



# St. Mary's Primary School

## 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 by taking reasonable care to avoid acts or omissions which 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

Under the *National Framework for Protecting Australia's Children 2009-2020*, protecting children is everyone's responsibility – parents, communities, governments and businesses all have a role to play.

In Victoria, a joint protocol, *PROTECT: Identifying and Responding to all forms of Abuse in Victorian Schools*, involving the Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people.

DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *Responding to Suspected Child Abuse: A template for all Victorian Schools*, both of which are referred to in the joint protocol.

**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

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.), the *Child Wellbeing and Safety Act 2005* (Vic.) and the *Education and Training Reform Act 2006* (Vic.).

The *Child Wellbeing and Safety Act 2005* (Vic.) introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the *Betrayal of Trust* report.

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 enable Catholic schools to comply with Standard 5 of the Victorian Child Safe Standards: processes for responding to and reporting suspected child abuse, as well as the school specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order No. 870.

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.

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements:

- the *Children, Youth and Families Act 2005 (Vic.)*
- the *Education and Training Reform Act 2006 (Vic.)*
- the *Crimes Act 1958 (Vic.)*

These legislative obligations exist in addition to moral and duty of care obligations, which require school community members to protect any child under their care and supervision from foreseeable harm.

This policy 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.

All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of school communities.

## 1. Types of 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.

Family violence is defined under the *Family Violence Protection Act 2008 (Vic.)* to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling, coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act*, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

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

There can be physical or behavioral 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.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as the Church.

For full definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse refer to the protocol *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

## 2. Sources of Child Protection Reporting Obligations

### 2.1 Children, Youth and Families Act 2005 (Vic.)

#### 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. The principal, teachers, medical practitioners and nurses 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*, 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*. This protocol focuses on Four Critical Actions (**refer to Appendix 1**) 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.

#### Reasonable belief

Where school staff members 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 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, as described in *Protect: Identifying and Responding to all Forms of Abuse in Victorian Schools*
- 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.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a 'reasonable belief' in a mandatory reporter's mind which **must** be reported.

## **2.2 Crimes Act 1958 (Vic.)**

In response to the *Betrayal of Trust* report three new criminal offences have been introduced under the *Crimes Act 1958 (Vic.)*

- **Failure to disclose offence**, 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**, 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**, which targets communication with a child or their parents with the intent of committing child sexual abuse

### **Failure to disclose**

**Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to Victoria Police.**

Failure to disclose the information to the Police is a criminal offence under Section 327 of the *Crimes Act 1958 (Vic.)* and applies to **all adults (18 years and over)** 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.

**Refer to Appendix 2** for more information on when to report a concern that a child or a young person has been sexually abused, or is in need of protection from sexual abuse.

For further information about the 'failure to disclose' offence, see *Department of Justice and Regulations- Failure to disclose offence* and the *Betrayal of Trust: Fact Sheet*.

### **Failure to Protect**

Any school 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 under 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 schools.

For further information about the 'failure to protect' offence, see *Department of Justice and Regulations- Failure to protect offence* and the *Betrayal of Trust: Fact Sheet*.

## 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**.

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. For further information about the 'grooming' offence, see *Department of Justice and Regulations- Grooming offence* and the *Betrayal of Trust: Fact Sheet*.

For further information about managing and responding to the risk of abuse, see *Responding to Student Sexual Assault* and *Risk Management* in the *Department of Education and Training resources*.

### 2.3 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 *Victorian Child Safe Standards* a requirement for registration of all Victorian schools.

### 2.4 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.

For more information on the scope of staff duty-of-care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol *Protect: Identifying and Responding to all Forms of Abuse in Victorian Schools*.

## Procedures

St Mary's has a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices heard and where they are safe and feel safe.

Every person involved in St Mary's 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.

It is Catholic Education Melbourne's policy that all schools display the *Four Critical Actions for Schools: Responding to incidents, Disclosures and Suspicions of Child Abuse* diagram in staff rooms and other strategic areas of the school, to ensure all school staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable belief that a child has been, or is at risk of being, abused.

### 3. 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 **Appendix 1: *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse***.

Before the *Four Critical Actions* can be followed a school staff member must first be made aware of a child protection incident that will determine if they must take action to protect a child.

