referral Line on 1800 000 123.

Emergencies or urgent concerns can be reported at any time.

Child Safety Services prefers reports to be made by phone so that all required information is collected in the first instance. However, an [online contact form](#) is also available.

The report must include a statement of the observations, information, opinions and other grounds on which your belief, suspicion, or knowledge is based.

Gateway Services

Mandatory Reports can also be made to Gateway Services, by calling 1800 171 233.

Mandatory Reports to Gateway Services should only be made if there is no immediate concern for the child or young person.

Gateway Services are non-government entities that connect vulnerable children, young people and their families to the services they need to protect and promote their healthy development. The Gateway Services contact number is the single entry point to all family and disability services in each area of the State – South East, South West, North and North West.

Notifying Gateway Services of concerns about a child or young person does not automatically engage the statutory child protection system. In cases where supports are required for the family, but where the child or young person is not at risk of immediate harm, the Gateway Service will identify the support required and refer the family to the appropriate services.

However, a community-based Child Safety Services worker works in each of the Gateway Services and is able to act on notifications that rise to the level of abuse and neglect. If Child Safety Services needs to be involved, a direct referral will be made by the Gateway Services.

Exceptions to Mandatory Reporting Obligations

If a Mandatory Reporter fails to make a Mandatory Report, and is charged with an offence, it is a defence that:

- the Mandatory Reporter “honestly and reasonably” believed that Child Safety Services or Gateway Services had been informed by someone else of all of the reasonable grounds on which the Mandatory Reporter’s belief, suspicion or knowledge was based
- instead of making a Mandatory Report directly to Child Safety Services or Gateway Services, the Mandatory Reporter complied with reporting guidelines issued or approved by Child Safety Services and that apply to the College.

Examples of situations where you may honestly and reasonably believe that someone else has made a report include:

- someone tells you that they have made a report you
- read a file note that details the report made • you sight reporting documentation

and the report contained all of the information on which your own belief, suspicion or knowledge was based.

What Happens After a Report is Made?

Regardless of whether the Mandatory Report was made to Child Safety Services or Gateway Services, either agency may respond, depending on the level of the risk to the child.

If it is assessed that there is no risk identified in the report, or that the risk is being managed and the child is safe, there will be no further action.

In cases where supports are required for the family, but where the child is not at risk of immediate harm, Gateway Services will identify the support required and refer the family to the appropriate services.

If the report is serious and requires further assessment, Child Safety Services will carry out an investigation. If an investigation is necessary, the child will be seen, other services and agencies will assist, and a decision will be made about whether there is a substantiated risk. Child Safety Services will then take further steps, which may include short-term protective intervention and support, or longer-term protective intervention and support.

Mandatory Reporting and Other Reporting Obligations

Where the College is advised of a Mandatory Report that involves conduct by a staff member, Volunteer or Contractor, the College may need to report the matter to other external authorities, under our [Reportable Conduct Policies and Procedures](#). If the staff member is a teacher, the College must also report to the Teachers Registration Board, as set out in [Reporting Teacher Misconduct to the Teachers Registration Board Policy and Procedures](#).

If a Mandatory Report involves conduct that amounts to an “abuse offence” against a child, this would normally require a report to Police in addition to the Mandatory Report to Child Safety Services. However, Mandatory Reporters may not need to report to Police if, when making their Mandatory Report to Child Safety

Services, Child Safety Services tells them that it will report the matter to Police itself. For more information, refer to Reporting to Police Policies and Procedures.

Implementation

This Policy and its Procedures are made available to all Staff, via the College's PolicyConnect site. They are included in induction training and in ongoing refresher training for Staff and relevant Volunteers and Contractors. For more information, refer to Child Safety Training, Performance Monitoring and Professional Development Policy and Procedures.

These policies and procedures are made available to parents/carers, students and the wider College community in summary in our Child Safe Policy and Procedures for Managing Child Safety Incidents or Concerns At or Involving the School or its Staff, which are available on our public website.

They are also available in hard copy by request.

Breach of this Policy and Procedures

Eastside Lutheran College enforces this Policy and its Procedures. In the event of any noncompliance, we will instigate a review, in a timely and fair manner, that may result in a range of measures including (depending on the severity of the breach):

- remedial education counselling increased supervision the restriction of duties suspension in
- the case of serious breaches, termination of employment, contract or engagement.
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- For more information, refer to Child Safety Program Breach Management Policy and Procedures.
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Definitions

Definitions of particular terms used in this Policy and its Procedures can be found in the [Child Safety Program Definitions and Definitions](#) and [Key Indicators of Abuse, Neglect and Other Harm](#).

