



Child Safety

St Clement of Rome

Child Safety Policy

June 2019

Date of policy: June 2019

Date of last major review: June 2019

Date of next major review: June 2022



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1. Introduction

School Vision

Anchored by our Catholic Faith, we empower every learner to express their creative courage to redefine our world.

At *St Clement of Rome* we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel.

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching: that is why the promotion of the human person is the goal of the Catholic school (Congregation for Catholic Education 1997, n. 9).

2. Purpose of the Policy

The purpose of this policy is to demonstrate the strong commitment of St Clement of Rome to the care, safety and wellbeing of all students at our school. It provides an outline of the policies, procedures and strategies developed to keep students safe from harm, including all forms of abuse in our school environment, on campus, online and in other locations provided by the school.

This policy takes into account relevant legislative requirements within the state of Victoria, including the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#).

This policy applies to school staff, including school employees, volunteers, contractors and clergy.



3. Principles

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, their voices are heard and they are safe and feel safe ([CECV Commitment Statement to Child Safety](#)).

The following principles underpin our commitment to child safety at St Clement of Rome.

- All students deserve, as a fundamental right, safety and protection from all forms of abuse and neglect.
- Our school works in partnership with families and the community to ensure that they are engaged in decision-making processes, particularly those that have an impact on child safety and protection.
- All students have the right to a thorough and systematic education in all aspects of personal safety, in partnership with their parents/guardians/caregivers.
- All adults in our school, including teaching and non-teaching staff, clergy, volunteers, and contractors, have a responsibility to care for children and young people, to positively promote their wellbeing and to protect them from any kind of harm or abuse.
- The policies, guidelines and codes of conduct for the care, wellbeing and protection of students are based on honest, respectful and trusting relationships between adults and children and young people.
- Policies and practices demonstrate compliance with legislative requirements and cooperation with the Church, governments, the police and human services agencies.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, contractors, parents and students should feel free to raise concerns about child safety, knowing these will be taken seriously by school leadership.
- 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.



4. Definitions used in this Policy

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 safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to incidents or allegations of child abuse. ([Ministerial Order No. 870](#))

Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing. ([Safe Schools Hub](#))

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours include shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also considered physically abusive behaviour. ([Safe Schools Hub](#))

Child protection: Statutory services designed to protect children who are at risk of serious harm. ([Safe Schools Hub](#))

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person five or more years older than the victim) is child sexual abuse.

Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them (e.g. a teacher); the age of consent laws do not apply in such instances due to



the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated

- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion
- non-consensual sexual activity between minors (e.g. a 14-year-old and an 11-year-old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not considered abuse. ([Safe Schools Hub](#))

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, psychologists, psychiatrists and medical practitioners. ([Safe Schools Hub](#))

Reasonable Belief: When 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.

School environment means any physical or virtual place made available or authorised by the school governing authority for use by a child during or outside school hours, including:

- a campus of the school
- online school environments (including email and intranet systems)
- other locations provided by the school for a child's use (including, without limitation, locations used for school camps, sporting events, excursions, competitions, and other events). ([Ministerial Order No. 870](#))

School staff means an individual working in a school environment who is:

- directly engaged or employed by a school governing authority
- a volunteer or a contracted service provider (whether or not a body corporate or any other person is an intermediary)
- a minister of religion. ([Ministerial Order No. 870](#))



5. Policy Commitments

All students enrolled at St Clement of Rome have the right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, and children with a disability.

Our commitment to our students

- a. We commit to the safety and wellbeing of all children and young people enrolled in our school.
- b. We commit to providing children and young people with positive and nurturing experiences.
- c. We commit to listening to children and young people and empowering them by taking their views seriously, and addressing any concerns that they raise with us.
- d. We commit to taking action to ensure that children and young people are protected from abuse or harm.
- e. We commit to teaching children and young people the necessary skills and knowledge to understand and maintain their personal safety and wellbeing.
- f. We commit to seeking input and feedback from students regarding the creation of a safe school environment.

Our commitment to parents and carers

- a. We commit to communicating honestly and openly with parents and carers about the wellbeing and safety of their children.
- b. We commit to engaging with, and listening to, the views of parents and carers about our child-safety practice, policies and procedures.
- c. We commit to transparency in our decision-making with parents and carers where it will not compromise the safety of children or young people.
- d. We commit to acknowledging the cultural diversity of students and families, and being sensitive to how this may impact on student safety issues.
- e. We commit to continuously reviewing and improving our systems to protect children from abuse.

