

# Mandatory reporting to Child Protection

## Early childhood fact sheet

### What is mandatory reporting?

Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities.

### Who is mandated to report in Victoria?

The following are mandatory reporters in Victoria:

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- school principals
- school counsellors
- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- people in religious ministry.

### Who are mandated in early childhood?

Early childhood workers and other persons from the 1 March 2019 at:

- a children's service licensed under the *Children's Services Act 1996* including occasional care, or
- an early childhood education and care service approved under the *Education and Care Services National Law Act 2010* including long day care, outside school hours care and family day care.

The following persons are mandated reporters:

- A person with a post-secondary early childhood education and care qualification who is employed or engaged in
  - All educators with post-secondary qualifications in the care, education or minding of children and employed or engaged in an education and care service<sup>[1]</sup> or a children's service<sup>[2]</sup>; and
  - The proprietor or nominee (including the primary nominee) of a children's service, or the approved provider or nominated supervisor of an education and care service.

Settings that mandated early childhood staff members work include:

- children's services
  - ✓ occasional care
  - ✓ sports and leisure services
- education and care services
  - ✓ long day care
  - ✓ family day care
  - ✓ outside school hours care
  - ✓ vacation care
  - ✓ kindergartens
  - ✓ pre-schools

Although mandatory reporters have legal obligations to report child physical and sexual abuse, all early childhood staff members have a duty of care to report child abuse and neglect to child protection authorities.

### What am I required to do?

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

<sup>[1]</sup> an education and care service approved under the *Education and Care Services National Law Act 2010* including kindergartens, long day care, outside school hours care and family day care services

<sup>[2]</sup> a children's service licensed under the *Children's Services Act 1996* including occasional care and sports and leisure services

## When do I have to report?

Make a report to Child Protection as soon as practicable after forming your belief. Make a report each time you become aware of any further reasonable grounds for your belief.

The penalty for failing to make mandatory report is 10 penalty points<sup>1</sup>.

If you are worried about a child's wellbeing but do not believe they are in need of protection, refer to the below section on how to make a referral to Child FIRST or The Orange Door.

## What is a belief on reasonable grounds?

A belief is a belief on reasonable grounds if a reasonable person, doing the same work, would have formed the same belief on those grounds.

Grounds for forming a belief are matters of which you have become aware, and any opinions in relation to those matters.

## When is a child in need of protection?

A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

## What will Child Protection do?

The best interests of the child are the paramount consideration. Child Protection will decide when follow up is required and how to classify the report. This may mean providing advice to the reporter, progressing the matter to an investigation, referring the family to support services in the community, or taking no further action.

## Contact Child Protection

To make a report, you should contact the child protection intake service covering the local government area (LGA)

where the child normally resides. 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

If you are not sure which number to call, check the following website for details on the LGAs covered by each intake service at [Child protection contacts](https://services.dhhs.vic.gov.au/child-protection-contacts) <<https://services.dhhs.vic.gov.au/child-protection-contacts>>

*Please note, child protection reports cannot be made via the department's website or email.*

## For immediate help

To report concerns that are life threatening, contact Victoria Police: 000

To report concerns about the immediate safety of a child outside of normal business hours, contact the After Hours Child Protection Emergency Service on 13 12 78.

## What if I'm worried about a child's wellbeing, but I don't believe the child is in need of protection?

### Child FIRST or The Orange Door

If you have significant concerns for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or The Orange Door may be appropriate.

Child FIRST, as the access point for family services, is progressively transitioning to The Orange Door. The Orange Door is the new access point for families who need assistance with the care and wellbeing of children, including those experiencing family violence, to contact the services they need to be safe and supported.

Referring to Child FIRST or The Orange Door would be appropriate where families:

- are experiencing significant parenting problems that may be affecting the child's development

<sup>1</sup> For further information, see the [Department of Treasury and Finance Indexation of fees and penalties](https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties) <<https://www.dtf.vic.gov.au/financial-management-government/indexation-fees-and-penalties>>

- are experiencing family conflict, including family breakdown
- are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- are young, isolated or unsupported
- are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

Contact numbers to make a referral in each local government area are listed at the [Child and family services information, referral and support teams](https://services.dhhs.vic.gov.au/referral-and-support-teams) <<https://services.dhhs.vic.gov.au/referral-and-support-teams>>

<b>Child FIRST and The Orange Door</b>	
Barwon	1800 312 820
Bayside Peninsula	1800 319 353
Brimbank Melton	1300 138 180
Central and Upper Hume	1800 705 211
Colac-Otway, Corangamite	(03) 5232 5500
East Gippsland	(03) 5152 0052
Goulburn Valley - Seymour	1800 663 107
Goulburn Valley - Shepparton	1300 854 944
Hume Moreland	1300 786 433
Inner East	1300 762 125
Latrobe & Baw Baw	1800 319 354
Lower Hume	1800 663 107
Mallee	1800 290 943
North Central	1800 260 338
North East	1800 319 355
Outer East	1300 369 146
South Coast	1800 319 354
South East	(03) 9705 3939
South West	1300 543 779
Wellington (Sale)	(03) 5144 7777
Western Melbourne	1300 775 160
Wimmera	1800 195 114

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

The identity of a reporter to Child Protection or a referrer to Child FIRST or The Orange Door must remain confidential, unless:

- the reporter or referrer chooses to inform the child or family of the report or referral
- the reporter or referrer 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.

It is often considered best practice to inform the family that you have made a report or referral, where appropriate. Being transparent about your concerns and making a report to child protection or referral to Child FIRST or The Orange Door, in circumstances where it is safe and appropriate to do so, can be beneficial for the young person, the family and your ongoing role with them.

However, in some circumstances, discussing your concerns may increase risk of harm for a child, or may compromise a child protection or police investigation. As such, seek advice at the time of making the report or referral.

## For more information

For more information refer to the Department of Health and Human Services 'services' and 'providers' websites:

<https://services.dhhs.vic.gov.au/reporting-child-abuse>

<https://providers.dhhs.vic.gov.au/mandatory-reporting>

<https://services.dhhs.vic.gov.au/family-support>

<https://services.dhhs.vic.gov.au/child-protection>

To receive this publication in an accessible format email [mandatoryreporting@dhhs.vic.gov.au](mailto:mandatoryreporting@dhhs.vic.gov.au), using the National Relay Service 13 36 77 if required.

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait Islander people. Indigenous is retained when it is part of the title of a report, program or quotation.

Available from the [Mandatory reporting page](https://providers.dhhs.vic.gov.au/mandatory-reporting) <<https://providers.dhhs.vic.gov.au/mandatory-reporting>>