



MANDATORY REPORTING POLICY

RATIONALE

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered. St. Leonard's Catholic Primary School is entrusted with the holistic education of the child, in partnership with parents, guardians and caregivers, who are the primary educators of their children. Keeping children safe from harm requires a vigilant and informed community that is confident in making judgements and is assertive in taking actions. It is essential that all practitioners working with children and young people are able to understand the role each plays in protecting children. We have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child. St. Leonard's is committed to abiding by the professional, moral and legal obligations to implement child protection and child safety protocols and practices.

DEFINITIONS

Child abuse is an act by parents or caregivers which endangers a child or young person's physical or emotional health or development. Child abuse can occur as a result of a single incident, but often takes place over time. In Victoria, a child or young person is someone under 17 years of age or where a protection order is in place, for children under the age of 18.

The Protecting the Safety and Wellbeing of Children & Young People Act clearly defines the range of abusive behaviours as:

- sexual abuse
- grooming
- physical violence
- family violence
- serious emotional or psychological harm
- serious neglect

Sexual abuse occurs when an adult or someone stronger and/or older than the child uses power or authority over the child in order to involve the child in sexual activity, and the child's parent or caregiver has not protected the child. Physical force is sometimes involved.

Grooming is designed to prepare or 'groom' a child for future sexual activity and is contained in Section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years.

Physical violence results from abuse or neglect. This refers to a situation in which a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment, or physically aggressive treatment of a child.

Family violence is defined under the Family Violence Protection Act 2008 (Vic.) to include behaviour that causes a child to hear, witness, or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour.

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

Behaviours that constitute **Emotional or psychological harm** include severe or sustained instances of verbal abuse, coercive or manipulative behaviour, hostility towards, or rejection of a child, humiliation, belittling or scapegoating. Emotional or psychological harm may also be caused where an existing mental health disorder, such as anxiety or depression, has been exacerbated.

Neglect is the failure to provide the child with the basic necessities of life, such as food, clothing, shelter and supervision, to the extent that a child's health and development are placed at risk.

Duty of Care involves taking reasonable steps to protect children and young persons under their care and supervision from harm that is reasonably foreseeable (this duty applies to all school staff).

POLICY STATEMENT/GUIDING PRINCIPLES

The Child Wellbeing and Safety Act 2005 (Vic.) introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. This policy is designed to enable Catholic schools to comply with Standard 5 of the Victorian Child Safe Standards: 'processes for responding to and reporting suspected child abuse', as well as the school specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order No. 870. This policy sets out the actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed. It also provides guidance and procedures on how to make a report. This policy is designed to assist school staff (*which includes volunteers, contractors, other service providers and religious leaders, including clergy*) 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.

Child protection reporting obligations fall under three separate pieces of legislation with differing reporting requirements:

- the Children, Youth and Families Act 2005 (Vic.)
- the Education and Training Reform Act 2006 (Vic.)
- the Crimes Act 1958 (Vic.).

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:

1. **Witnessing an incident:** If you witness an incident where you believe a child has been subjected to abuse, you must first take immediate action to protect the safety of the child or children involved and then go straight to the Four Critical Actions for Schools.

2. Forming a suspicion:

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 the Four Critical Actions for Schools: Responding to Incidents, Reporting to Authorities, Contacting Parents and Providing Ongoing Support.

3. Receiving a disclosure about or from a current student:

All disclosures must be treated seriously. You should immediately refer to the Four Critical Actions for Schools. For strategies on how to manage a disclosure refer to *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools*.

4. Receiving a disclosure about or from a former student: If the former student is currently of school age and attending a Victorian school, you must immediately refer to the 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 to DHHS Child Protection.

The Four 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

PROCEDURES

STEP 1

Mandated notifiers employed by the School should make observations and keep dated notes of the concerns that exist that have led them to form the belief that a report may be necessary. It is expected that mandated notifiers enlist the support of the Principal, Deputy Principal or Wellbeing Coordinator. It is permissible to ask a child sufficient questions to establish a reasonable belief, but care should be taken not to ask leading questions. Given the highly sensitive nature of this type of situation confidentiality should be regarded as critical. The fewer the number of people informed the better.

