**CHILD PROTECTION**

**REPORTING OBLIGATIONS POLICY**

# **Introduction**

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Catholic schools are entrusted with the holistic education of the child, in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

All teachers, other staff members, volunteers, contractors, other service providers, parish priests, canonical and religious order administrators of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

# **Purpose of this Policy**

Ministerial Order No. 870 – *Managing the Risk of Child Abuse in Schools* was made under the *Education and Training Reform Act 2006* (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards.

This policy is designed to assist school staff (which includes volunteers, contractors, other service providers and religious leaders, including clergy) to:

* identify the indicators of a child or young person who may be in need of protection
* understand how a ‘reasonable belief’ is formed
* make a report of a child or young person who may be in need of protection
* comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

This policy also sets out the actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed. It also provides guidance and procedures on how to make a report.

#### **Child Abuse and Indicators of Harm**

Child abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident. Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

* sexual offences
* grooming
* physical violence
* serious emotional or psychological harm
* serious neglect.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

**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. The principal and teachers at a school are mandatory reporters under this Act.

If, in the course of carrying out their duties, a mandatory reporter forms a **reasonable belief** that a child is in need of protection from physical harm or sexual abuse, and that the child’s parents are unwilling or unable to protect the child, they must report that belief to DHHS Child Protection and/or Victoria Police, including the information prescribed in the [*Responding to Suspected Child Abuse: A Template for all Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf), as soon as possible after forming the belief.

A subsequent report **must be made** **on each occasion** on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol [*Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf). This protocol focuses on [*Four Critical Actions*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf)  **(refer to PROTECT Folder)** that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

**Forming a Reasonable Belief**

Where school staff members are concerned about the safety and wellbeing of a child, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information has caused the staff member to form a ‘reasonable belief’.

A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than 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.**

A ‘reasonable belief’ might be formed if:

* a child states that they have been physically or sexually abused
* any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
* you observe physical or behavioural indicators of abuse
* a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
* professional observations of the child’s behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.

**Crimes Act 1958 (Vic.)**

In response to the [*Betrayal of Trust*](http://www.parliament.vic.gov.au/file_uploads/Inquiry_into_Handling_of_Abuse_Volume_2_FINAL_web_y78t3Wpb.pdf) report three new criminal offences have been introduced under the *Crimes Act 1958* (Vic.):

* [**failure to disclose offence,**](http://www.justice.vic.gov.au/home/safer%2Bcommunities/protecting%2Bchildren%2Band%2Bfamilies/failure%2Bto%2Bdisclose%2Boffence)which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
* [**failure to protect offence,**](http://www.justice.vic.gov.au/home/safer%2Bcommunities/protecting%2Bchildren%2Band%2Bfamilies/failure%2Bto%2Bprotect%2Boffence)which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
* [**grooming offence,**](http://www.justice.vic.gov.au/home/safer%2Bcommunities/protecting%2Bchildren%2Band%2Bfamilies/grooming%2Boffence)which targets communication with a child or their parents with the intent of committing child sexual abuse.

**Education and Training Reform Act 2006 (Vic.)**

From a child safety perspective, the key functions of the *Education and Training Reform Act 2006* (Vic.) are to:

* require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher
* make compliance with the [Victorian Child Safe Standards](https://schoolseditorial.cspace.net.au/TheVictorianChildSafeStandards) a requirement for registration of all Victorian schools.

**Duty of Care**

School staff have a duty to take reasonable steps to protect children and young persons under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.

A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

# **Procedures**

# St Damian’s School has a moral, legal and mission-driven responsibility to create a nurturing school environment where children and young people are respected, their voices heard and where they are safe and feel safe.

# Every person involved in St Damian’s School has a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make.

#### **Responding to and Reporting Child Protection Concerns**

The approach to responding and reporting child protection concerns in the joint protocol incorporates the *Four Critical Actions for Schools***.**

**Refer to** **Poster:** [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

Before the Four Critical Actions can be followed the Principal must first be made aware of a child protection incident that will determine if a teacher must take action to protect a child.

**Becoming aware of a child protection incident**

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

1. **Witnessing an incident:**

If you witness an incident where you believe a child has been subjected to abuse you must first take immediate action to protect the safety of the child or children involved and then go straight to the [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

1. **Forming a suspicion:**

All suspicions that a child has been, is being, or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief you must act and refer to the [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

1. **Receiving a disclosure about or from a current student:**

All disclosures must be treated seriously.

You should immediately refer to the [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

1. **Receiving a disclosure about or from a former student:**

If the former student is currently of school age and attending a Victorian school, you must immediately refer to the [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf).

 If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to [*DHHS Child Protection*.](http://www.education.vic.gov.au/about/contact/Pages/reportingabuse.aspx?Redirect=1)

**Notes & Records**

Staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the [*Responding to Suspected Child Abuse: A Template for all Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf).

For strategies on how to manage a disclosure refer to [*Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf).

