



## **PROTECTION OF CHILDREN – REPORTING OBLIGATIONS PROCEDURE**

### **1.0 INTRODUCTION**

This Protection of Children – Obligations Policy applies to Mary MacKillop Catholic Regional College (**MMCRC**) Leongatha, and all primary and secondary Catholic schools managed and operated by Diocese of Sale Catholic Education Limited (**DOSCEL**). This Policy also applies to the DOSCEL Secretariat.

Protecting children and young people against sexual abuse is a community wide responsibility. MMCRC/DOSCEL has a moral and legal responsibility to ensure children and young people are safe in its care and to ensure that all forms of abusive behaviours towards children are prevented.

It is a clear legal duty of all adults to report child sexual abuse to police. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child has an obligation to report that information to Victoria Police on 000 or the local police station.

This obligation applies to all employees and adult community members over the age of 18 years, and should be read in conjunction with relevant MMCRC/DOSCEL Child Safety and Protection Policies.

**It is imperative to prevent, reduce and minimise child abuse and exploitation in all their forms.**

### **2.0 PURPOSE**

This Policy informs MMCRC employees of their responsibilities in relation to the disclosure/reporting responsibilities and removing the risk to children and young people of suspected abuse where practicable.

This Procedure acknowledges the particular duty DOSCEL employees engaged at MMCRC have towards children and young people in their care.

It respects the dignity of children and young people and outlines the rights and responsibilities of DOSCEL employees engaged at MMCRC.

### **3.0 PROCEDURE**

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, and their voices heard, and where they are safe and feel safe.

Every person involved in Catholic education has a responsibility to understand the important and specific role they have individually and collectively to ensure that the wellbeing and safety of all children and young people are at the forefront of all they do and every decision they make.

All DOSCEL employees engaged at MMCRC should be aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused in accordance with the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) (Four Critical Actions for Schools).

## **4.0 RESPONDING TO AND REPORTING CHILD PROTECTION CONCERNS**

The approach to responding to and reporting child protection concerns in the joint protocol incorporates Four Critical Actions for Schools.

A school staff member must act, and follow the Four Critical Actions for Schools, as soon as they become aware of a child protection incident, that is, when a child is experiencing, or is at risk of experiencing, abuse.

### **4.1 Becoming aware of a child protection incident**

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

- **Witnessing an incident**

If you witness an incident where you believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child or children involved and then refer to Four Critical Actions for Schools.

- **Forming a suspicion or reasonable belief**

All suspicions that a child has been, is being, or is at risk of being, abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief, you must act and refer to Four Critical Actions for Schools.

- **Receiving a disclosure about of from a current student**

All disclosures must be treated seriously. You should immediately refer to Four Critical Actions for Schools.

- **Receiving a disclosure about or from a former student**

If you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to Four Critical Actions for Schools.

If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure.

## **4.2 Notes and Records**

School staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using [\*Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools\*](#) (PROTECT).

Even if a school staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using PROTECT.

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

## **4.3 Disclosures**

It is the role of school staff members to reassure and support a child or young person who makes a disclosure of abuse. However, school staff members should never promise to keep any disclosures confidential as all disclosures of abuse must be reported.

The role of school staff remains the same if disclosures are made by a parent/carer or a sibling, or if disclosures involve family violence.

For strategies on how to manage a disclosure, refer to PROTECT.

## **5.0 CRITICAL ACTIONS**

There are *Four Critical Actions* which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support.

### **5.1 Critical Action 1: Responding to an Emergency**

If there is not risk of immediate harm go to Action 2.

If a child is at immediate risk of harm school staff must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns

- identifying a contact person at the school for future liaison with police

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence.

## **5.2 Critical Action 2: Reporting to Authorities**

As soon as immediate health and safety concerns are addressed school staff must report all incidents, suspicions and disclosures of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

### **If the source of suspected abuse comes from within the school**

*Victoria Police*

School staff must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police (call 000 or your local police station). School staff must also report internally to the school principal.

All allegations of 'reportable conduct' must be reported as soon as possible to DOSCEL.

### **If the source of suspected abuse comes from within the family or community**

*Department of Families, Fairness and Housing (DFFH) Child Protection*

School staff must report to [DFFH Child Protection](#) if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development and the parents have not protected or are unlikely to protect the child

*Victoria Police*

School staff must also report all instances of suspected sexual abuse (including grooming) to Victoria Police (call 000 or your local police station).

School staff must also report internally to the school principal.

## Other concerns

If a school staff member believes that a child is not subject to abuse, but they still hold significant concerns for the child's wellbeing the school staff member must still act. This may include making a referral or seeking advice from:

- [Child FIRST/the Orange Door](#) (in circumstances where the school staff member believes the family is open to receiving support)
- [The Lookout](#) has a service directory, information, and guidance to help you respond to family violence
- family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732
- DFFH Child Protection
- Victoria Police — call 000 or your local police station.

### 5.3 Critical Action 3: Contacting Parents/Carers

The principal must consult with DFFH Child Protection or Victoria Police (call 000 or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety.

