

CHILD SAFE PROTECTION AND REPORTING POLICY

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Child Safe Protection and Reporting Policy

Introduction

"Catholic schools have a moral, legal and mission driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and where they are safe and feel safe." (Catholic Education Commission of Victoria Ltd 2016)

St Kevin's College is committed to child safe practice. The care, the safety and the welfare of students are embedded in policies and practices which ensure a commitment to zero tolerance of child abuse. All actions and programs will maintain high ethical standards and work in accord with child safe practices and child protection reporting guidelines.

St Kevin's College 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)** and the recommendations of the **Betrayal of Trust Report**. These guidelines are based upon and closely follow those outlined in the **Catholic Education Office Melbourne Policy 2.19 Child Protection – Reporting Obligations**

Guidelines

These guidelines are designed to assist staff to

- Identify the indicators of a child or young person who may be in need of protection
- Understand how a reasonable belief is formed
- Make a report of a child or young person who may be in need of protection
- Comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

Mandatory Reporting

Mandatory Reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act is any person 17 years of age or younger.

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, emotional, psychological, developmental harm or sexual abuse, must report that belief to the Department of Health and Human Services (DHHS) Child Protection and the grounds for it, 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.

Forming a Reasonable Belief

When staff are concerned about the safety and well-being of a child or young person they must assess that concern to determine if a report should be made to the relevant agency. The process of considering all relevant information and observations is known as forming 'a reasonable belief'.

'A reasonable belief' or 'a belief on reasonable grounds' is not the same as having proof but is more than mere 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.

For example a reasonable belief might be formed if:

- 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
- a child or young person exhibits sexually abusive or age inappropriate behaviours
- professional observations of the child's behaviour or development leads the professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

Types of Child Abuse and Indicators of Harm ⁱ

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

There are many indicators of child abuse and neglect. The presence of a single indicator or even several indicators does not prove that abuse or neglect has occurred. However, the repeated occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators must be reported.

It is mandatory to report concerns relating to:

- physical abuse
- sexual abuse.

Whilst not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually abusive behaviours.

Reporting Child Protection Concerns ⁱⁱ

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

- protection from physical harm or sexual abuse – **must** report their concerns to DHHS Child Protection
- 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.

Child Protection is the Victorian Government agency provided by 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 statutory powers to protect a child but can refer matters to family services.

Mandatory reporters must report their concern to DHHS Child Protection if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse.



To discharge their mandated responsibility a teacher or the Headmaster must either make a report personally or be satisfied that the report has been made to the Child Protection Unit (DHHS). It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the Child Safe Officer or a member of the Leadership Team to ensure that support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

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

The mandatory reporter may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed, on reasonable grounds that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child under 16 years of age, then it must be reported to the police. ⁱⁱⁱ

Interviews with Students

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.

- 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 Headmaster 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 and or Victoria Police officers come to the school premises, the Headmaster or 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. ^{iv}

Requests for Information

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.

In certain circumstances DHHS Child Protection can also direct school staff to provide information and or documents about the protection or development of the child. Such directions should only be in writing and only made by authorised persons within DHHS Child Protection.

Crimes Act 1958 (Vic)

Three new criminal offences have been introduced under the Crimes Act 1958 (Vic).

Failure to Disclose Offence (s.327)

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 years of age must disclose the information to the police. Failure to disclose the information to the police is a criminal offence and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose the information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

Failure to Protect (s.49C (2))

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 years of age, who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation, is a criminal offence. In a school context this will include the Headmaster and the Business Manager and may extend to School Counsellors, Heads of Department and Heads of School.

Grooming Offence (s.49B (2))

The offence of grooming prohibits predatory conduct designed to 'prepare' or 'groom' a child for future sexual activity. The offence applies to communication with children under 16 years of age. 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. ^v

Making a Report

In case of an 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 (Eastern Region - 1300 360 391/(03) 9843 6000)**.

If after hours, call the **Child Protection Crisis Line on 13 12 78**.

References ^{vi}

A Step by Step Guide to Making a Report to Child FIRST or Child Protection (State of Victoria Publication).

Betrayal of Trust Fact Sheet – Department of Justice and Regulations.

Failure to Disclose Offence – Department of Justice and Regulations.

Grooming Offence – Department of Justice and Regulations.

