



ST MICHAEL'S PRIMARY SCHOOL

CHILD PROTECTION: REPORTING OBLIGATIONS POLICY

Context

Protecting children and young people from harm is a shared responsibility between the family, schools, the general community, community agencies, professionals working with children, police and government. Each has a significant role to play in ensuring the safety and wellbeing of children and young people and in helping prevent harm from occurring. As a Catholic school St Michael's has a mission-driven, moral and legal responsibility to provide a safe and secure environment for students and to protect them from all forms of abuse and neglect. Our School works in partnership with the community to ensure that we reduce or remove risks to the personal safety and wellbeing of our students.

Purpose and Scope

All St Michael's staff are expected to understand and adhere to their professional and legal obligations to protect students from harm and to report suspected or known concerns they hold about a student's safety.

This policy assists staff to fulfil their responsibilities. It clarifies the changing legislative context that requires differing reporting requirements for varied circumstances and it presents information about the types of child abuse and indicators of harm that ought to give rise to a report. It also outlines procedures to be followed by staff in reporting suspected or known concerns to the appropriate School and government authorities.

This policy applies to all staff employed at St Michael's, as well as contractors, volunteers, clergy and Council members.

Legislative Context

In Victoria, a joint protocol has existed since 2008 to protect the safety and wellbeing of children and young people. Titled Protecting the safety and wellbeing of children and young people, it involves 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.

This protocol has recently been strengthened by Ministerial Order 870 (State of Victoria, Department of Education and Training 2016). This Ministerial Order requires compliance with seven Victorian Child Safe Standards. The standards apply to all Victorian organisations involved in child-related work, inclusive of schools, churches, kindergartens, children's services, youth services and local councils.

Also in Victoria, Child Protection reporting obligations have expanded in recent years and now fall under two separate pieces of legislation – the Children, Youth and Families Act 2005 and the Crimes Act 1958.

1. Children, Youth and Families Act 2005

Mandatory reporting is a legal requirement under this Act. Registered teachers and principals are mandated to report suspected or known concerns they hold that a child or young person is

in need of protection from physical injury or sexual abuse. Other mandated professionals include medical practitioners, psychologists and psychiatrists, registered nurses and members of the police force.

2. *Crimes Act 1958*

In 2014, three new criminal offences were added to this Act.

- **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

- **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

- **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

The new laws established a community wide expectation on all adults to take 'reasonable steps' to reduce or remove substantial risk to a child, and to report information about suspected or actual sexual abuse of a child under 17 years of age. The legislation therefore effectively extended reporting obligations to all school employees.

Principles

- St Michael's PS is committed to working in partnership with families and community agencies to reduce or remove risks to the personal safety and wellbeing of students.

- All St Michael's PS staff have a responsibility to care for students, to positively promote their welfare, and to protect them from any kind of harm.

- All students have the right to personal safety, including safety in relationships and protection from all forms of abuse and neglect.

- Early identification and effective intervention can lessen the initial and long-term effects of abuse and promote recovery of the student and family concerned.

- Harm to a student is minimised by allegations or suspicions of abuse being dealt with promptly and with:

- high measures of confidentiality
- adherence to agreed procedures
- provision of appropriate emotional support and pastoral care.

- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.

- Staff, clergy, volunteers, contractors, Board members, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the leadership of

the school. Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

Definitions

Child. For the purpose of the relevant parts of the Children, Youth and Families Act (2005), a child is any person 17 years of age or younger. Under the Crimes Act 1958, the new laws apply to children under the age of 16.

Child abuse. Under Child Protection legislation, the types of abuse or suspected abuse that ought to be reported to the appropriate child protection agency include physical abuse, sexual abuse, emotional abuse, neglect and medical neglect.

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.

Mandatory report. A report made to Child Protection, by a person mandated under the Children, Youth and Families Act (2005), that is based on a reasonable belief that a child is in need of protection from injury that results from abuse or neglect or harm caused as a result of abuse (emotional, physical or sexual) or neglect, including medical neglect.

Mandatory reporter. Person(s) required under the Children, Youth and Families Act (2005) to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse (emotional, physical or sexual) or neglect, including medical neglect. Mandatory reporters include VIT registered school teachers or principals and registered nurses.

Reasonable belief. When a person is concerned about the safety and wellbeing of a child or young person, he/she must assess that concern to determine if a report should be made to the relevant agency. This 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.