#### 3.1 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*.

##### 2. 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*.

##### 3. 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*.

##### 4. 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*. If the former student is no longer school age or attending a Victorian school, you must still report the disclosure to *DHHS Child Protection*.

#### Notes and 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*.

For strategies on how to manage a disclosure refer to *Protect: Identifying and REsponding to all forms of Abuse in Victorian Schools*.

## 3.2 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. For more information, refer to the **Failure to disclose** section of this policy.

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 and DET 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* require all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

### How to make a Mandatory Report

The 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.

Making a Mandatory Report	
Step	Description
<b>1. Keep notes</b>	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.).</li> </ul>
<b>2. Discuss Concerns</b>	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the principal or a member of the Leadership Team and/or Catholic Education Melbourne's Student Wellbeing Information line.</p> <p>This is not a legal requirement, however will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether to you are required to make a report about the child or young person and to whom the report should be made.</p> <p><b>It is important to remember that the duty to report abuse or suspicion of abuse exists even if the principal, member of the Leadership team or a representative of Catholic Education Melbourne advises you not to proceed with reporting suspected abuse.</b></p>
<b>3. Gather &amp; Document Information</b>	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• your involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using the <i>Responding to Suspected Child Abuse: A Template for all Victorian Schools</i>. The template is to be used to record as much information as possible to provide when you make your report to either the Police or DHHS Child Protection.</p> <p>It is critical that completing the template does not impact on reporting times- <b>if a child is in immediate danger school staff need to report the matter immediately to the Police.</b></p>
<b>4. Make the Report</b>	<p><b>To report concerns which are life-threatening phone 000 or the local police station - 9822 2487.</b></p> <p>Where the <b>source of the abuse comes from within the school</b>: that is, the suspected or alleged abuse involves a staff member, volunteer or contractor at the school:</p>

	<ul style="list-style-type: none"> <li>● Contact the Police. The Police will, in this case, contact DHSS Child Protection when appropriate</li> <li>● You must also report internally to: <ul style="list-style-type: none"> <li>○ The principal, or the Leadership Team if the principal is involved in the allegation</li> <li>○ Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228)</li> </ul> </li> </ul> <p>Where the source of the suspected or alleged abuse comes from <b>within the child’s family</b> or community, you must:</p> <ul style="list-style-type: none"> <li>● report sexual abuse and grooming to the Police</li> <li>● report the matter to <u>DHSS Child Protection</u> if you consider the child to be in need of protection due to child abuse, or has been, is being or is at risk of being harmed due to any form of abuse. If after hours call the <b>Child Protection Crisis Line on 13 12 78</b>.</li> <li>● report internally to: <ul style="list-style-type: none"> <li>○ the principal, or a member of the Leadership Team if the principal is unavailable</li> <li>○ Catholic Education Melbourne’s Student Wellbeing Information line (9267 0228)</li> </ul> </li> </ul>
<p><b>5. Document Written Records of Report</b></p>	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> <li>● the date and time of the report and a summary of what was reported</li> <li>● the name and position of the person who made the report and the person who received the report.</li> </ul> <p>The information initially recorded in the <i>Responding to Suspected Child Abuse: A Template for all Victorian Schools</i> and any additional information provided to either the Police or DHSS Child Protection is to be stored securely and maintained for a <b>minimum of seven (7) years</b> by the school, to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<p><b>6. Additional steps for Overseas students</b></p>	<p>Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child’s accommodation, support and general welfare) the school will also need to contact the VRQA.</p>

### 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 to 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 ChildFIRST with the 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 DHSS 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 DHSS Child Protection or ChildFIRST for further advice.

For more information refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

### **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. For more information, refer to the **Failure to disclose** section of this policy.

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 made to the authorities.

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

Advice from the **Police or DHSS 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*.

#### 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 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*.

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* for more information.

### 3.3 Potential Consequences of Making a Report

This table describes the potential consequences of making a report.

