



St Patrick's Parish Primary School

Guidelines & Procedures for Mandatory Reporting of Child Physical & Sexual Abuse

(These guidelines have been adapted from CEOM Policy 2.19 and CEOB Mandatory Reporting Guidelines)

Rationale

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.

In Victoria, a joint protocol, Protecting the safety and wellbeing of children and young people, involving the Department of Health and Human Services (DHHS) Child Protection, The Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.

Under the *National Framework for Protecting Australia's Children 2009–2020*, everyone has a responsibility to protect children. All teachers, other staff, 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.

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic) (Act) 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. School personnel mandated under this Act who, in the course of carrying out their duties, form a **reasonable belief** that a child is in need of protection from physical harm, and that the **child's parents are unwilling or unable to protect the child**, must report that belief to DHHS Child Protection. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief. If a belief is formed by any adult that a child or young person has been a victim of or is in danger of sexual abuse then they must report this to Victoria Police.

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

Definitions

Child For the purpose of the relevant parts of the Children, Youth and Families Act 2005 (Vic.), a child is any person 17 years of age or younger.

Child Protection is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Child FIRST is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Victoria Police has the responsibility to investigate sexual abuse of children, young people and adults.

Mandatory report: A report made to Child Protection, by a person mandated under the Act, that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or

neglect or harm caused as a result of sexual abuse.

Mandatory reporter: Person(s) required under the Children, Youth and Families Act 2005 (Vic.) to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse. All school personnel are mandated under the Children, Youth and Families Act 2005 (Vic.)

Reasonable belief: A reasonable belief that a child is in need of protection is more likely formed in circumstances where:

- a child states that they have been physically injured or sexually abused (self-disclosure);
- a child states that they know someone who has been physically injured or sexually abused (sometimes the child may be talking about him or herself);
- a relative, friend, acquaintance or sibling of the child states that the child has been physically injured or sexually abused;
- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been abused.

School advisory group: A committee consisting of the principal and Child Protection Officer to discuss any concerns and observations in relation to child physical or sexual abuse recorded by a teacher and to offer support to the teacher concerned. A gender balance within the group is an important consideration.

Procedures

1. Forming a 'reasonable' belief

A requirement of the Children, Youth and Families Act 2005 (Vic.) and detailed further in the Protocols is that when a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse, he/she must make a report to Child Protection as soon as practicable.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to Child Protection where they form a reasonable belief that a child is in need of protection.

If a mandatory reporter suspects that a child is in need of protection it is essential that he/she document any concerns and observations in a confidential file. This process of documentation may occur over a period of time.

A mandatory reporter may make a referral to Child FIRST or a report to Child Protection without the prior knowledge of the principal. However, it is good practice for the mandatory reporter to inform the principal of his/her action as soon as practicable.

If more than one mandated reporter has formed a belief about the same child on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member (Section 184 (2)).

If one mandated reporter directs another mandated reporter not to make a report, and the 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.

New Criminal Offences to Improve Responses to Child Sexual Abuse

Three new criminal offences have been introduced as a response to The Betrayal of Trust report, Victoria. (November 2013):

- **failure to disclose offence**, which requires adults to report to police a reasonable belief that a sexual

offence has been committed against a child (effective 27 October 2014). **Any 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 police. Failure to disclose the information to police is a criminal offence and applies to **all adults** in Victoria.

- **failure to protect offence**, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so (effective 1 July 2015)
- **grooming offence**, which targets communication with a child or their parents with the intent of committing child sexual abuse. (effective 9 April 2014)

2. Reporting to relevant agencies

Reporting Child Protection Concerns

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm **must** report their concerns to DHHS Child Protection
- protection from sexual abuse **must** report their concerns to Victoria Police
- protection from harm that is not believed to involve physical harm or sexual abuse - are encouraged to report their concerns to DHHS Child Protection.
- therapeutic treatment - are encouraged to report their concerns to DHHS Child Protection or Child FIRST

When to make a Mandatory report

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DHHS Child Protection</p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child’s parents are unable or unwilling to protect the child.</p>	<p>All School staff</p>	<p>DHHS Child Protection</p>
<p>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</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 police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <p>The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police.</p> <p>The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</p> <p>The victim turned 16 years of age before 27 October 2014.</p> <p>Reasonable excuses for failing to comply with the requirement include:</p> <p>a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information</p>	<p>Any person aged 18 or over</p>	<p>Victoria Police</p>

<p>a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.</p>		
<p><i>Child in need of protection</i> Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> • The child has been abandoned and there is no other suitable person who is willing and able to care for the child. • The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child. • The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child. • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. <p>The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</p>	<p>Any school staff member</p>	<p>DHHS Child Protection and Victoria Police if it is clear that a crime has been committed.</p>
<p><i>Significant concerns about the wellbeing of a child</i> School staff can seek advice from or make referral to DHHS Child Protection or Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The staff member should share relevant information with Child FIRST to help them complete their assessment of the referral.</p>	<p>Any school staff member</p>	<p>DHHS Child Protection Or Child FIRST</p>

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse and advice.

