



Mandatory Reporting

Nazareth College is committed to providing a safe environment for students. Nazareth College staff members have been given the responsibility to act 'in loco parentis' for all students enrolled in the school. Therefore, staff have the responsibility for the protection of students in their care whilst the Principal, College Executive and Board of Management have the ultimate responsibility for the safety of the students within the College.

Protection for children and young people at Nazareth College is founded on the belief that each person is created in *'the image and likeness of God'* (Genesis 1:27), are sacred, have dignity and are, therefore, valued by God and should be highly valued by staff, peers, visitors to the school and family members.

Because of the *'fallen nature of Mankind'* (Genesis 3) we cannot become complacent in our care of the students at Nazareth College, so procedures and measures need to be put in place that will govern the proper care of students, especially for students who are more likely to be 'at risk'.

All policies, protocols and procedures flow from the Nazareth College Vision Statement: *'He returned to Nazareth, and became strong, filled with wisdom, and the favour of God was upon Him.'* (Luke 2:40)

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

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Procedures

1. Children, Youth and Families Act 2005 (Vic)

1.1 Mandatory Reporting

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act, is any person 17 years of age or younger. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury or sexual abuse, and that the child's parents are unwilling or unable to protect the child, must report that belief to the Department of Health and Human Services (DHHS) - Child Protection - and the grounds for it as soon as possible after forming the belief.

The Children, Youth and Families Act 2005 (CYFA) states:

- Staff must report to DHHS Child Protection when they ... 'form a belief on reasonable grounds...' that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse and parents have not protected, or are unlikely to protect, the child from harm of this type.
- A belief is considered to be more than a suspicion. A person may be considered to have formed a belief if they are more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.
- The person lodging the report does not have to prove that the abuse has taken place. The legislative requirement is to report your belief that a child has suffered abuse. Reports made in the course of carrying out your profession, and made in good faith, are confidential and do not constitute breaches of professional ethics or a contravention of relevant privacy laws nor can they be the subject of legal or civil action.
- Proof is not required that abuse has occurred or is likely to occur. A belief is sufficient. It is the role of Child Protection to determine whether the beliefs should be investigated.
- If one staff member has a different view from another staff member about making a report, and the staff member continues to hold the belief that a child is in need of protection, that person is still obliged to make a report to Child Protection.
- A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief.
- Whilst non-teaching staff are not mandated reporters, if they believe, on reasonable grounds, that a child is in need of protection, or if they are concerned that a child is being abused, they are strongly encouraged to raise their concerns with the School Counsellors or Assistant Principal Faith and Wellbeing.



- Section 183 of the CYFA states that **any person** who believes on reasonable grounds that a child is in need of protection may report their concerns to DHHS Child Protection. This means that any person, including non-mandated school staff, is able to make a report to DHHS Child Protection when he / she believes that a child or young person is at risk of harm and in need of protection.

1.2 Forming a 'reasonable belief'

When staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- a child or young person exhibits sexually abusive or age-inappropriate behaviours
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused

1.3 Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators must be reported.

The definition of child abuse includes:

- i) Physical injury that results from abuse or neglect. This refers to a situation in which a child receives an injury from a parent or caregiver which may be inflicted intentionally or be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical injury may also result from neglect from a parent or caregiver.



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- ii) Sexual abuse, which occurs when an adult or someone bigger and/or older than the child uses power or authority to involve the child in sexual activity. Physical force is sometimes involved.
- iii) Emotional abuse, which occurs when a child is repeatedly rejected or frightened by threats. This may involve name calling, being put down or continual coldness from the parent or caregiver to the extent that it affects the child's physical and emotional growth and development.
- iv) Neglect, which is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that a child's health and development are placed at risk.

It is mandatory to report concerns relating to:

- physical abuse
- sexual abuse

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually abusive behaviours

1.4 Reporting child protection concerns

- All school staff who believe on reasonable grounds that a child or young person is in need of protection from physical harm or sexual abuse – **must** report their concerns to DHHS Child Protection
- Protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
- Therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST

Child Protection is the Victorian Government Agency that protects children at risk of significant harm. DHHS Child Protection has statutory powers and can use these to protect children.