Potential consequence	Description
<b>Confidentiality</b>	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>• the reporter chooses to inform the child, young person or parent of the report</li> <li>• the reporter consents in writing to their identity being disclosed</li> <li>• a court or tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child</li> <li>• a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>

<b>Professional Protection</b>	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>● it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>● the reporter cannot be held legally liable in respect of the report.</li> </ul>
<b>Interviews</b>	<p>DHHS Child Protection and/or the Police may conduct interviews of children and young people at the school without their parent’s knowledge or consent.</p> <ul style="list-style-type: none"> <li>● 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.</li> <li>● DHHS Child Protection and/or the 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.</li> <li>● When DHHS Child Protection practitioners/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.</li> <li>● When a child or young person is being interviewed by DHHS Child Protection and/or the Police, school staff must arrange to have a supportive adult present with the child or young person.</li> </ul> <p>For more information on these requests and school responsibilities: see Catholic Education Melbourne’s <i>School Guidelines 2.19a: Police and DHHS Interview Protocols</i></p>
<b>Support for the child or young person</b>	<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"> <li>● acting as a support person for the child or young person</li> <li>● attending DHHS Child Protection case-planning meetings</li> <li>● observing and monitoring the child’s behaviour</li> <li>● liaising with professionals.</li> </ul>
<b>Requests for Information</b>	<p>DHHS Child Protection and/or Child FIRST and/or the 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. Refer to <i>Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</i>.</p>
<b>Witness Summons</b>	<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. See Catholic Education Melbourne’s <i>School Guidelines 2.19a: Police and DHHS Interview Protocols</i>.</p>

### 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.

# Appendix 1: Four Critical Actions for Schools

## FOUR CRITICAL ACTIONS FOR SCHOOLS

### Responding to Incidents, Disclosures and Suspicions of Child Abuse

#### YOU MUST TAKE ACTION

As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief\* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

\*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

### 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

### 2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

#### WITHIN THE SCHOOL

##### VICTORIA POLICE

You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report internally to:

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit.

##### CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

##### GOVERNMENT SCHOOLS

- Employee Conduct Branch

##### CATHOLIC SCHOOLS

- Diocesan education office

##### INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

#### WITHIN THE FAMILY OR COMMUNITY

##### DHHS CHILD PROTECTION

You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

##### VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report internally to:

##### GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Security Services Unit.

##### CATHOLIC SCHOOLS

- Diocesan education office.

##### INDEPENDENT SCHOOLS

- School principal and/or chairperson

### 3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety.

### 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

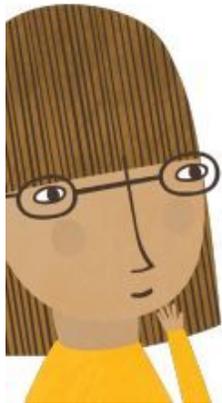
#### OTHER CONCERNS

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 or seeking advice from:

- Child FIRST / The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

#### CONTACT

<h5>DHHS CHILD PROTECTION AREA</h5> <p>North Division <b>1300 664 9777</b>                  South Division <b>1300 655 795</b>                  East Division <b>1300 360 391</b>                  West Division (Rural) <b>1800 675 593</b>                  West Division (Metro) <b>1300 664 6777</b></p> <h5>AFTER HOURS</h5> <p>After hours, weekends, public holidays <b>13 12 78</b></p> <h5>CHILD FIRST</h5> <p><a href="https://services.dhhs.vic.gov.au/child-first-and-support-team">https://services.dhhs.vic.gov.au/child-first-and-support-team</a></p> <h5>ORANGE DOOR</h5> <p><a href="https://www.vic.gov.au/familyviolence/orange-door.html">https://www.vic.gov.au/familyviolence/orange-door.html</a></p>	<h5>VICTORIA POLICE</h5> <p><b>000</b> or your local police station. DET SECURITY SERVICES UNIT <b>(03) 9589 6266</b></p> <h5>STUDENT INCIDENT AND RECOVERY UNIT</h5> <p><b>(03) 9651 3622</b></p> <h5>EMPLOYEE CONDUCT BRANCH</h5> <p><b>(03) 9637 2595</b></p> <h5>DIOCESAN OFFICE</h5> <p>Melbourne <b>(03) 9267 0228</b>                  Ballarat <b>(03) 5337 7135</b>                  Sale <b>(03) 5622 6600</b>                  Sandhurst <b>(03) 5443 2377</b></p>	<h5>INDEPENDENT SCHOOLS VICTORIA</h5> <p><b>(03) 9625 7200</b></p> <h5>THE LOOKOUT</h5> <p>The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <a href="http://www.lookout.org.au">http://www.lookout.org.au</a></p> <p>Family violence victims/survivors can be referred to <b>1800 Respect</b> for counselling information and a referral service <b>1800 737 732</b>.</p>
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## APPENDIX 2: 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.