**The Four Critical Actions**

There are **Four Critical Actions** which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support

### *Critical Action 1: Responding to an Emergency*

This first step is only applicable if a child has **just been abused** or is at **immediate risk of harm**.

If this is not the case, go straight to **Critical Action 2: Reporting to authorities.**

If the child has **just been abused or is at immediate risk of harm** you must take reasonable steps to protect the child, including:

* separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school that they are supervised separately by a school staff member
* arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
* calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and prevent any potential witnesses from discussing the incident until the Police or relevant authorities arrive on the premises.

### *Critical Action 2: Reporting to Authorities*

**All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.**

As soon as critical health and safety concerns have been addressed the staff member must take steps to report the child protection incident, suspicion or disclosure as soon as practicable.

**DHHS Child Protection** is the Victorian government agency that protects children at risk of significant harm. All incidents, suspicions and disclosures of child abuse must be reported to DHHS Child Protection except where the incident involves sexual abuse or grooming, in which case it **must be reported to the Police.** Failure to report physical or sexual abuse of a child is a criminal offence.

There are different reporting procedures and authorities who must be notified depending on whether the source of the suspected or alleged abuse came from within the school or within the family or community of the child. The DHHS have deliberately set a low threshold for the formation of a ‘reasonable belief’.

The [*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/FourCriticalActions_ChildAbuse.pdf) requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities. Please refer to PROTECT Folder.

***How to Make a Mandatory Report***

The following table ‘Making a Mandatory report’ describes the information to include when making a **mandatory report** about child abuse or child protection concerns. If a child is at immediate risk of harm, contact the Police immediately.

**Procedures**



***ChildFIRST***

If you believe that a child is not subject to abuse but you still hold significant concerns for their wellbeing, **you must still act.** This may include making a referral to or seeking advice from ChildFIRST.

**ChildFIRST** is the Family Information Referral Support Team run by a registered community service in a local area that can receive 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.

You should make a report to ChildFIRST if:

* you have a significant concern for a child’s wellbeing
* your concerns are about circumstances that have a low-to-moderate impact on the child
* the child’s immediate safety is not compromised
* you and the school have discussed the referral to Child FIRST with the child’s parents/carers, and all parties are supportive of this decision.

**Where you believe that the child’s parents/carers will not be supportive of the referral, you may refer the matter to DHHS Child Protection.**

If you are unsure of what action to take in response to your concerns about a child, speak to the principal or a member of the school’s Leadership Team, or contact DHHS Child Protection or ChildFIRST for further advice.

For more information refer to [*Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf).

***Making Additional Reports***

**After you have made a report, you 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 a person over 18 and a child under 16 then it must be reported to the Police.

Where a staff member is aware that another staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first staff member need not make a further report.

However, if the first staff member has formed a reasonable belief of abuse or a significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### *Critical Action 3: Contacting Parents/Carers*

Where it is suspected that a child at the school has been, or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

**The school must always seek advice from the Police or DHHS Child Protection, to ensure that it is appropriate to contact the parents/carers.**

Advice from the **Police or DHHS Child Protection** will depend on a number of factors, including:

* whether the parents/carers of the child are alleged to have engaged in the abuse
* whether a disclosure to the parents/carers may result in further abuse to the child
* where the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers
* whether notifying parents/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should also be notified promptly after the school has carefully considered the factors listed above.

For detailed guidance on how to have this conversation with a parent or carer, refer to [*Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf).

### *Critical Action 4: Providing Ongoing Support*

Staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse have a critical role to play in supporting students impacted by the child protection matter, to ensure that they feel supported and safe at the school.

Support provided to students at the school includes:

* regular communication with the student and their parents/carers where appropriate
* convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
* the development of Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

You should contact the Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228) for a description of the range of school-based support services that may be available.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the principal to ensure that students are supported throughout interviews at the school. For more information on this topic, refer to [*School Guidelines 2.19a: Police and DHHS Interview Protocols*.](http://www.cem.edu.au/publications-policies/policy/policy-2.19a-police-and-dhhs-interview-protocols/)

The school has a duty to ensure that school staff members are supported following the witnessing of an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. Staff members requiring wellbeing support can contact the school’s Employee Assistance Program (EAP) provider.

The school should conduct a review of the reporting process 4–6 weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [*Responding to Suspected Child Abuse: A Template for all Victorian Schools*](http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf) for more information.

**3.** **3 Potential Consequences of Making a Report**

This table describes the potential consequences of making a report.







**3.4 Responding to Complaints or Concerns**

The school may receive concerns or complaints about school staff management of a child protection incident. These concerns or complaints may be voiced by parents/carers or others within the school community.

The school should follow its internal complaints handling process to ensure that all concerns, complaints or feedback on school policies or processes are effectively captured and appropriately managed.

It is important that, as a first step, the school ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, the school should follow the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

### Reporting Criteria: Failure to Disclose

In accordance with the *Crimes Act 1958* (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

# **Related Resources**

### *Catholic Education Melbourne*