Child FIRST is the Family Information Referral Support Team, run by a registered community service in a local area, that receives confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to Family Services.



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Mandatory reporters **must report their concern to DHHS Child Protection** if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the Assistant Principal Faith and Wellbeing to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member.

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to DHHS Child Protection.

The mandated reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds, that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the Police.

1.5 When to make a mandatory report

Type of Reporting	By Whom	To Whom
Mandatory Reporting – DHHS Child Protection <i>Mandatory reporters</i> must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child. <i>Physical injury that results from abuse or neglect</i> This refers to a situation in which a child receives an injury from a parent or caregiver which may be inflicted intentionally or be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical injury may also result from neglect from a parent or caregiver.	<i>Mandatory Reporters</i> Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act (2006) (Vic). Principals of government and non government schools. Registered medical practitioners and nurses. All members of the Police force.	Contact <i>DHHS Child Protection</i>



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Type of Reporting	By Whom	To Whom
Sexual abuse Which occurs when an adult or someone bigger and/or older than the child uses power or authority to involve the child in sexual activity. Physical force is sometimes involved.		

1.6 When a report may be required, though not mandated

Type of Reporting	By Whom	To Whom
Child in need of protection Any person may make a report if they believe, on reasonable grounds, that a child is in need of protection for any of the following reasons: <ul style="list-style-type: none">○ The child has been abandoned and there is no other suitable person who is willing and able to care for the child;○ The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child;○ The child has suffered, or is likely to suffer, significant harm as a result of physical injury and the parents are unable or unwilling to protect the child;○ The child has suffered, or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child;○ The child has suffered, or is likely to suffer, emotional or psychological harm and the parents are unable or unwilling to protect the child;○ The child's physical development or health has been, or is likely to be, significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.	<i>Any Person</i>	Contact <i>DHHS Child Protection</i> and <i>Victoria Police</i> if it is clear that a crime has been committed
Child in need of therapeutic treatment Any person may make a report if he / she believes, on reasonable grounds, that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually abusive behaviours. Contact Child FIRST if there is no significant concern about the immediate safety of the child.	<i>Any Person</i>	Contact <i>DHHS Child Protection or Child FIRST</i>
Significant concerns about the wellbeing of a child School staff can seek advice from or make a referral to DHHS Child Protection or Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The staff member should share relevant information with Child FIRST to help them complete their assessment of the referral.	<i>Any Person</i>	Contact <i>DHHS Child Protection or Child FIRST</i>