Procedures

Identifying abuse and indicators of harm There are many indicators of 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 an indicator, or the occurrence of several indicators together, should alert staff to the possibility of abuse and neglect.

It is mandatory to report concerns relating to physical abuse and sexual abuse. While not mandatory, 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.

NOTE: A key resource that provides information and guidance on indicators of abuse, neglect and harm, as well as directives for 'critical actions' to be enacted, is the DET 2016 Guidelines, PROTECT: Identifying and responding to all forms of abuse in Victorian schools. Other resource materials (online) and website addresses are listed in Appendix 1 to this policy.

Forming a belief

If one or more staff suspect that a student is in need of protection, it is essential that he/she document any concerns and observations. This process of documentation may occur over a period of time and must be kept in a secure, confidential location.

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

- a student states she has been physically injured or sexually abused (self-disclosure);
- a student states that she knows someone who has been abused (sometimes the student may be talking about herself);
- a relative, friend, acquaintance or sibling of the student states that the student has been abused or is at risk of abuse;
- professional observations of the student's behaviour or development lead to a belief that the student has been abused;
- signs of physical injury or sexual abuse lead to a belief that the student has been abused;
- a staff member becomes aware of possible harm via her/his involvement in the community external to their professional life.

Discussing concerns

If a staff member believes there is reasonable grounds to make a notification, she/he is advised to discuss this belief with the Principal and to continue to inform them of developments.

Although it is strongly advised to inform the Principal of any such belief and to continue to inform her of developments as they arise, it is important to note, however, that a staff member can make a report without the prior knowledge of the Principal.

Notifying the relevant authority

There are two agencies that a staff member may notify, depending on the nature of their concerns.

- **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.

A staff member who believes on reasonable grounds that a student 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.

It is essential that staff who are **mandatory reporters** report their concern to DHHS Child Protection if there is a reasonable belief that the student is in need of protection from physical injury or sexual abuse. Also, if there is any suspicion that a sexual offence has been committed against a student under 16, this must be reported to the police.

Appendix 2 provides a flowchart of the reporting process via the different authorities.

Appendix 3 presents contact details for each authority.

Shared concerns and responsibilities

If more than one staff member has formed a belief about the same student 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. If one staff member directs the other(s) not to make a report, and one professional continues to hold the belief that a student is in need of protection, then that professional is legally obliged to make a report to Child Protection. The staff member may continue to suspect that a student is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion.

Other reporting obligations and considerations

It is important to note that:

- Although it is not mandatory to report suspected incidents of emotional abuse or neglect, a staff member is encouraged to seek advice from Child FIRST when he/she has a significant concern about these matters.
- Staff members do not require the permission of parents, carers or guardians to make a report to DHHS Child Protection or Child First, nor are they required to tell parents, carers or guardians that they have done so.
- Reporting to DHHS Child Protection does not commit the staff member reporting abuse to a full judicial response.
- The identity of the reporting staff member will remain confidential unless:
 - the staff member chooses to inform the student or parents/guardians/carer of the report;

- the staff member consents in writing to their identity being disclosed;
- a Court or Tribunal decides that it necessary for the identity of the staff member to be disclosed to ensure the safety and wellbeing of the child;
- a Court or Tribunal decides that, in the interests of justice, the staff member is required to provide evidence.

Post Report Follow Up

At St Michael's, a staff member who acts in accordance to this policy and makes a report to either Child FIRST or Child Protection would not be expected to remain involved in liaison and negotiations with these agencies. Rather, she/he can expect that the Principal will oversee and follow up on the agency's investigations and management of the report.

Ongoing Support

Student. In instances where a student self-discloses, the staff member will need to be sensitive to the student's possible feelings of shame, fear and/or anger, and anxiety about the consequences of making the disclosure. The student will most likely require reassurance and information about the 'next steps'.

Advice about how to handle these discussions can be found in some of the resources listed in Appendix 1.

In addition, it is the role of the School personnel who are privy to the disclosure and/or notification, in particular the Principal, to ensure that the student receives appropriate pastoral support.

Staff member. A staff member who acts in accordance with this policy can rest assured that the Principal will provide every support possible.

Professional learning and training. All staff will have appropriate and ongoing training and professional learning to ensure that they understand their professional and legal obligations and responsibilities for reporting suspicion of abuse and neglect.

Related Legislation

Children, Youth and Families Act 2005 (Vic.)

Crimes Act 1958 (Vic.)

Education and Training Reform Act 2006 (Vic.)

Victorian Institute of Teaching Act 2001 (Vic.)

