

Child Protection Reporting Obligations Policy

April 2017 (Revised)



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 and a Ministry of Mercy Education Ltd, OLMC 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 College 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 OLMC 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 College and government authorities.

This policy applies to all staff employed at OLMC, 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

- OLMC 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 OLMC 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.
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- 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 Council members, 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. 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 relevant College support people, and to continue to inform them of developments. The support personnel at OLMC are the:

- Principal
- Head of Student Wellbeing (Child Safety Officer)
- Student Counsellors.

The staff member 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 or other College support personnel.

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 OLMC, 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, Head of Student Wellbeing or a College Counsellor) 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 College support 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 and College support personnel who are privy to the notification will provide every support possible.

Professional learning and training. All OLMC 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

OLMC College Policies

- Child Safety
- Safeguarding Children and Young People Code of Conduct
- Mercy Education Ltd/OLMC Code of Conduct for Staff and Volunteers
- Counselling Services
- Employment Practices
- Privacy Policy
- Student Wellbeing

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

Revised: April 2017
Approval Authority: College Leadership Team
Person Responsible: Head of Student Wellbeing
Review Date: July 2017

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 Melbourne

Child Safe Resources

CEVN website <http://cevn.cecv.catholic.edu.au/childsafety.htm>

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT VIC

www.education.vic.gov.au

See particularly web pages that present:

- Schools Policy and Advisory Guide
- Student Critical Incident Advisory Unit

VICTORIA POLICE

www.police.vic.gov.au

See particularly web pages that present information about the Sexual Offences and Child Abuse Unit

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](http://www.health.vic.gov.au/mentalhealthindex.htm)

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

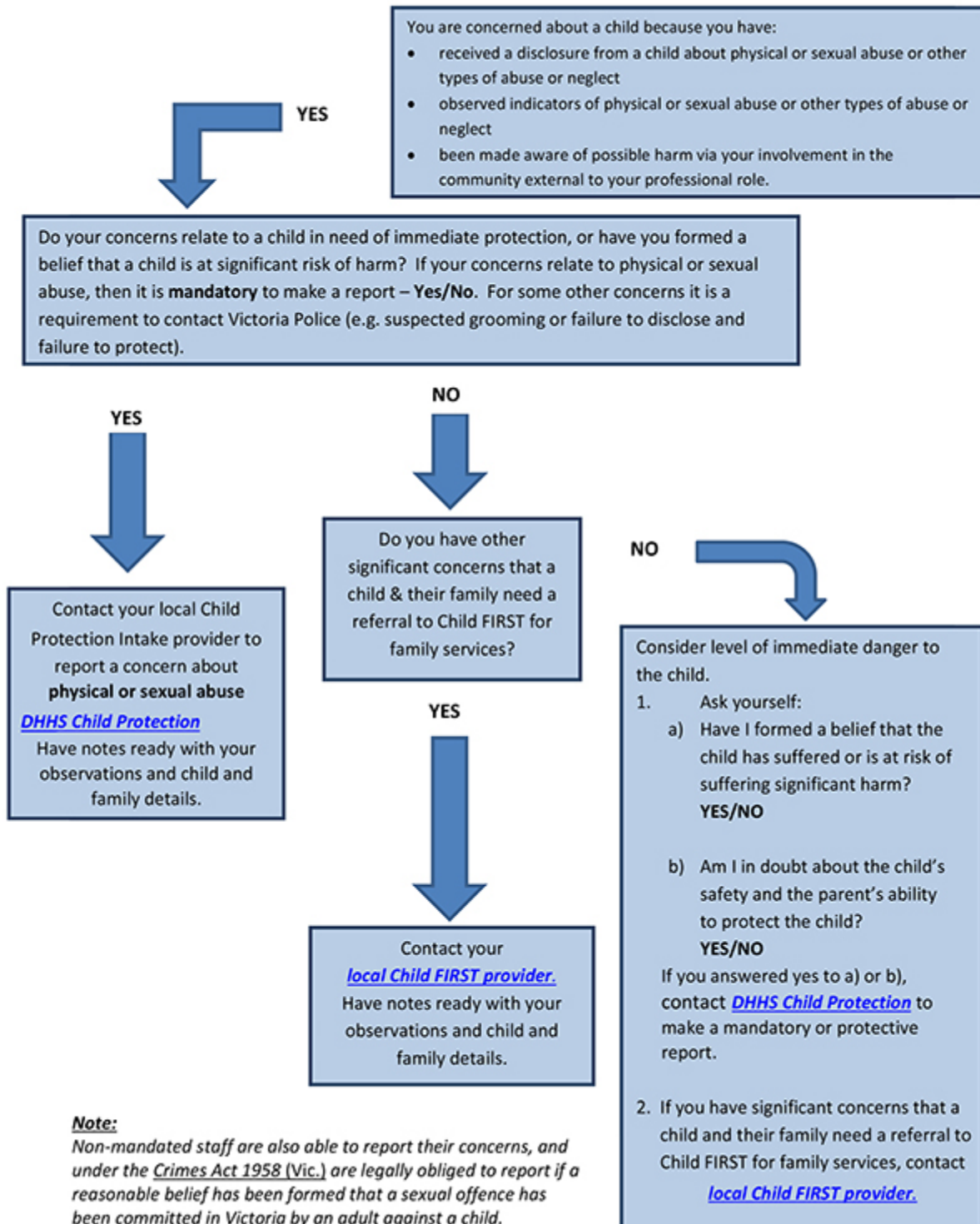
[Children's Protection Society](http://www.cps.org.au)

www.cps.org.au

Australian Childhood Foundation

www.childhood.org.au

Responding to a possible mandatory report concern



Source: CEM Policy 2.19. Child Protection – Reporting Obligations

Mandatory Reporting Child Protection and Child FIRST Contact Information

Child Protection

OLMC is located in the DHS Northern and Western Intake Region. The Office of Child Protection in this region 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

OLMC is located in the North East region of Child FIRST referral services.

The contact number is **9450 0955**
