

# PROTECT: Identifying and responding to abuse

## – Reporting obligations

### 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.

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 Ltd (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 [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), both of which are referred to in the joint protocol.

**All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and 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

Ministerial Order No. 870: *Child Safe Standards – 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 for registration.

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. 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.

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 are set out in this policy. It

also provides guidance and procedures on how to make a report.

This policy assists 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 'suspicion' or 'reasonable belief' is formed
- where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community
- make a report about a child or young person who may be in need of protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

## Legislative and Regulatory Requirements

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.), the *Education and Training Reform Act 2006* (Vic.) and the *Family Violence Protection Act 2008* (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.

Child protection reporting obligations for Catholic schools fall under five 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.)
- the *Family Violence Protection Act 2008* (Vic.)
- the *Wrongs 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.

## Definitions and Obligations

### 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 offences under section 49M(1) of the *Crimes Act 1958* (Vic.)
- physical violence
- serious emotional or psychological harm

- serious neglect.

<b>Sexual offences</b>	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
<b>Grooming</b>	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the <i>Crimes Act 1958</i> (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
<b>Physical violence</b>	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.
<b>Serious emotional or psychological harm</b>	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
<b>Serious neglect</b>	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
<b>Family violence</b>	Family violence is defined under the <i>Family Violence Protection Act 2008</i> (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 or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the <i>Child Wellbeing and Safety Act 2005</i> (Vic.), 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. A child can also be a direct victim of family violence.

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

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.

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 further 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 this Act, is any person **17 years** of age or younger. The principal, teachers, medical practitioners and nurses 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 injury or sexual abuse, and that the **child's parents are unwilling or unable to protect the child**, they must report that belief to Department of Health and Human Services (DHHS) Child Protection and/or Victoria Police, including the information prescribed in [Protect: 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 have 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 *Child Wellbeing and Safety Act 2005 (Vic.)*

### *Reportable conduct*

The Reportable Conduct Scheme was created under the *Child Wellbeing and Safety Act 2005 (Vic.)* and requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

**Employees** can include a principal, teacher, corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader.

**Reportable conduct** is defined under the *Child Wellbeing and Safety Act 2005 (Vic.)* to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child.

A **reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Catholic Education Melbourne schools, the head of entity (governing authority) is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to an allegation by contacting the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au)
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical reportable allegations. More guidance can be found at [Reportable Conduct Scheme – Historical allegations](#).

All school staff are required to notify the principal or, if the principal is involved in the allegation, the Leadership Team if they have a reportable allegation. The principal or a member of the Leadership Team (as applicable) must notify the Employee Relations unit of the allegation of reportable conduct as soon as possible.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme, contact the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au).

## 2.3 *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 Victoria 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 must disclose that information to Victoria Police.

Failure to disclose the information to Victoria 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 Victoria 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 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 the Department of Justice and Community Safety's '[Failure to disclose offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

### **Failure to protect**

Any school staff member in a position of authority who has the power or responsibility to remove risk, and 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.

In a school context, this will include the principal, deputy principal and business manager and may also extend to school counsellors, heads of departments and heads of schools.

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 49O(1) of the *Crimes Act 1958* (Vic.).

For further information about the failure to protect offence, see the Department of Justice and Community Safety's '[Failure to protect offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

### **Grooming**

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M(1) 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 the Department of Justice and Community Safety's '[Grooming offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

For more information about managing and responding to the risk of abuse, see DET's '[Responding to Student Sexual Offending](#)' and '[Risk Management](#)' webpages.

## 2.4 Education and Training Reform Act 2006 (Vic.) – Child safety obligations

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
- ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

A registered school must ensure that the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

## 2.5 Wrongs Act 1958 (Vic.) and duty of care

### Organisational duty of care

The *Wrongs Act 1958* (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.

Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the *Wrongs Act 1958* (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify the authorities or parents about any signs of aberrant or unusual behaviour.