Ministerial Order 870 (State of Victoria, Department of Education and Training 2016)

Related Policies

St Michael's Primary School Policies

- Child Protection and Safety
- Safeguarding Children and Young People Code of Conduct
- Mandatory Reporting
- Anti-Bullying

- Duty of Care
- Privacy Policy
- Student Wellbeing

Catholic Education Office Sale Policies

- Failure to Disclose
- Failure to Protect
- Grooming
- Guidelines on the Employment of Staff
- Guidelines on the Employment of Volunteers
- Guidelines on the Employment of Contractors

Date of Policy: February 2018

Review Date: February 2019

Appendix 1

Support Materials and Sites

GOVERNMENT RESOURCES

Department of Education 2016, PROTECT: Identifying and responding to all forms of abuse in Victorian schools.

State of Victoria 2016, Child Safe Standards – Managing the Risk of Child Abuse in Schools: Ministerial Order No. 870, Education & Training Reform Act 2006, Victorian Government Gazette No. S2.

Victoria Police Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT)

RESOURCE SITES

Catholic Education Child Safe Resources CEVN website

<https://cevn.cecv.catholic.edu.au/childsafety.htm>

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT VIC

www.education.vic.gov.au

VICTORIA POLICE

www.police.vic.gov.au

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Children, Families and Young People

www.dhs.vic.gov.au

Every Child Every Chance

www.dhs.vic.gov.au/everychildeverychance

RESOURCE CENTRES

Centres Against Sexual Assault

www.casa.org.au

Child & Adolescent Mental Health Service

www.health.vic.gov.au/mentalhealthindex.htm

Children's Protection Society

www.cps.org.au

Australian Childhood Foundation

www.childhood.org.au

Mandatory Reporting

The **Office of Child Protection** in this region is located in Dandenong

Phone: **1300 655 795**

Emergency After Hours Service **13 12 78** (Toll free for all Victorians, 24 hours, 7 days a week)

Child FIRST (Wellington region). The contact number is **(03) 5144 7777**

Child FIRST or child protection?

There may be a range of circumstances and factors to consider when deciding whether to make report to Child Protection or refer to Child FIRST. There are many factors, or a combination of factors, that can adversely impact upon children's safety, stability and development. The following lists are intended to provide some basic guidance on how to decide whether to refer a matter to Child FIRST or make a report to Child Protection.

A referral to Child FIRST may be the best way of connecting children, young people and their families to the services they need, where families exhibit any of the following factors:

- significant parenting problems that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- young, isolated or unsupported families
- significant social or economic disadvantage that may adversely impact on a child's care or development.

A report to child protection should be made where you believe the child may be in need of protection from significant harm or damage to their health or development in connection with:

- physical abuse, non-accidental or unexplained injury (mandatory reporters must report)
- sexual abuse (mandatory reporters must report)
- emotional abuse or ill treatment
- persistent neglect, poor care or lack of appropriate supervision
- persistent family violence, parental substance misuse or psychiatric illness, or intellectual disability
- a child's actions or behaviour which places them at risk.

A report should also be made where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other suitable person is willing and able to care for the child.

A step-by-step guide to making a report to Child Protection or Child FIRST

Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

| STEP 1 | RESPONDING TO CONCERNS | STEP 2 | FORMING A BELIEF ON REASONABLE GROUNDS | STEP 3 | MAKING A REFERRAL TO Child FIRST | STEP 4 | MAKE A REPORT TO CHILD PROTECTION |
|--------|--|---|--|--|----------------------------------|--|-----------------------------------|
| | <p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*.</p> <p>Go to Step 4</p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p>Go to Step 3</p> <p>3. In all other situations</p> <p>Go to Step 2.</p> | <p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm?</p> <p>YES / NO</p> <p>and</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child?</p> <p>YES / NO</p> <p>2. If you answered yes to a) or b)</p> <p>Go to Step 4</p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p>Go to Step 3</p> | | <p>Child Wellbeing Referral</p> <p>1. Contact your local Child FIRST provider.</p> <ul style="list-style-type: none">• See over for contact list for local Child FIRST phone numbers. <p>2. Have notes ready with your observations and child and family details.</p> | | <p>Mandatory/Protective Report*</p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none">• See over for contact list for local Child Protection phone numbers.• For After Hours Child Protection Emergency Services, call 131 278. <p>2. Have notes ready with your observations and child and family details.</p> <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> | |

For further information refer to *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*