'Protecting the Safety and Wellbeing of Children and Young People' © State of Victoria 2010.

Victorian Government Schools Reference Guide, Child Protection – Mandatory Reporting.

Catholic Education Office Melbourne Policy 2.19 Child Protection – Reporting Obligations (this document is based on this policy and only slightly amended to fit the St Kevin's context).

Appendix 1

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>Mandatory reporters</p> <p>Teachers, Headmasters, Registered Medical Practitioners, Nurses, Police</p>	<p>DHHS Child Protection</p>

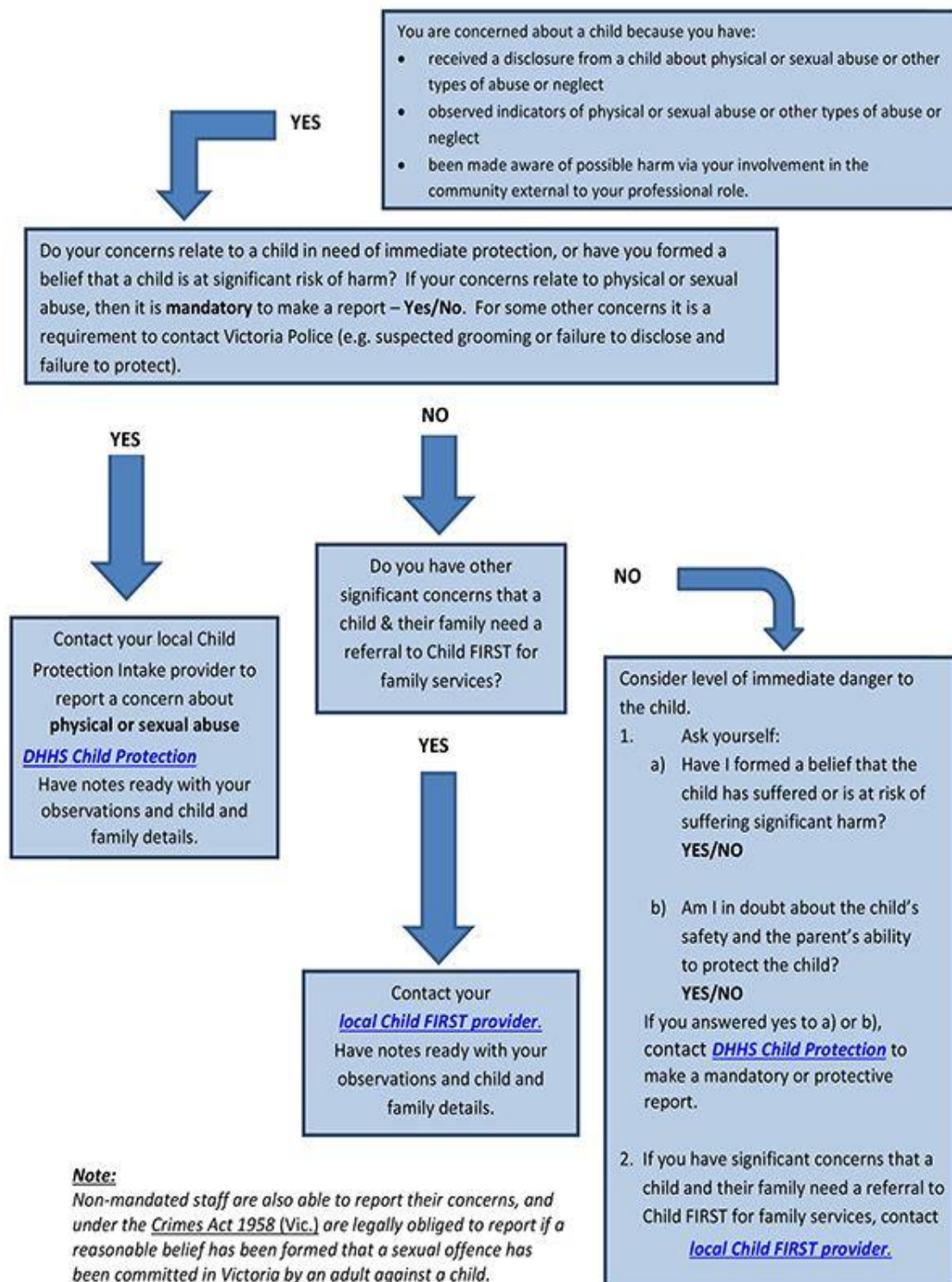
When a report may be required though not mandated