### School staff duty of care

School staff have a duty to take reasonable steps to protect children and young people 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](#)

## 2.6 Victorian Charter of Human Rights and Responsibilities

While Victorian Catholic schools are not bound by the *Charter of Human Rights and Responsibilities Act 2006* (Vic.), the following principle should be noted:

School staff are required to respond to suspected child abuse with proper consideration for human rights, and, when making decisions and taking actions in response to suspected child abuse, to act compatibly with human rights. This means that school staff should take into account the right to protection without discrimination, the right to protection from torture and cruel, inhuman or degrading treatment and the right to privacy when responding to suspected child abuse.

## Procedures

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

Every person involved in St Monica'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 are 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 suspicion or 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 to and reporting child protection concerns in the joint protocol incorporates [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (refer to Appendix 1).

A school staff member must act, and follow the *Four Critical Actions*, as soon as they become aware of a child protection incident, that is, when **a child is experiencing, or is at risk of experiencing, abuse.**

### 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, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child or children involved and then refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

#### 2. Forming a suspicion or reasonable belief

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 [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 [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 you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.](#)

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.](#)

## Notes and records

School staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools.](#)

Even if a school staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using [Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools.](#)

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

## Disclosures

It is the role of school staff members to reassure and support a child or young person who makes a disclosure of abuse. However, school staff members should never promise to keep any disclosures confidential as all disclosures of abuse must be reported.

The role of school staff remains the same if disclosures are made by a parent/carer or a sibling, or if disclosures involve family violence.

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 risk of **immediate 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 risk of immediate 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, 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 to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria 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.**

Once immediate health and safety concerns have been addressed, the school staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence (refer to [Failure to disclose](#)).

There are different reporting procedures depending on:

- whether the source of the suspected or alleged abuse comes from within the school or within the family or community of the child
- the type of abuse.

In all cases, school staff members must report internally to the principal or, if the principal is involved in the allegation, the Leadership Team.

Additionally:

- where the source of the abuse comes from within the school, that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health professional, officer/office holder, contractor or visitor at the school, it must be reported to Victoria Police
- where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police
- where the source of the abuse comes from within the family or community and is not sexual abuse or grooming, it must be reported to DHHS Child Protection.

DHHS and DET have deliberately set a low threshold for the formation of a 'reasonable belief'. For more information, refer to the [Reasonable belief](#) section of this policy.

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

requires 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 below 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 Victoria 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> <p>Schools can use the template provided in <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> to record their notes.</p>
<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, it 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 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 suspicions 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 and document information</b>	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• 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 <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>. The template is to be used to record as much information as possible to provide when you make your report to either Victoria Police or DHHS Child Protection.</p> <p><b>It is critical that completing the template does not impact on reporting times – if a child is in immediate danger, school staff need to report the matter to Victoria Police immediately.</b></p>
<b>4. Make the report</b>	<p><b>To report concerns which are life-threatening, phone 000 or the local police station.</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 school staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school:</p> <ul style="list-style-type: none"> <li>• contact Victoria Police, who will contact DHHS Child Protection when appropriate</li> <li>• 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 or community</b>, you must:</p> <ul style="list-style-type: none"> <li>• report sexual abuse and grooming to Victoria Police</li> <li>• report the matter to <a href="#">DHHS Child Protection</a> if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the</li> </ul>

	<p><b>Child Protection Emergency Service on 13 12 78</b></p> <ul style="list-style-type: none"> <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>
<b>5. Document written records of report</b>	<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 <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> and any additional information provided to either Victoria Police or DHHS Child Protection are to be stored securely and maintained <b>indefinitely</b> by the school to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<b>6. Additional steps for overseas students</b>	<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 Victorian Registration and Qualifications Authority (VRQA).</p>

### Reporting that is non-mandatory

All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and canonical and religious order administrators who are not mandatory reporters have professional and moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion. Please refer to your school's protocols in relation to reporting a child protection incident, disclosure or suspicion that is not the subject of a mandatory reporting obligation.