Of particular relevance to this Policy and its Procedures are the following additional key definitions:

Term	Definition

Abuse or Neglect	<p>Abuse or neglect means:</p> <ol style="list-style-type: none">1. sexual abuse2. physical or emotional injury or other abuse, or neglect, to the extent that:<ol style="list-style-type: none">1. the injured, abused or neglected person has suffered, or is likely to suffer, physical or psychological harm detrimental to the person’s wellbeing2. the injured, abused or neglected person’s physical or psychological development is in jeopardy and “abused or neglected” has a corresponding meaning. <p>For more information, refer to Definitions and Key Indicators of Abuse, Neglect and Other Harm.</p> <p>Note that under this definition, “abuse or neglect” includes:</p> <ul style="list-style-type: none">• physical or emotion injury caused by self-harm children and young• people who are partaking in illegal activity that is extreme in nature or poses a high risk to the student. <p>For more information, refer to Responding to Other Concerns About the Wellbeing of a Student Policy and Procedures.</p>
Affected Child	<p>An “affected child” as defined in the Family Violence Act 2004 (Tas) is a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence. For more information, refer to Definitions and Key Indicators of Abuse, Neglect and Other Harm.</p>

<p>Belief or Suspicion on Reasonable Grounds</p>	<p>The CYPF Act does not define “believe” or “suspect on reasonable grounds”. This Policy and its Procedures use the ordinary English meanings of these terms, to assist in understanding the various reporting avenues under the CYPF Act.</p> <p><u>Belief</u>: Includes if you think that something is true, but do not yet know.</p>
	<p><u>Suspect</u>: To suspect is to form a suspicion. A suspicion is a feeling or thought that something is possible or likely. This includes an intuition, notion or impression.</p> <p>Reasonable grounds to suspect means that another person, faced with similar information, would draw the same conclusion. Child Safety Services provides guidance on what ‘reasonable grounds’ for suspecting abuse or neglect may include. Whether someone has reasonable grounds for suspecting abuse or neglect is a question of fact that will vary depending on each unique child protection incident or circumstance.</p> <p>You may have formed a belief or suspicion on reasonable grounds if:</p> <ul style="list-style-type: none">• a child or young person tells you that they have suffered sexual abuse, physical abuse or psychological abuse, or neglect• someone else tells you that a child or young person has been abused or neglected• your own observations of physical and behavioural indicators of abuse or neglect lead you to believe that the child or young person has suffered abuse or neglect. <p>For more information about physical and behavioural indicators of abuse and neglect refer to Definitions and Key Indicators of Abuse, Neglect and Other Harm.</p>

<p>Know</p>	<p>“Know” is not defined in the CYPF Act. It is likely to be more than holding a tentative belief or mere suspicion. For example, under common law and under Commonwealth criminal law, a person has “knowledge” of a circumstance if they are “aware that it exists or will exist in the ordinary course of events”.</p> <p>If a Mandatory Reporter has a reasonable suspicion or belief (rather than “knowledge”) they must still make a Mandatory Report.</p>
<p>In carrying out their official duties or in the course of their work</p>	<p>The meaning of this phrase is not defined in the CYPF Act. It likely means that a Mandatory Reporter’s belief, suspicion or knowledge must arise as a result of the Mandatory Reporter’s duties at or for the College. This includes duties that occur at College events that take place outside College grounds, such as sporting competitions, excursions and camps.</p> <p>Incidents or concerns that arise outside of these duties (for example, while doing personal shopping outside school hours, a teacher witnesses a child being physically abused by their parent) do not fall into Mandatory Reporting requirements. The Mandatory Reporter can still make a Voluntary Risk Notification to Child Safety Services but would not be subject to criminal charges if they fail to do so.</p>

Source of Obligation

- Children, Young Persons and Their Families Act 1997 (Tas), section 14
- Education Regulations 2017 (Tas)
- Non-Government Schools Registration Board Guidelines: Guidelines for re-registration of a nongovernment school, Standards Five – Student Welfare
- National Principles for Child Safe Organisations, Principles 6 and 10
- Tasmanian Child and Youth Safe Standards, Standards 6 and 10

Related Policies and Procedures

- [Definitions and Key Indicators of Abuse, Neglect and Other Harm](#)
- [Reporting a Child Safety Incident or Concern Internally Policy and Procedures](#)
- [Duty to Protect/Failure to Protect Policy and Procedures](#)
- [Voluntary Risk Notifications to Child Safety Services Policy and Procedures](#)
- [Reporting to Police Policies and Procedures](#)
- [Reportable Conduct Policies and Procedures](#)
- [Sharing Information About a Student's Safety or Wellbeing Policies and Procedures](#)
- [Child Safety Record Keeping Policy and Procedures](#)
- [Child Safety Complaints Management Policy and Procedures](#)
- [Child Safety Training, Performance Monitoring and Professional Development Policy and Procedures](#)
- [Child Safety Program Breach Management Policy and Procedures](#)

Related Forms and Documents

- Child Safety Services, [Online Contact Form](#)

References

- Department for Education, Children and Young People, [Reporting Concerns](#)
- Department for Education, Children and Young People, [Child Safety Information Sheets and Resources](#)

Policy History and Schedule

Insert Policy Control/Administration Information