STEP 2

These concerns should be discussed, in the first instance, with the Principal, Deputy Principal or Wellbeing Coordinator. It is essential that reports are managed in a caring, supportive and confidential manner and that the mandated notifier be supported. Written records of any conversations held and dated notes should be returned to the Principal, Deputy Principal or Wellbeing Coordinator. These notes will be stored within the Principal's confidential storage management system.

STEP 3

If there is uncertainty about the need for a mandatory report to Child Protection & Family Services – Department of Human Services; the Principal, Deputy Principal or Wellbeing Coordinator will decide upon a course of action.

STEP 4

If the harm to the child is or is likely to be inflicted by a person other than the child's parents then the parents must be informed. If it appears the child's parents are unable to keep the child safe, the Child Protection & Family Services – Department of Human Services needs to be notified immediately.

STEP 5

After these internal discussions, the notifier or a member of the Wellbeing Team should phone a report to Child Protection & Family Services – Department of Human Services

Reporting to authorities

If the child has just been abused or is at immediate risk of harm the school must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, that they are supervised separately by a school staff member

- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person. If the child protection incident has occurred at the school, school staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items and prevent any potential witnesses from discussing the incident until the Police or relevant authorities arrive on the premises.

STEP 6

It should then be decided who else, if anyone, should be informed. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the wellbeing of the child will be affected should the matter be discussed with anyone else. If, following a report, a family approaches the school, it is recommended that any interview be conducted with a minimum of 2 school staff members present. It is recommended that the Principal, Deputy Principal or Wellbeing Coordinator be present at such a meeting. The focus of such a meeting should be on the welfare of the child; not on justifying the actions of the staff involved.

STEP 7

After notification to Child Protection & Family Services – Department of Human Services is made, a senior protective worker will decide whether or not further investigation is required. The notifying staff member will be advised of this decision. If the notifying staff member is not advised, the Principal, Deputy Principal or Wellbeing Coordinator should phone the Department of Human Services and request information about what action is proposed.

STEP 8

At an appropriate time the standard practice for the Department of Human Services is to contact the parents, guardians or caregivers after a notification has been made. When Officers of Child Protection & Family Services – Department of Human Services or the Police seek an interview with a child, the Principal (or delegate) will cooperate with the authorised agency as follows:

- Arrange for the child to choose a supportive adult to be present. Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the Principal to ensure that students are supported throughout interviews at the school.
- Follow the recommended procedures from the Department of Human Services and the Catholic Education Office
- Ensure that arrangements are in order for any interview which is to take place at the school
- Observe confidentiality at all times in the management of a mandatory reporting case
- If legal assistance is required, contact the Catholic Education Office in the first instance

STEP 9

The school will provide ongoing support to staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse. Leadership and staff have a critical role to play in supporting students impacted by the child protection matter, to ensure that they feel supported and safe at the school. Support offered to students at the school will include:

- regular communication with the student and their parents/carers where appropriate
- convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
- the development of Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

The Catholic Education Melbourne's Student Wellbeing Information Line (9267 0228) should be considered for a description of the range of school-based support services that may be available.

For more information on this topic, refer to School Guidelines 2.19a: Police and DHHS Interview Protocols.

RELATED DOCUMENTS

Appendices:

- Appendix 1: Response to an Incident, Disclosure or Suspicion of Child Abuse
- Appendix 2: Making a Mandatory Report

Other Resources Catholic Education Melbourne

- Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools
- Responding to Suspected Child Abuse: A Template for all Victorian Schools
- Catholic Education Melbourne's School Guidelines
- 2.19a:Police-and-DHHS-Interview-Protocols.aspx
- Catholic Schools Operational Guide (CEVN website)
- Ministerial Order 870: Child Safe Standards. Department of Education and Training
- The School Policy Advisory Guide (SPAG)
- Mandatory Reporting eLearning Module Department of Health and Human Services
- Child Protection • Child FIRST 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.). Victoria Police
- Victoria Police Sexual Offences and Child Abuse Investigation Teams (SOCIT)
- Department of Justice and Regulations
- Failure to disclose offence
- Failure to protect offence
- Grooming offence Other resources
- Daniel Morcombe Child Safety Curriculum
- Parents, see: Daniel Morcombe Child Safety Curriculum Parent Guides - Queensland Department of Education, Training and Employment Catholic Education Melbourne August 2016 (updated)
- Further information Catholic Education Melbourne Student Wellbeing Information Line: 03 9267 0228 (9am–5pm daily)
- The Student Wellbeing Information Line seeks to:
- address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution focused-framework
- act as a conduit between the school and the family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.