### How to report allegations of reportable conduct

The table below describes the information to include when making **an allegation of reportable conduct** about an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school. The Reportable Conduct Scheme is in addition to a school staff member's mandatory reporting or criminal reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority. However, school staff members may find they also need to make an allegation of reportable conduct for the same incident.

For further support and advice regarding reporting conduct in Catholic schools under the Reportable Conduct Scheme, contact the Employee Relations unit on (03) 9267 0431 or by email on [ceoir@cem.edu.au](mailto:ceoir@cem.edu.au).

Making an Allegation of Reportable Conduct	
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>any actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).</li> </ul>

<b>2. Make the report</b>	As soon as you form a reasonable belief that an employee (persons engaged by the entity such as volunteers, contractors, office holders, school board members and officers of a religious body) at the school has engaged in reportable conduct or misconduct that may involve reportable conduct, you must report this allegation to the school's principal or, if the principal is involved in the allegation, the Leadership Team who will notify the Employee Relations unit at Catholic Education Melbourne on (03) 9267 0431 or by email on <a href="mailto:ceoir@cem.edu.au">ceoir@cem.edu.au</a> .
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### ***What should a principal do about a reportable allegation?***

Below are the steps that a principal should take if there is a potential reportable allegation. These steps are in *general* order of priority, but the guidance may change depending on the circumstances.

<b>What if a student or another child informs you of a reportable allegation?</b>	<b>What if a staff member or another adult informs you of a reportable allegation?</b>
1. The first step should always be to ensure the student/child is safe. If you believe a child faces immediate danger or risk of harm, contact Victoria Police on 000.	
2. When speaking with a child or young person, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you. <ul style="list-style-type: none"> <li>● Give the child or young person your full attention.</li> <li>● Listen calmly and empathically.</li> <li>● Reassure the child or young person that it is right to tell.</li> <li>● Accept the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult.</li> <li>● Let the child or young person take their time.</li> <li>● Let the child or young person use their own words.</li> <li>● Don't make promises you can't keep.</li> </ul>	2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are a staff member, refer them to the Employee Assistance Program (EAP), where available.
3. Tell the child or young person what you plan to do next.	3. Explain to the person making the report that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.
4. Take a moment to make a record of the allegations. If appropriate, use <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> . You may also make a note in your diary. If a staff member, parent or other adult was present, ask them to make a record as well.	
5. Consider whether you need to refer the matter to Victoria Police or DHHS Child Protection. If necessary, report the matter in accordance with the actions documented in <a href="#">Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a> , using <a href="#">Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> .	
6. If relevant, notify the child's parents following advice in <a href="#">Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a> .	

7. As soon as practicable, contact the Employee Relations unit for advice (including guidance as to whether the alleged conduct is reportable), support and assistance to discuss the circumstances, and notify the head of entity.
8. If the matter does involve a reportable allegation, the Employee Relations unit will notify the CCYP with authorisation from the school's head of entity.
9. Conduct a risk assessment (with the assistance of Employee Relations unit resources) to determine any measures that should be put in place to manage the person against whom allegations have been made, and to protect the student(s)/child(ren) against whom reportable conduct may have occurred.

If you think you have a reportable allegation, it is important that you:

- do not say or do anything to suggest to the student that you doubt them or make them feel ashamed to have revealed the allegation
- do not start investigating the allegation, including unnecessarily questioning the student or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise you may be putting the student, the staff member, the school or the investigation at risk.

### Child FIRST/The Orange Door

If you believe that a child is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g. risk-taking behaviour, parenting difficulties, isolation from family or lack of support), **you must still act**. This may include making a referral to or seeking advice from Child FIRST/The Orange Door.

**Child FIRST/The Orange Door** is a family information, referral and 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 relevant services.