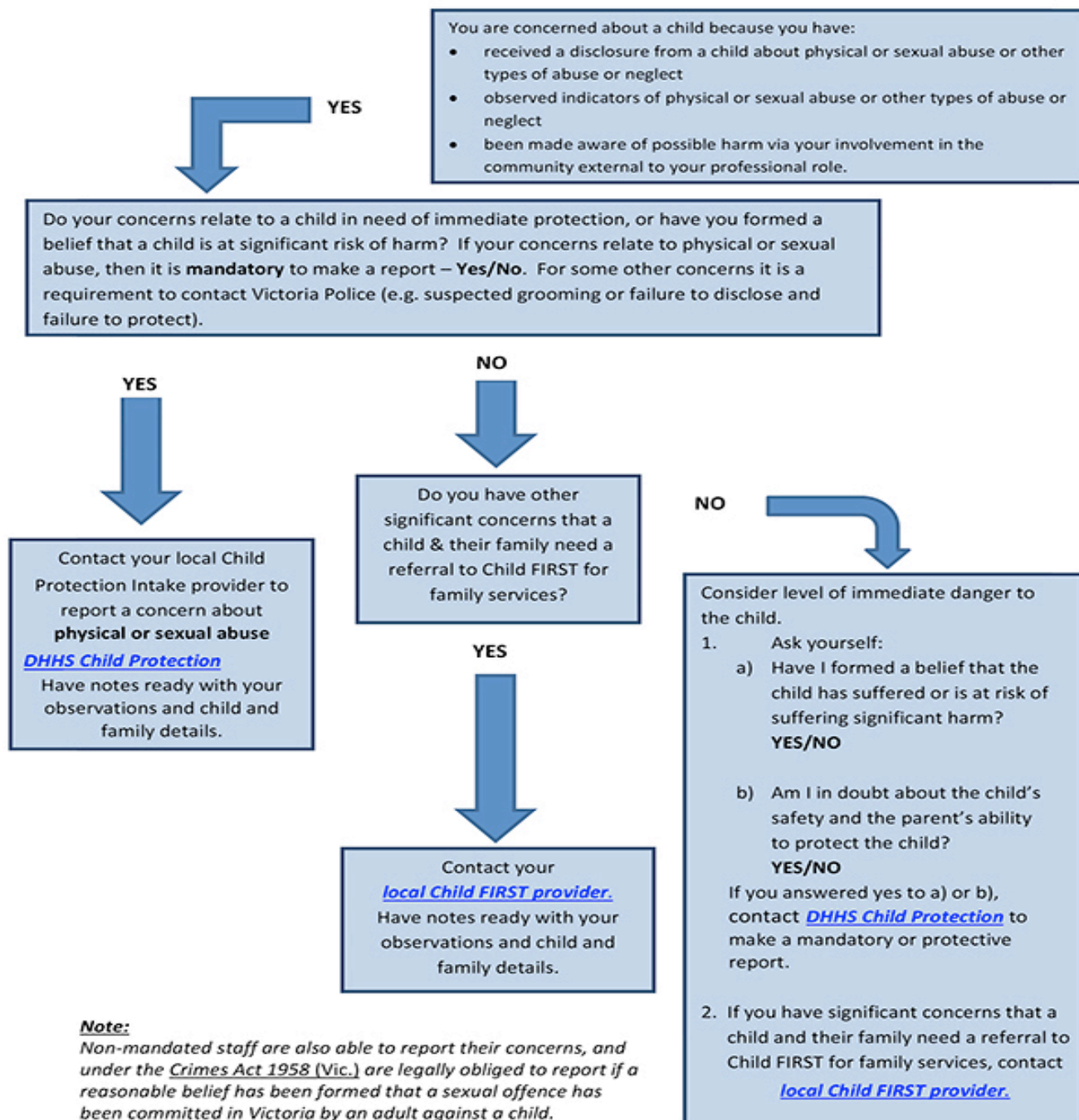
1.7 Flowchart – Responding to a possible mandatory reporting concern

(Please refer to the Flowchart on the following page)



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2. Crimes Act 1958 (Vic)

Three new criminal offences have been introduced under the Crimes Act 1958 (Vic):

- Failure to disclose offence, which requires adults to report to Police a reasonable belief that a sexual offence has been committed against a child;
- Failure to protect offence, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so;
- Grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

All offences carry potential jail time.

2.1 *Failure to disclose*

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Police. Failure to disclose the information to Police is a criminal offence under section 327 of the *Crimes Act 1958 (Vic)* and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

2.2 *Failure to protect*

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49C (2) of the *Crimes Act 1958 (Vic)*. In a school context, this will include the Principal and the Business Manager and may also extend to School Counsellors, Heads of Departments and Heads of School.

2.3 *Grooming*

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49B (2) of the *Crimes Act 1958 (Vic)*. The offence applies to communication with children **under 16 years of age**. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.



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2.4 When to report criminal offences

This table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Types of Reporting	By Whom	To Whom
<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16</p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to Police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none">○ The victim is 16 years of age or older and does not have an intellectual disability that limits his / her capacity to make an informed decision; and he/she does not want the information reported to the Police;○ The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered Medical Practitioner or Counsellor;○ The victim turned 16 years of age before 27 October 2014. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none">○ A reasonable belief that the information has already been reported to Police or DHHS Child Protection disclosing all of the information;○ A reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.	<p><i>Any person aged 18 or over</i></p>	<p><i>Victoria Police</i></p>

3. How to make a report for mandatory reporting and criminal offences

The following information provides practical guidance in relation to record-keeping for both mandatory reporting and criminal offences.