3. Making a report

In case of emergency or if a child is in life-threatening danger contact Triple Zero (000) or the local police station.

Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider (see [DHHS Child Protection contacts](#)). If after hours, call the **Child Protection Crisis Line on 13 12 78**.

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

Step	Description
1	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description of the concerns (e.g. physical injuries, student behaviour) • the source of those concerns (e.g. observation, report from child or another person)

	<ul style="list-style-type: none"> the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection etc.).
2	<p>Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team.</p> <p>The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
3	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> full name, date of birth and residential address of the child or young person the details of the concerns and the reasons for those concerns the individual staff member's involvement with the child or young person details of any other agencies which may be involved with the child or young person.
4	<p>Make a report to the relevant agency:</p> <ul style="list-style-type: none"> To report concerns which are life-threatening, phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. Visit the Victoria Police website for local contact numbers. To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection: <ul style="list-style-type: none"> Call your local Child Protection Intake provider immediately, Child Protection For After Hours Child Protection Emergency Services, call 13 12 78. To report concerns to DHHS Child Protection, contact your local child protection office.
5	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> the date and time of the report and a summary of what was reported the name and position of the person who made the report and the person who received the report.
6	<p>Notify relevant school staff and/or Catholic Education Melbourne staff of a report to DHHS Child Protection or Child FIRST.</p> <ul style="list-style-type: none"> School staff should advise the principal or a member of the leadership team if they have made a report. School staff can seek further assistance by contacting the Catholic Education Melbourne Wellbeing & Community Partnerships Unit.
7	<p>In the case of international students, the principal must notify the International Education Division of the Department of Education and Training on (03) 9637 2990 to ensure that appropriate support is arranged for the student.</p> <p>In the case of Koorie students, the principal must notify the Diocese or Regional Office (as appropriate) to ensure the regional Koorie support officer can arrange appropriate support for the student.</p>

4. Potential consequences of making a report

Consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report the reporter consents in writing to their identity being disclosed a court or tribunal decides that it necessary for the identity of the reporter

	<p>to be disclosed to</p> <ul style="list-style-type: none"> • ensure the safety and wellbeing of the child • a court or tribunal decides that, in the interests of justice, the reporter is required to provide • evidence
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • it does not constitute unprofessional conduct or a breach of professional ethics on the part of • the reporter • the reporter cannot be held legally liable in respect of the report.
Interviews	<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"> • 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 • 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 • When DHHS Child Protection practitioners/Victoria 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 • 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. • For more information on these requests and school responsibilities: see the Department of Education & Training website: Police and DHHS Interviews. •
Support for the child or young person	<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"> • acting as a support person for the child or young person • attending DHHS Child Protection case-planning meetings • observing and monitoring the child’s behaviour liaising with professionals
Requests for Information	<p>DHHS Child Protection and/or Child FIRST 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 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: see the Department of Education & Training website: Requests for Information About Students.</p>
Witness Summons	<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 give evidence in the proceedings.</p>

5. Ongoing support

The principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family. The principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students.