Circumstances	By Whom	To Whom
<p>Child in need of protection</p> <p>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 person who is suitable 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 emotional or psychological harm, and the parents are unwilling to provide basic care, or effective medical or other remedial care. 	<p>Any person</p>	<p>DHHS Child Protection and Victoria Police if it is clear that a crime has been committed</p>
<p>Child in need of therapeutic treatment</p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually abusive behaviours. Contact Child FIRST if there is no immediate concern about the safety of the child.</p>	<p>Any person</p>	<p>DHHS Child Protection or Child FIRST</p>
<p>Significant concerns about the wellbeing of a child</p> <p>School staff can seek advice from, share relevant information or make a 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.</p>	<p>Any person</p>	<p>DHHS Child Protection or Child FIRST</p>

Appendix 2

Responding to a possible mandatory reporting concern

1.7 Flowchart – Responding to a possible mandatory reporting concern



Appendix 3

When to Report Criminal Offences

This table sets out when to report a concern that a child or young person has been abused or is in need of protection

Type of Reporting	By Whom	To Whom
<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 years of age 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> <ul style="list-style-type: none"> 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 or she does not want the information reported to the police the victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor the victim turned 16 years of age before 27 October 2014. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none"> a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm. 	Any person aged 18 or over	Victoria Police



Appendix 4

Making a Report

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

Description
<p>1. 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 other person)• the actions taken as a result of the concerns (e.g. consultation with the Child Safe Officer or member of the College Leadership Team, report to DHHS Child Protection, etc.)
<p>2. Discuss any concerns about the safety and wellbeing of students with the Child Safe Officer or a member of the College Leadership Team:</p> <p>The individual staff member should then make their own assessment about whether they should make the report about the child or young person and to whom the report should be made.</p>
<p>3. 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 that may be involved with the child or young person.
<p>4. 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• call your local Child Protection Intake provider immediately• for after-hours Child Protection Emergency Services, call 13 12 78• to report concerns to DHHS Child Protection, contact your local Child Protection office. <p>** non mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.</p>
<p>5. 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.
<p>6. Notify relevant staff and or Catholic Education Melbourne staff of a report to DHHS or Child FIRST:</p> <ul style="list-style-type: none">• School staff should advise the Child Safe Officer or a member of the College Leadership Team if they have made a report• School staff can seek further assistance by contacting Catholic Education Melbourne.
<p>7. Wellbeing and Community Partnerships:</p> <ul style="list-style-type: none">• in the case of Koorie students, the Headmaster must notify the Diocese or Regional Office (as appropriate) to ensure that the regional Koorie Support Officer can arrange appropriate support for the student.

Appendix 5

Possible Consequences of Making a Report

This table describes the consequences of making a report.

Potential Consequence	Description
Confidentiality	The identity of the reporter must remain confidential unless: <ul style="list-style-type: none">the reporter chooses to inform the child, young person or the parent of the reportthe reporter consents in writing to their identify being disclosedthe 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.
Professional Protection	If a report is made in good faith: <ul style="list-style-type: none">it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporterthe reporter cannot be held legally liable for the report.
Support for child or young person	The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may involve the following: <ul style="list-style-type: none">acting as a support person for the child or young personattending DHHS Child Protection case planning meetingsobserving and monitoring the child's behaviour liaising with professionals.

ⁱ For full definitions for all types of child abuse and a comprehensive list of the indicators of harm refer to the publication 'Protecting the Safety and Wellbeing of Children and Young People'© State of Victoria 2010.

ⁱⁱ Refer to: A Step by Step Guide to Making a Report to Child FIRST or Child Protection.

ⁱⁱⁱ Refer to Department of Justice and Regulations – Failure to Disclose Offence and the Betrayal of Trust Fact Sheet.

^{iv} For more information on these requests and school responsibilities see the Department of Education and Training website – Police and DHHS interviews.

^v For further information about the Grooming Offence see Department of Justice and Regulation – Grooming Offence and the Betrayal of Justice Fact Sheet.

^{vi} Please note that rather than providing a web link that might become out of date this procedure provides the name of the document referred to and its source so that staff who wish to know more can search on this information.