

# CHILD PROTECTION REPORTING OBLIGATION POLICY

## Preamble

St Columba's College is a Mary Aikenhead Ministries College in the tradition of the Sisters of Charity. We are called to develop in each member of our community a contemporary understanding and application of the charism of Venerable Mary Aikenhead and the spirituality of the Sisters of Charity, and the Mary Aikenhead Ministries' mission, vision and values of justice, love, compassion and hope.

## Introduction

Protecting children from harm is a shared responsibility between the family, the general community, community agencies, and 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

This policy applies to all staff employed at St Columba's College, as well as contractors, volunteers, clergy, members of religious congregations and College Board Members in order that they 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.

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 in reporting suspected or known concerns to the appropriate College and government authorities.

## 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 Columba's College is committed to working in partnership with families and community agencies to minimise risks to the personal safety and wellbeing of students
- All St Columba's College 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, College Board Members and members of religious congregations, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the College Leadership Team or a member thereof. 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:** A child or a young person enrolled as a student at the school.

**Child abuse** includes:

- (a) any act committed against a child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B(2) of the **Crimes Act 1958** (grooming)
- (b) the infliction, on a child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a child. ([Ministerial Order No. 870](#))

**Child neglect** includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

**Child physical abuse:** Generally, consists of any non-accidental infliction of physical violence on a child by any person. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

**Child sexual abuse** is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

**Emotional child abuse** occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

**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 Reporting:** The legal requirement under the *Children, Youth and Families Act 2005 (Vic.)* to protect children from harm relating to physical and sexual abuse. The principal, teachers, medical practitioners and nurses at a school are mandatory reporters under this Act. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

**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 school staff 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. 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. ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#))

## 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.

### **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 and discuss the concerns with the relevant College Support personnel. At St Columba's College the support personnel are:

- The Principal
- The Head of Students (Child Safety Officer)

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.

### **Notifying the relevant authority**

When a staff member has formed 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. Contact information is outlined in **Appendix 1** of this policy.

The staff member is strongly advised to inform the Principal of their intention to make the report. It is important to note, however, that a teacher can make a report without the prior knowledge of the Principal.

If a staff member has 'significant concern' for the wellbeing of a child and where the immediate safety of the child is not compromised, the teacher should share relevant information with Child FIRST. Contact information is outlined in **Appendix 1** of this policy.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, the staff member is encouraged to seek advice from Child FIRST when he/she has significant concern about these matters.

### **Principal's Responsibilities**

As of 1 July 2017, the Principal is to inform the Board Chair who will contact MAEA, if required. The Principal is also encouraged to contact the CEM Industrial Relations Unit. The Industrial Relations Unit will provide advice and support on how to manage the reportable conduct, including reporting to Commission for Children and Young People (if appropriate) within the timeframe of three business days of becoming aware of this allegation.

## **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 Considerations

It is important to note that:

- Staff members do not require the permission of parents, carers or legal 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/legal 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 Columba's College, 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 a member of the College support personnel team (the Principal or Head of Students) will oversee and follow up on the agency's investigations and management of the report.

## Ongoing Support

Ongoing support will be provided throughout the entire process to any staff member and students who have been impacted by the implementation of this policy.

## Professional Learning and Training

All St Columba's College 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 Columba's College Policies

- Child Protection Code of Conduct
- Child Protection Child Safety Policy
- Counselling Services Policy
- Privacy Policy
- Student Wellbeing Policy

## Catholic Education Melbourne Policies

- Policy 2.2: Guidelines Relating to the Employment of Staff (currently under review)
- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines – Police and DHHS Interview Protocols

### APPROVAL AND REVIEW

**Date of Review:** October 2017  
**Approval Authority:** College Board  
**Delegated Contact Person:** Principal  
**Next Review Date:** September 2018

## Appendix 1

### Contact Information

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#### Child Protection

SCC is located in the DHS for Child Protection in the Northern and Western Region. The office of Child Protection is located at 679 - 685 High Street, PRESTON 3072

Phone: 1300 664 977

#### Emergency After Hours Service

13 12 78

(Toll Free for all Victorians, 24 Hours, 7 days a week)

#### Child FIRST

St Columba's College is located in the DHS Western Intake Region.

The office is located at Moonee Valley Council and in Maribyrnong.

Phone: 1300 775 160

#### Resources

Department of Education, 2016, [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)