You should make a report to Child FIRST/The Orange Door 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/The Orange Door 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, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, 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 Child FIRST/The Orange Door 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. Additional reports should use the same format outlined above in this policy at Critical Action 2: Reporting to Authorities.**

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 Victoria Police. For more information, refer to the [Failure to disclose](#) section of this policy.

Where a school staff member is aware that another school 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 school staff member need not make a further report.

However, if the first school staff member has formed a reasonable belief of abuse or 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 Victoria Police or DHHS Child Protection to ensure that it is appropriate to contact the parents/carers.**

In circumstances of family violence, schools should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/carers as it could increase risk of harm to the child, other family members or school staff
- seek advice from DHHS Child Protection or Child FIRST/The Orange Door before alerting parents/carers about safe strategies for communicating with a parent/carer who is experiencing family violence and on recommending family violence support services.

Advice from **Victoria 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 (including in circumstances of suspected family violence)
- a disclosure to the parents/carers may result in further abuse to the child
- 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
- the notification of 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.

In some circumstances, a child may have returned to the care of their parent/carer before advice has been received from Victoria Police or DHHS Child Protection. In these circumstances, a school should not share any information with the parent/carer which may place the child or any other person at risk, or where the child is a mature minor.

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**

School staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) 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. Schools also play a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard

by a school staff member they trust.

Support provided to students at the school includes:

- regularly communicating 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
- developing 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 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, including SAFEMinds and referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace.

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 provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. It is important that schools remember that staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. School staff members requiring wellbeing support can contact the school's Employee Assistance Program (EAP) provider.

Information to support Victorian Catholic schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in the Catholic Education Commission of Victoria Ltd's [Family and Domestic Violence: A guide to supporting staff](#).

The school should conduct a review of the reporting process four–six weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [Protect: 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>	The identity of a reporter must remain confidential unless: <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 is 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>	If a report is made in good faith: <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 Victoria 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 Victoria Police will notify the principal or a member of the Leadership Team of their intention to interview the child or young person on the school premises.</li> <li>• When DHHS Child Protection workers/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 Victoria 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 <a href="#">School Guidelines 2.19a: Police and DHHS Interview Protocols</a>.</p>
<b>Support for the child or young person</b>	<p>The roles and responsibilities of the principal or other school staff 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/The Orange Door and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff 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 <a href="#">Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools</a>.</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 <a href="#">School Guidelines 2.19a: Police and DHHS Interview Protocols</a>.</p>

### 3.4 Responding to complaints or concerns

The school may receive complaints or concerns about school staff management of a child protection incident. These complaints or concerns 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 complaints, concerns 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 [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

## 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

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

##### INDEPENDENT SCHOOLS

- School principal and/or chairperson.

For suspected student sexual assault, please follow the **Four Critical Actions: Student Sexual Offending**.

#### 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.

### 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.

#### CONTACT

##### DHHS CHILD PROTECTION AREA

North Division **1300 664 9777**  
South Division **1300 655 795**  
East Division **1300 360 391**  
West Division (Rural) **1800 075 599**  
West Division (Metro) **1300 664 9777**

##### AFTER HOURS

After hours, weekends, public holidays **13 12 78**.

##### CHILD FIRST

<https://services.dhhs.vic.gov.au/referral-and-support-teams>

##### ORANGE DOOR

<https://www.vic.gov.au/familyviolence/the-orange-door.html>

##### VICTORIA POLICE

**000** or your local police station  
**DET SECURITY SERVICES UNIT**  
(03) 9589 6266

**STUDENT INCIDENT AND RECOVERY UNIT**  
(03) 9651 3622

**EMPLOYEE CONDUCT BRANCH**  
(03) 9637 2595

##### DIOCESAN OFFICE

Melbourne (03) 9267 0228  
Ballarat (03) 5337 7135  
Sale (03) 5622 6600  
Sandhurst (03) 5443 2377

##### INDEPENDENT SCHOOLS VICTORIA

(03) 9825 7200

##### THE LOOKOUT

The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lookout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.