3.1 Making a report

In case of an emergency, or if a child is in life-threatening danger, contact Triple Zero (000) or the local Police Station.

Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection on 1300 659 172. If after hours, call the Child Protection Crisis Line on 13 12 78.

The table following describes the procedures for Nazareth College staff when making a Mandatory Report about child abuse or child protection concerns.



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Step	Description
1	<ul style="list-style-type: none">Individual staff members will make any observations and keep note of the concerns that exist that had led them to form the belief that a report may be necessary. It may assist staff to think in terms of reporting behaviour, or a series of behaviours and concerns.
2	<ul style="list-style-type: none">Staff members will confidentially discuss any concerns about the safety and wellbeing of students with the Assistant Principal Faith and Wellbeing, School Counsellors or the College Executive.The individual staff member should then make his / her own assessment about whether they will make a report about the young person and to whom the report should be made.
3	<ul style="list-style-type: none">After these internal discussions, it is usual that the teacher who formed the belief would report to DHHS. However, it is possible that, as a result of discussions with the Assistant Principal Faith and Wellbeing, several teachers may share the same belief. It is then possible, and legal, for one nominated personnel to report to DHHS on behalf of those teachers.This process must be documented in College records to protect the individual teachers not making the report.
4	<ul style="list-style-type: none">Make a report to the Department of Human Services (DHHS) – 1300 659 172 of after hours on 13 12 78.Any staff member who makes a report to the Department of Human Services will be supported by a member of the College Executive or the College Counsellor throughout the notification phone call.
5	<ul style="list-style-type: none">Staff members must keep comprehensive relevant information and notes that are dated and include the following information necessary to make the report:<ul style="list-style-type: none">➤ Full name, date of birth and residential address of the student;➤ Descriptions of the concerns (eg physical injuries, student behaviour)➤ Source of those concerns (eg observation, report from the child or another person);➤ The individual staff member's involvement with the student;➤ Details of any other agencies who may be involved with the student;➤ Actions taken as a result of the concerns (eg consultation with Assistant Principal Faith and Wellbeing, report to DHHS).
6	<p>How to Report to DHHS – 1300 659 172</p> <ul style="list-style-type: none">Gather the relevant information necessary to make the report. This should include the following information:<ul style="list-style-type: none">➤ The child's name, date of birth, age and address;➤ The reason for believing that the injury or behaviour is the result of abuse;➤ The assessment of immediate danger to the child or children (information may be requested about the whereabouts of the alleged abuser/s);➤ A description of the injury or behaviour observed;➤ The current whereabouts of the child;➤ Any other information about the family;➤ The individual staff member's involvement with the child or young person -<ul style="list-style-type: none">❖ Details of any other agencies which may be involved with the child or young person❖ Relationship with the child of the person reporting.As mandated reporters, teachers must still notify DHHS of their concerns even if all of the above information is not available. Failure to do this when you have reasonable grounds on which to form a belief is an offence and can incur a penalty of \$1,000.00.