### 5.4 Critical Action 4: Providing Ongoing Support

The school must provide support for children impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the school's duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support services.

School staff must follow the Four Critical Actions every time they become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

Information to support DOSCEL workplaces in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in the [Family and Domestic Violence: A guide to supporting staff](#).

## **6.0 REPORTING OBLIGATIONS WHERE THERE IS A CONCERN THAT A CHILD IS BEING ABUSED**

Note: For information on how to report a suspicion, disclosure or incident of abuse, see the Four Critical Actions for Schools.

Note: When making any report in regards to suspected child abuse, it is strongly recommended that employees keep clear and comprehensive notes.

### **Failure to disclose**

All adults must report to Victoria Police where they form a reasonable belief that a sexual offence has been committed by an adult against a child under the age of 16. Failure to disclose the information may be a criminal offence unless you have a 'reasonable excuse' or have an 'exemption' from doing so.

If you are an adult that reasonably believes that a sexual offence has been committed against a child under the age of 16 by another adult, then you must call Victoria Police on 000 or your local police station.

### **Failure to protect**

Principals or school leadership staff, who become aware that an adult associated with the school (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse (including through grooming) to a child under the care, of the school, must take all reasonable steps to remove or reduce that risk.

This may include, for example, removing the adult from child-related work pending investigation. Failure to do so may be a criminal offence.

This applies to any staff member in a position of authority.

### **Reportable Conduct Scheme**

Principals must notify the DOSCEL Executive Manager: Industrial Relations/Human Resources as soon as possible after becoming aware of an allegation of reportable conduct.

There is an allegation of reportable conduct where a person has a reasonable belief that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, or
- behaviour causing significant emotional or psychological harm to a child, or
- significant neglect of a child, or
- misconduct involving any of the above

MMCRC/DOSCEL will report allegations of 'reportable conduct' raised against MMCRC/DOSCEL employees (and contractors, volunteers, allied health workers and

other office holders) who are 18 years or over to the Commission for Children and Young People (CCYP).

### **Mandatory reporting**

A mandatory reporter must report to the DFFH Child Protection 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 has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse, and
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It may be a criminal offence not to report in these circumstances.

Individuals who are required to report:

- Victorian Institute of Teaching (VIT) registered teachers, including principals
- school staff who have been granted permission to teach by the VIT
- registered doctors, nurses and all members of the police force
  - registered psychologists
  - people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school psychologists and school counsellors.

## **7.0 OTHER LEGAL OBLIGATIONS RELATING TO SUSPICIONS, DISCLOSURES OR INCIDENTS OF CHILD ABUSE**

### **Duty of care**

All school staff have a duty of care to take reasonable steps to protect children under their care from harm that is reasonably foreseeable. In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- acting on concerns and suspicions of abuse as soon as practicable
- seeking appropriate advice or consulting with other professionals or agencies
- reporting the suspected child abuse to appropriate authorities such as Victoria Police and DFFH Child Protection
- arranging counselling and/or other appropriate welfare support for the child
- providing ongoing support to the child and young person
- sharing information with other school staff who will also be responsible for providing ongoing support to the child

## Child Safe Standards

All schools are required to comply with the Child Safe Standards and Ministerial Order 1359 - Implementing the Child Safe Standards, to create and maintain a child safe organisation.

## Child Information Sharing Scheme (CISS), Family Violence Information Sharing Scheme (FVISS) and Family Violence Multi-Agency Risk Assessment Framework (MARAM).

Schools are Information Sharing Entities (**ISEs**) under the CISS and FVISS. These schemes complement existing obligations in relation to child safety, including the reportable conduct scheme, mandatory reporting and child safe standards. Under the CISS and FVISS, schools may collect and share information (including personal or sensitive information) with other ISEs, where this may improve child wellbeing or safety, or help to assess or manage the risk of family violence. For more information, see: DOSCEL Child and Family Violence Information Sharing Schemes Policy and Procedure, [Information Sharing and Family Violence Reforms Contextualised Guidance](#), [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), and [Family Violence Multi-Agency Risk Assessment and Management Framework](#).

## 8.0 REFERENCES

- *Child Information Sharing Scheme Ministerial Guidelines*
- *Child Wellbeing and Safety Act 2005 (Vic.)*
- *Child Wellbeing and Safety (Information Sharing) Regulations 2018*
- *Family Violence Protection Act 2008 (Vic.)*
- *Children, Youth and Families Act 2005 (Vic.)*
- *Crimes Act 1958 (Vic.)*
- *Crimes Amendment (Protection of Children) Act 2014 (Vic.)*
- *Family Violence Multi-Agency Risk Assessment and Management Framework*
- *Family Violence Protection (Information Sharing) Regulations 2018*
- *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*
- *Information Sharing and Family Violence Reforms Contextualised Guidance*
- *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools*

## 9.0 REVIEW

This Policy has been reviewed and ratified by the Principal

**Implementation Date:** August 2023

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