Types of Reporting	By Whom	To Whom
<p><b>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</b></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 Victoria 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"> <li>• The victim is 16 years of age or older and does not want the information reported to the Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report.</li> <li>• The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor or in religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition.</li> </ul> <p><b>Please note that under the <i>Children Youth and Families Act 2005 (Vic.)</i> the exceptions to making a disclosure under the <i>Crimes Act 1958 (Vic.)</i> may be overridden.</b></p> <p>The National Catholic Education Commission (NCEC) <u><a href="#">Privacy Compliance Manual</a></u> (updated by the Catholic Education Commission of Victoria Ltd (CECV): Dec 2015) also provides details relating to the role of school counsellors and their obligations to pupils, the school at which the pupils are enrolled and the parents of those pupils (refer to section 26)</p> <p>Where it is necessary for school counsellors to directly pass on information, which relates to the wellbeing of a student at a school, the information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence (Section 26.3). A mandatory report may then need to be made.</p> <ul style="list-style-type: none"> <li>• The victim turned 16 years of age before 27 October 2014</li> </ul> <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> <li>• a reasonable belief that the information has already been reported to the Police or DHHS Child Protection disclosing all of the information</li> <li>• a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.</li> </ul>	<p>Any person aged 18 or over</p>	<p><u><a href="#">Victoria Police</a></u></p>

### APPENDIX 3: School's internal process and related documents

St Mary's internal reporting processes:

**If a child discloses an incident of abuse to you:**

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared with others, such as with their parent/carer, the principal, other staff, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to the Principal, Deputy Principal, member of the leadership team, police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

**If a parent/carer says their child has been abused in your organisation or raises a concern:**

- Explain that St. Mary's has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the school principal, deputy principal or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.

You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).

If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website

[www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities) .

If you believe a child is at immediate risk of abuse phone 000.

St Mary's links to related documents and policies here:

[St. Mary's Child Safety Policy](#)

[St Mary's Child Safety Policy - Student Version](#)

[St. Mary's Child Safety Code of Conduct](#)

[St. Mary's Positive Relationships \(Grievance\) Policy](#)

[St. Mary's Bullying Prevention Policy](#)

[St. Mary's Working With Children Check Policy](#)

## Related resources

### Catholic Education Melbourne

- *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- *Four Critical Actions for Schools Responding to Incidents, Disclosures and Suspicions of Child Abuse*
- *Responding to Suspected Child Abuse: A Template for all Victorian Schools*
- Catholic Education Melbourne's school *Guidelines 2.19a: Police and DHHS Interview Protocols*
- Catholic Schools Operational Guide (CEVN website)
- Privacy Compliance Manual (CEVN website)
  - Updated by the Catholic Education Commission of Victoria Ltd (CECV) December 2015
  - This manual may be used by schools and systems which are represented by the CECV.

### Victorian Government

Ministerial Order 870: Child Safe Standards

### Department of Education and Training (DET)

- The School Policy and Advisory Guide (SPAG)
- Mandatory Reporting eLearning Module

### Department of Health and Human Services

- Child Protection
- ChildFIRST

### Related legislation

- *Children, Youth and Families Act 2005 (Vic.)*
- *Crimes Act 1958 (Vic.)*
- *Education and Training Reform Act 2006 (Vic.)*
- *Victorian Institute of Teaching Act 2001 (Vic.)*

## Victoria Police

- *Victoria Police Sexual Offenders and Child Abuse Investigation Teams (SOCIT)*

## Department of Justice and Regulations

- Failure to Disclose offence
- Failure to Protect offence
- Grooming Offence

## Other resources

- Daniel Morcombe Child Safety Curriculum
- Parents, see Daniel Morcombe Child Safety Curriculum Parent Guides-Queensland Department of Education, Training and Employment

## Further Information

Catholic Education Melbourne's **Student Wellbeing Information Line (9am – 5pm daily) 03 9267 0228**

The Student Wellbeing Information Line seeks to:

- address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution focused-framework
- act as a conduit between the school and the family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.

## Review

Every policy will be reviewed as per the schools review cycle

**Approved by the Board: 11 June, 2019**

**Review Date: As per the Policy Review Schedule**