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Step	Description
7	<ul style="list-style-type: none">○ It should be decided who else in the school, if anyone, should be informed.○ The need for confidentiality should be remembered at all times in the interests of the student and the family. Only where the welfare of the student will be affected will the matter be discussed on a 'need to know' basis.○ All correspondence will come directly from the Assistant Principal Faith and Wellbeing.
8	<ul style="list-style-type: none">○ The staff member who made the report must:<ul style="list-style-type: none">➢ Provide a written record on the Nazareth College's 'Mandatory Reporting' template and lodge this record with the Assistant Principal Faith and Wellbeing.➢ Note the date and time of the report and a summary of what was reported, the name and position of the person who made the report and the person who received the report.➢ In the case of International students, the Assistant Principal Faith and Wellbeing must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.➢ In the case of Aboriginal or Torres Strait Islander students, the Assistant Principal Faith and Wellbeing must notify the Diocese or Regional Office (as appropriate) to ensure that the Aboriginal and Torres Strait Islander Education Team arranges appropriate support for the student.
9	<ul style="list-style-type: none">○ If, following a report, a family approaches the College, any interview must be conducted with a minimum of two College staff present.○ The focus of such a meeting should be the welfare of the child and not on questioning the actions of the staff involved.
10	<ul style="list-style-type: none">○ The Assistant Principal Faith and Wellbeing will support the reporting staff members and student that is the cause for concern.○ Appropriate support may consist of internal and external support structures.
11	<ul style="list-style-type: none">○ All Nazareth College staff will be required to annually complete the 'Protecting the Safety of Children and Young People' mandatory reporting Professional Learning module (for Catholic / Independent schools). <p>http://www.elearn.com.au/deecd/mandatoryreporting/</p> <ul style="list-style-type: none">○ Additionally, staff will receive a Child Protection Briefing every two years.○ School staff can seek further assistance by contacting the Catholic Education Melbourne Wellbeing & Community Partnerships Unit.



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3.2 Potential consequences of making a report

This table describes the potential consequences of making a report.

Potential Consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none">○ the reporter chooses to inform the child, young person or parent of the report;○ the reporter consents in writing to their identity being disclosed;○ a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child;○ a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none">○ it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter;○ the reporter cannot be held legally liable in respect of the report.
Interviews	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parents' knowledge or consent.</p> <ul style="list-style-type: none">○ Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.○ DHHS Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team of their intention to interview the child or young person on the school premises.○ When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the Principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person. <p>When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.</p>
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none">○ acting as a support person for the child or young person attending DHHS Child Protection case-planning meetings;○ observing and monitoring the child's behaviour liaising with professionals.
Requests for Information	<p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection:</p>
Witness Summons	<p>If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings:</p>



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Mandatory reporting Guidelines (www.vit.vic.edu.au)

- a failure to notify the Department of Health and Human Services (DHHS) is an offence under the *Children, Youth and Families Act*;
- the teacher must notify DHHS as soon as practicable;
- if the teacher notifies DHHS in good faith, it is not unprofessional conduct by the teacher;
- the teacher cannot be identified in court proceedings unless the court agrees or the teacher agrees - the court will only identify the teacher where it is necessary to protect the child or in the interests of justice. DHHS cannot identify the teacher to anyone (except the Police) unless ordered to by the court;
- DHHS has to investigate the notification as soon as possible and, after the investigation is finished, can only report to the child, parent or Police;
- In the past, the courts and the Victorian Civil and Administrative Tribunal (VCAT) have protected persons who have notified DHHS of child abuse by suppressing their identity even where the abuse was shown, on investigation, not to have occurred.

More advice on mandatory reporting

The documents and resources below were developed in consultation with Catholic Education Melbourne and Independent Schools Victoria and are relevant to all Victorian school staff.

1. *Protecting the safety and wellbeing of children and young people*, a joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, licensed children's services and Victorian Schools, is now available online:
<http://www.education.vic.gov.au/school/principals/spag/safety/Documents/protectionofchildren.PDF>
2. [Step-by-step guide to making a report to Child Protection or Child FIRST](http://www.DHHS.vic.gov.au/_data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf)
http://www.DHHS.vic.gov.au/_data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf
3. The [DEECD Child Protection Website](http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx?Redirect=1) contains further information related to mandatory reporting including PowerPoint presentations.
<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/childprotection.aspx?Redirect=1>
4. DEECD has recently developed guidelines for use when responding to allegations of student sexual assault in Victorian Government Schools: [Responding to Allegations of Student Sexual Assault - Procedures for Victorian Government Schools](https://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Responding_to_Allegations_of_Student_Sexual_Assault_-_Procedures_for_Victorian_Government_Schools2.pdf)
https://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Responding_to_Allegations_of_Student_Sexual_Assault_-_Procedures_for_Victorian_Government_Schools2.pdf
<http://www.education.vic.gov.au/school/principals/spag/safety/pages/childprotection.aspx>
- School Policy and Advisory Guide – Child Protection – Mandatory Reporting