6. Allegations of misconduct against lay employees in Catholic schools and Catholic education offices

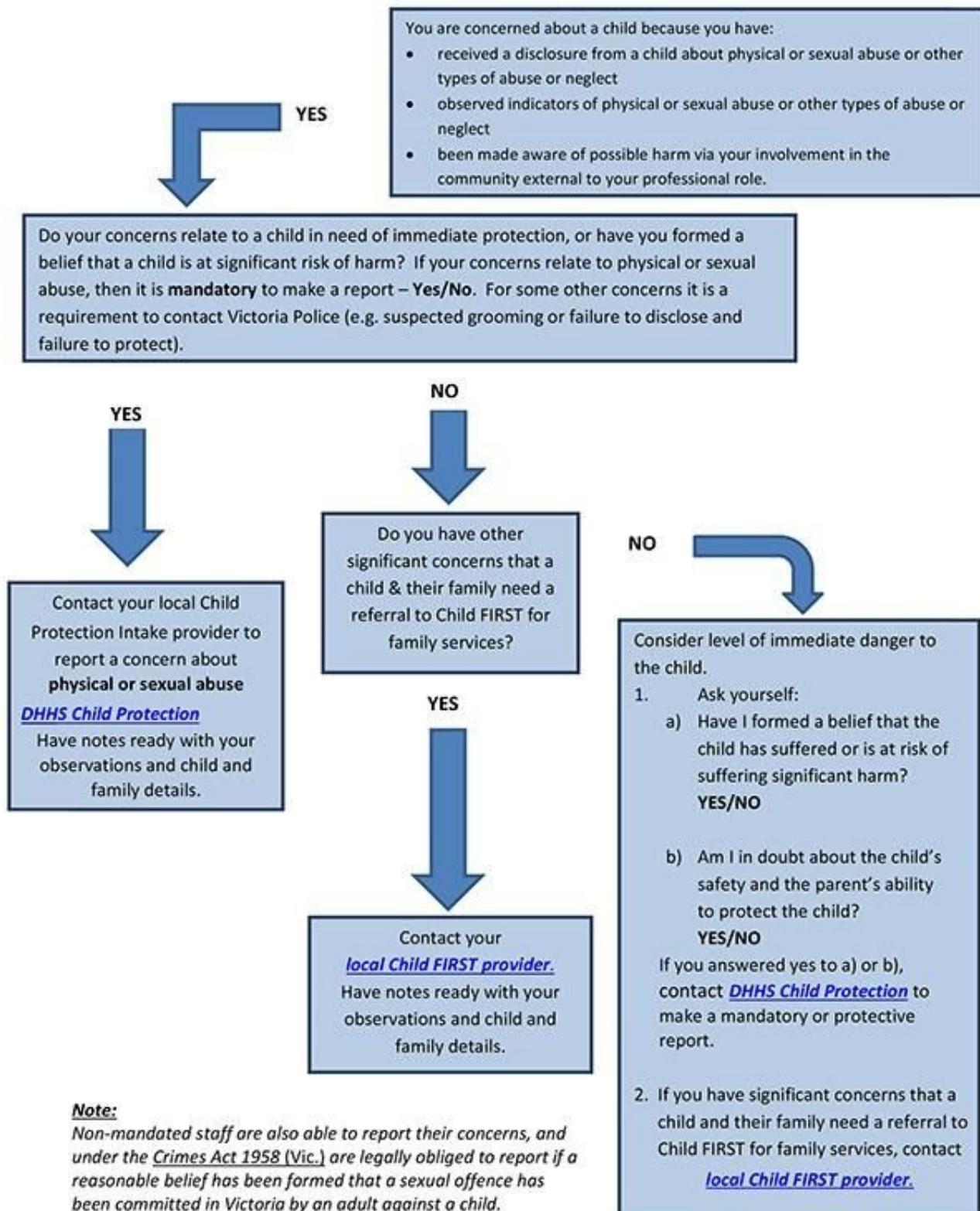
If the alleged perpetrator is a staff member, principal or any other person employed by the school, procedures to be followed are outlined in the BDSAC Protocol for Managing Allegations of Abuse of Students by Employees in Catholic Education 2016.

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Review: 2020

Flowchart – Responding to a possible mandatory reporting concern



References

Department of Education and Early Childhood Development Victoria 2007, *Allegations of Student Sexual Assault in Schools: Information for school staff*

Department of Human Services 2007, *Providing Support to Vulnerable Children and Families: An information sharing guide for registered school teachers and principals in Victoria*

Department of Education and Early Childhood Development and Department of Human Services Victoria 2010, *Protecting the safety and wellbeing of children and young people. A joint protocol of the Department of Human Services Child Protection, the Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools (The Protocols)*

Resource Sites

Department of Education and Early Childhood Development Victoria

- Catholic Schools Operational Guide (CEVN site, password required)
- Victorian Government School Policy and Advisory Guide
- Student Wellbeing Branch
- Student Critical Incident Advisory Unit
- Emergency and Security Management

Victoria Police

- Sexual Offences and Child Abuse Unit

Department of Human Services

- Protecting the safety and wellbeing of children and young people
- Protecting Children Together
- Office for Children, Youth and Families (Child Protection)

Australian Government

- NetAlert (providing a safe online environment for all families, especially children)

Support Centres

- Centres Against Sexual Assault
- Child and Adolescent Mental Health Service
- Children's Protection Society
- Australian Childhood Foundation