EVALUATION

This policy was reviewed in 2018.

This policy will be reviewed as part of the school's four year review cycle.

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**

If a child is at immediate risk of harm you **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.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

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

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report internally to:

- GOVERNMENT SCHOOLS**
- School principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit
- CATHOLIC SCHOOLS**
- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

- GOVERNMENT SCHOOLS**
- Employee Conduct Branch
- Diocesan education office
- CATHOLIC SCHOOLS**
- Diocesan education office
- INDEPENDENT SCHOOLS**
- Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
You **must** report to DHHS Child Protection if a child is considered to be:

- at risk 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.

VICTORIA POLICE

You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report internally to:

- GOVERNMENT SCHOOLS**
- School principal and/or leadership team
- DET Security Services Unit
- CATHOLIC SCHOOLS**
- School principal and/or leadership team
- Diocesan education office.
- INDEPENDENT SCHOOLS**
- School principal and/or chairperson.

YOU MUST TAKE ACTION

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

*A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (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.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements. Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

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

OTHER CONCERNS

If you believe that a child is not subject to abuse, but you still hold **significant concerns** for their wellbeing you **must** still act. This may include making a referral or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

CONTACT

DHHS CHILD PROTECTION AREA

- North Division **1300 664 9777**
- South Division **1300 655 795**
- East Division **1300 360 381**
- West Division (Rural) **1800 075 599**
- West Division (Metro) **1300 664 9777**

AFTER HOURS
After hours, weekends, public holidays **13 12 78**

CHILD FIRST
<https://services.dhhs.vic.gov.au/child-first-and-support-teams>

ORANGE DOOR
<https://services.dhhs.vic.gov.au/orange-door/>

VICTORIA POLICE

000 or your local police station **DET SECURITY SERVICES UNIT**
(03) 9689 6266

STUDENT INCIDENT AND RECOVERY UNIT
(03) 9651 3622

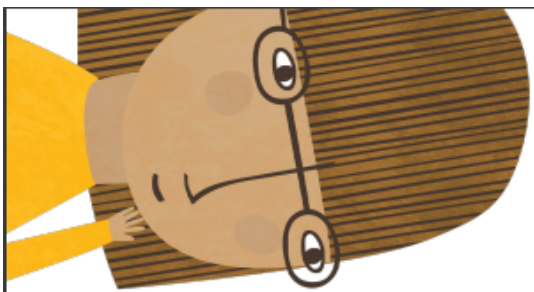
EMPLOYEE CONDUCT BRANCH
(03) 9637 2995

DIOCESAN OFFICE
Melbourne **(03) 9267 0228**
Ballarat **(03) 5337 7195**
Sale **(03) 9622 6600**
Sandhurst **(03) 5443 2377**

INDEPENDENT SCHOOLS VICTORIA
(03) 9828 7200

THE LOOKOUT
The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <https://www.lookout.org.au/>

Family violence victims/survivors can be referred to **1800 Respect** for counselling information and a referral service: **1800 737 732**



Please note that if you are making a report to DHHS Child Protection or Victoria Police you must seek advice before contacting parents/carers as not to compromise any investigation or place a child at further risk.

Appendix 2: MAKING A MANDATORY REPORT

STAFF MEMBER LEADING THE RESPONSE

Name:

Occupation:

Location/School Address:

Relationship to Child:

CRITICAL ACTION 1: IMMEDIATE RESPONSE TO AN INCIDENT

If anyone is in immediate danger staff should report immediately to Victoria Police on 000

RESPONDING TO AN EMERGENCY

CULTURAL STATUS AND RELIGIOUS BACKGROUND (If the child is of Aboriginal or Torres Strait Islander background, you must contact the Catholic Education Office to arrange culturally appropriate support. If the child is an international student you must notify the International Education Division on (03) 9637 2990)

ANY KNOWN HISTORY OF SUSPECTED ABUSE (Prior to this incident, disclosure or suspicion of involvement with agencies)

Did the child require further immediate medical assistance?