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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.

Type of Reporting	By Whom	To Whom
<p><b><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></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 Victoria 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, counsellor or in a 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 mandatory reporting obligations under the <i>Children, Youth and Families Act 2005</i> (Vic.) may override the exceptions to making a disclosure under the <i>Crimes Act 1958</i> (Vic.).</b></p> <p>The National Catholic Education Commission (NCEC) <a href="#">Privacy Compliance Manual</a> (updated by the Catholic Education Commission of Victoria Ltd (CECV) in April 2018) also provides details relating to the role of school counsellors and their obligations to students, the schools at which the students are enrolled and the parents of those students (refer to Section 25).</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, this information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence (Section 25.3). A mandatory report may then need to be made by the person who receives the information (e.g. the school principal).</p> <p>Reasonable excuses for failing to report to Victoria Police any reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 include:</p> <ul style="list-style-type: none"> <li>a reasonable belief that the information has already been reported to Victoria Police or disclosed to DHHS Child Protection</li> <li>the victim turned 16 years of age before 27 October 2014</li> <li>a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.</li> </ul>	Any person aged 18 or over	<a href="#">Victoria Police</a>

## APPENDIX 3: School's Internal Process and Related Documents

### CHILD PROTECTION: MANDATORY REPORTING POLICY: 8/3/2016

#### 1.0 PREAMBLE

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. This Catholic anthropology leads us to afford all people, but especially children, young people and the most vulnerable, the highest respect. Within this context, effective Catholic schools provide a safe, supportive and secure environment that promotes respect and care and values diversity. The mental, physical, spiritual and emotional wellbeing of children and young people are essential preconditions for successful learning. These qualities cannot be developed for individuals in isolation from the health and wellbeing of the school community as a whole.

St Monica's Primary School is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the school community. In this, there is a moral obligation and shared responsibility to

protect the most vulnerable members of the community.

St Monica's believes that, while protecting children and young people against sexual abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

#### 2.0 PURPOSE

This policy applies to the whole school community in supporting safe environments for all children and young people.

Its purpose concerns the Child Youth and Families Act (CYFA) 2005, in which mandated professionals are legally compelled to make a report to the Department of Health and Human Service (DHHS) Child Protection, as soon as practicable, if in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unable or unwilling to protect the child.

In Victoria, mandated reporters are: Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic) Principals of government and non-government schools, Registered medical practitioners, Nurses, All members of the police force.

Note: There may be times when two or more mandated professionals, for example a teacher and a principal, have formed a belief about the same child on the same occasion. In this situation it is sufficient that only one of the

mandated professionals make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person.

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



A mandated professional who fails to report a 'belief based on reasonable grounds that a child is in need of protection' because of physical or sexual abuse is liable to be prosecuted under s. 184(1), CYFA.

Note: There are also obligations for ALL Victorian adults under the 2014 'failure to disclose' amendments to the Crimes Act separate from, and in addition to, Mandatory Reporting obligations. Confidentiality is provided for reporters in the CYFA (ss. 190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

### **3.0 KEY PRINCIPLES**

- A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

### **4.0 DEFINITIONS**

#### **CHILD**

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s.3) defines a child as a person who is under the age of 17 years or, if a protection order, a child protection order or an interim order continues in force in respect of him or her, a person who is under the age of 18 years  
A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

#### **Reasonable belief**

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s. 184(4), CYFA)

For example, there may be reasonable grounds when:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads the mandated professional to form a belief that the child has been abused or is likely to be abused
- signs of physical or sexual abuse leads to a belief that the child has been abused.

## **Physical abuse**

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements.

Physical abuse can also include female genital mutilation (FGM).

## **Sexual abuse**

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse

involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

## **5.0 IMPLEMENTATION**

This policy applies to the whole school community in supporting safe environments for all children and young people.

