



## Regulatory decision

# Mandatory reporting

### Please note

The following regulatory decision provides an insight into a recent matter in which the VIT was required to take disciplinary action against a registered teacher.

Names and some details have been changed to protect the identity of the teacher, student and education setting.

The case study is designed to stimulate discussion and debate about what is considered appropriate professional and personal conduct for teachers, as well as appropriate strategies to prevent inappropriate conduct.



### Scenario

Ms Stuart is a registered teacher working as the Director of a school holiday program.

One Thursday afternoon, a 7-year-old boy, who is a regular at the program, tells a staff member that he has been physically abused by his stepbrother. The staff member tells another staff member, but does not report it to Ms Stuart until Friday afternoon.

Immediately after she was notified, Ms Stuart realised that she did not know the correct reporting procedure and sought guidance from another aftercare program team. Ms Stuart was given incorrect advice on which organisation she should report the abuse to.

Later that afternoon, Ms Stuart was correctly advised that she must report the information to Department of Families, Fairness and Housing (DFFH). Ms Stuart became distracted due to other activities at the centre and notified DFFH (Child Protection) of the information that the child had disclosed on the following Monday.

Victoria Police subsequently became aware of the notification that Ms Stuart had made to DFFH, and she was charged with failing to make a mandatory report, contrary to the *Children Youth and Families Act 2005* (Vic).

### Immediate action

Based on the information provided to the VIT by Victoria Police, it was apparent that Ms Stuart was not aware of her mandatory reporting obligations. While Ms Stuart sought, and eventually obtained correct advice on the procedure to be followed, as a registered teacher and mandatory reporter, it is an expectation that Ms Stuart be aware of the correct procedures to follow in circumstances such as this.

VIT formed a reasonable belief that her lack of awareness posed an unacceptable risk of harm to children, and subsequently made the decision to suspend her registration on an interim basis. The suspension of Ms Stuart's registration was reviewed every 30 days to determine whether it should be continued.

### The investigation

The VIT investigated Ms Stuart's conduct using information gathered from Ms Stuart, DFFH and Victoria Police to determine the appropriate next steps. During the investigation, Ms Stuart provided a personal statement and evidence that she had attended a 'children at risk' professional learning activity. The investigation also discovered that the 7-year-old boy had suffered further physical abuse during the period of delay in reporting.

## The decision

The VIT considered this information and determined that it was not sufficient to address the unacceptable risk of harm to children and result in a reinstatement of Ms Stuart's registration.

## The agreement

Upon discussing the various options open to Ms Stuart to resolve this matter, she voluntarily requested to enter an agreement to suspend her registration for a minimum period of 6 months and requested a number of conditions on her registration.

The purpose of the suspension was to allow time for Ms Stuart to undertake mandatory reporting learning prior to returning to teaching. The conditions on Ms Stuart's registration required her to provide evidence she had engaged in professional development that focussed on identifying and responding to children and young people at risk. The conditions also required Ms Stuart to provide a reflective statement about what she had learned and how she would apply this knowledge if her suspension was revoked.

## The outcome

The VIT accepted Ms Stuart's request to enter an agreement as it addressed VIT's concerns, and provided Ms Stuart with an opportunity to obtain further professional development, particularly in relation to mandatory reporting.

At the conclusion of the suspension period, Ms Stuart applied to revoke the suspension and demonstrated compliance with the conditions. Based on this, the suspension of Ms Stuart's registration was revoked and she was able to resume teaching.



### Reflection – Code of Conduct

When reflecting on this case, consider the following aspects of the [Victorian Teaching Profession's Code of Conduct](#).

#### **Victorian Teaching Profession's Code of Conduct – Principle 1.1**

*Teachers provide opportunities for all learners to learn*

The main focus of teaching is the learning of those being taught. Teachers demonstrate their commitment to their learners by

- maintaining a safe and challenging learning environment.

#### **Victorian Teaching Profession's Code of Conduct – Principle 1.2**

*Teachers treat their learners with courtesy and dignity, and promote participation and empowerment*

Teachers

- protect learners from intimidation, embarrassment, humiliation and harm
- respect a learner's privacy in sensitive matters – such as health or family issues – and only reveal confidential matters when appropriate, necessary or required by law, such as
  - if the learner has consented to the information being used in a certain way
  - to prevent or lessen a serious threat to life, health, safety or wellbeing of a person (including the learner)
  - part of an investigation into unlawful activity
  - if the disclosure is required or mandated by law
  - to prevent a crime or enforce the law
  - to manage any risk to a child or young person.

### **Victorian Teaching Profession's Code of Conduct – Principle 1.3**

*Teachers work within the limits of their professional expertise*

Teachers

- are aware of the role of other professionals and agencies, and know when learners should be referred to them for assistance.

### **Victorian Teaching Profession's Code of Conduct – Principle 3.2**

*Teachers are aware of, and comply with, the legal requirements that pertain to their profession*

Teachers must comply with the requirements of

- mandatory reporting and other reporting obligations
- the principle of negligence, which includes duty of care.

Teachers should be aware of

- child safe standards
- reportable conduct
- any other relevant legislation, policies or regulations that pertain to the role of a teacher in child safety and wellbeing.



## **Reflection – Code of Ethics**

When reflecting on this case, consider the following aspects of the [Victorian Teaching Profession's Code of Ethics](#).

### **Integrity**

We demonstrate our integrity by

- acting in the best interests of learners
- maintaining a professional relationship with learners, colleagues and the community
- behaving in ways that respect and advance the profession.

### **Respect**

We demonstrate our respect by

- acting with care and compassion
- treating learners fairly and impartially.

### **Responsibility**

We demonstrate our responsibility by

- providing quality teaching
- working cooperatively with colleagues in the best interest of our learners.

## **Further information**

View the Code of Conduct and further guidance material including case studies, videos, podcasts and professional learning opportunities at [www.vit.vic.edu.au/maintain/conduct/codes](http://www.vit.vic.edu.au/maintain/conduct/codes).