Current Location and Safety Status (e.g. are all impacted students safe and not in immediate danger? If a child is in immediate danger school staff should report immediately to Victoria Police on 000):

CHILD'S INFORMATION

PERSONAL DETAILS

Name:

Gender:

Year Level/Class:

Date Of Birth:

Residential Address: Parent/Carer Contact:

Parents/Carers' Names:

Parent/Carer Contact:

Languages Spoken By Child:

Disabilities, Mental Or Physical Issues:

CHILD'S BACKGROUND

CULTURAL STATUS AND RELIGIOUS BACKGROUND (If the child is of Aboriginal or Torres Strait Islander background, you must contact the Catholic Education Office to arrange culturally appropriate support. If the child is an international student you must notify the International Education Division on (03) 9637 2990)

ANY KNOWN HISTORY OF SUSPECTED ABUSE (Prior to this incident, disclosure or suspicion of involvement with agencies)

FAMILY BACKGROUND

Family Composition (If Known) List Parenting Or Care Arrangements And Siblings Names And Ages

Any Other People Living With The Child (If Known):

Disability, Mental Or Physical Health Issues In Family (If Known):

Likely Reaction To Report Being Made (If Known)

DETAILS OF THE INCIDENT, DISCLOSURE OR SUSPICION

FOUNDATIONS FOR YOUR BELIEF THAT A CHILD HAS BEEN, OR IS AT RISK OF ABUSE

INDICATORS OR INSTANCES WHICH LED YOU TO BELIEVE A CHILD/CHILDREN ARE SUBJECT TO CHILD ABUSE OR AT RISK OF ABUSE (Detail any disclosures or suspicions including names, times and dates documenting a child's exact words as far as possible. Include specific detail here on what led you to form a reasonable belief that a child has been or is at risk of being abused)

ANY PHYSICAL INDICATORS OF ABUSE:

ANY PATTERNS OF BEHAVIOUR OR PRIOR CONCERNS LEADING UP TO AN INCIDENT, DISCLOSURE OR SUSPICION:

ADDRESS:

CONTACT DETAILS:

CRITICAL ACTION 2: REPORTING

REPORTING TO AUTHORITIES

Highlight the authorities you have reported to:

VICTORIA POLICE

DHHS CHILD

PROTECTION

CHILD FIRST

DECISION NOT TO REPORT

If you decided not to report, list your reasons here.

Also include any follow up action undertaken by you below:

PROVIDE DETAILS OF YOUR REPORT:

Date:

Time:

Authority:

Outcomes From The Report:

REPORTING INTERNALLY

PROVIDE DETAILS OF YOUR DISCUSSION WITH SCHOOL LEADERSHIP

Time:

Date:

Names:

DISCUSSION OUTCOMES:

PROVIDE DETAILS OF YOUR INTERNAL DISCUSSIONS TO CATHOLIC EDUCATION OFFICE

Time:

Date:

Names:

DISCUSSION OUTCOMES:

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CRITICAL ACTION 3: CONTACTING PARENTS/CARERS

ACTIONS TAKEN
PROVIDE DETAILS OF YOUR DISCUSSION WITH PARENTS/CARERS (IF APPROPRIATE) School staff must consult with Victoria Police and/or DHHS Child Protection to determine if appropriate to contact parents. If it is, parents must be contacted as soon as possible (preferably on the same day of the incident, disclosure or suspicion)
HAVE YOU SOUGHT ADVICE FROM DHHS, CHILD PROTECTION OR VICTORIA POLICE? (Please highlight) NO YES
IS IT APPROPRIATE TO CONTACT PARENT/CARER? (Please highlight) NO YES
LIST REASONS IT IS NOT APPROPRIATE TO CONTACT PARENT/CARER
IF CONTACTING PARENT/CARER, PROVIDE THE FOLLOWING DETAILS:
Name Of Staff Member Making The Call:
Name Of Parent/Carer Making The Call:
DISCUSSION OUTCOMES:

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CRITICAL ACTION 4: PROVIDING ONGOING SUPPORT