- This policy is communicated to staff each year, and during induction of Staff.
- Staff undertake training each year on mandatory reporting via the eLearning module.
- In the event that a teacher or other staff members forms a view that a Staff making a mandated report, they should keep appropriate records.
- Staff making a report are also encouraged to advise Jacqui and Zac that a report is being made, or to seek support in making the report.
- Staff making a mandated report should keep records that include dates and times, what has led to the report being made and what has been detailed in the report itself.
- Information about the identity of a person making a report to Child Protection must be kept confidential unless the reporter consents to the disclosure of their identity. If the staff member wishes to remain anonymous, this information should be conveyed at the time that the reporter makes the mandatory report. (Refer to Sections 4.5 and 4.6)
- School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.
- When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general well being or special needs, and the role of the school in any ongoing care plans.

## **6.0 RELATED DOCUMENTATION**

This policy should be read in conjunction with the other policies and procedures of St Monica's Primary School concerned with Child Safety and Pastoral Wellbeing:

Including the following:

Charter of Sandhurst School Improvement (CoSSI)

Child Protection and Safety Policy

Child Protection – Failure to Protect Policy

Child Protection – Failure to Disclose Policy

Child Protection – Grooming Policy

Child Protection – Working With Children Policy

Catholic Education Sandhurst Information for Schools – Child Safe Organisations

## 7.0 REFERENCES

- Children, Youth and Families Act (Vic) 2005
- DEECD and DHS 2010, Protecting the Safety and Wellbeing of Children and
- Young People, A joint protocol of the Department of Human Services Child
- Protection, Department of Education and Early Childhood Development,
- Licensed Children's Services and Victorian Schools.

## 8.0 REVIEW

This policy is to be reviewed at least every three years.

Initially Ratified: March 2016

Next Review to be Completed by: 22nd March 2021

## 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\*](#)
- [\*Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools\*](#)
- [\*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) April 2018
  - may be used by schools and systems which are represented by the CECV
- [\*Family and Domestic Violence: A guide to supporting staff\*](#) (CECV, 2019).

### *Counselling and support resources*

- [\*Daniel Morcombe Child Safety Curriculum\*](#)
- [\*Respectful Relationships\*](#)
- [\*The Lookout\*](#)
- [\*safe steps\*](#)
- [\*1800RESPECT\*](#)
- [\*Centres Against Sexual Assault\*](#)
- [\*Gatehouse Centre, Royal Children's Hospital\*](#)

- [Kids First](#)
- [Australian Childhood Foundation](#)
- [Djirra](#)
- [Child Wise](#)
- [headspace](#)

### **Department of Education and Training (DET)**

- [School Policy and Advisory Guide](#) (SPAG)
- [Protecting Children eLearning module](#)

### **Department of Health and Human Services (DHHS)**

- [Child Protection](#)
- [Child FIRST/The Orange Door](#)

### **Department of Justice and Community Safety**

- [Failure to disclose offence](#)
- [Failure to protect offence](#)
- [Grooming offence](#)
- [Reportable conduct](#)

### **Related legislation**

- *Children, Youth and Families Act 2005* (Vic.)
- *Child Wellbeing and Safety Act 2005* (Vic.)
- *Family Violence Protection Act 2008* (Vic.)
- *Crimes Act 1958* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Charter of Human Rights and Responsibilities Act 2006* (Vic.)

### **Commission for Children and Young People (CCYP)**

- [Reportable Conduct Scheme](#)

### **Victorian Government**

- [Ministerial Order 870: Child Safe Standards – Managing the Risk of Child Abuse in Schools](#)

### **Victoria Police**

- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCITs\)](#)

## **Further Information**

Catholic Education Melbourne's **Student Wellbeing Information Line** can be contacted between **9 am and 5 pm weekdays** on **9267 0228**.

The Student Wellbeing Information Line seeks to:

- address matters that impact 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 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.

Approval date	6/11/2019
Date of next review	6/11/2020