Our commitment to our school staff (school employees, volunteers, contractors and clergy)



- a. We commit to providing all St Clement of Rome staff with the necessary support to enable them to fulfil their roles. This will include regular and appropriate learning opportunities.
- b. We commit to providing regular opportunities to clarify and confirm policy and procedures in relation to child safety and young people's protection and wellbeing. This will include annual training in the principles and intent of the Child Safety Policy and Child Safety Code of Conduct, and staff responsibilities to report concerns.
- c. We commit to listening to all concerns voiced by St Clement of Rome staff, clergy, volunteers, and contractors about keeping children and young people safe from harm.
- d. We commit to providing opportunities for St Clement of Rome school employees, volunteers, contractors and clergy to receive formal debriefing and counselling arising from incidents of the abuse of a child or young person.

6. Responsibilities and Organisational Arrangements

Everyone employed or volunteering at St Clement of Rome has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all students is at the forefront of all they do and every decision they make. ([CECV Commitment Statement to Child Safety](#))

The school has allocated roles and responsibilities for child safety as follows.

6.1 Guide to Responsibilities of School Leadership

The principal, the school governing authority and school leaders at St Clement of Rome recognise their particular responsibility to ensure the development of preventative and proactive strategies that promote a culture of openness, awareness of and shared responsibility for child safety. Responsibilities include:

- creating an environment for children and young people to be safe and to feel safe
- upholding high principles and standards for all staff, clergy, volunteers, and contractors
- promoting models of behaviour between adults and children and young people based on mutual respect and consideration
- ensuring thorough and rigorous practices are applied in the recruitment, screening and ongoing professional learning of staff
- ensuring that school personnel have regular and appropriate learning to develop their knowledge of, openness to and ability to address child safety matters



- providing regular opportunities to clarify and confirm legislative obligations, policy and procedures in relation to child and young people's protection and wellbeing
- ensuring the school meets the specific requirements of the Victorian Child Safe Standards as set out in [Ministerial Order No. 870](#).

6.2 Guide to Responsibilities of School Staff

Responsibilities of school staff (school employees, volunteers, contractors and clergy) include:

- treating children and young people with dignity and respect, acting with propriety, providing a duty of care, and protecting children and young people in their care
- following the legislative and internal school processes in the course of their work, if they form a reasonable belief that a child or young person has been or is being abused or neglected
- providing a physically and psychologically safe environment where the wellbeing of children and young people is nurtured
- undertaking regular training and education in order to understand their individual responsibilities in relation to child safety and the wellbeing of children and young people
- assisting children and young people to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from abuse
- following the school's Child Safety Code of Conduct.

6.3 Organisational Arrangements

At St Clement of Rome the organisational arrangements for child safety is administered by the Student Well Being Team, led by the Student Well Being Leader.

7. Expectation of our School Staff – Child Safety Code of Conduct

At St Clement of Rome community, we expect school employees, volunteers, contractors and clergy to proactively ensure the safety of students at all times and to take appropriate action if there are concerns about the safety of any child at the school. All school staff must remain familiar with the relevant laws, the code of conduct, and policies and procedures in relation to child protection and to comply with all requirements. We have developed a Child Safety Code of Conduct which recognises the critical role that school staff play in protecting the students in our care and establishes clear expectations of school employees,



volunteers, contractors and clergy for appropriate behaviour with children in order to safeguard them against abuse and or neglect.

Our Code also protects school staff through clarification of acceptable and unacceptable behaviour.

8. Student Safety and Participation

At St Clement of Rome, we actively encourage all students to openly express their views and feel comfortable about giving voice to the things that are important to them.

We teach students about what they can do if they feel unsafe and enable them to understand, identify, discuss and report on child safety. We listen to and act on any concerns students, or their parents or carers, raise with us.

Each week the students participate in a timetabled 1 hourly session of Social and Emotional Learning. These sessions use the SEL model developed by the University of Melbourne.

9. Reporting and Responding

Our school records any child safety complaints, disclosures or breaches of the Child Safety Code of Conduct, and stores the records in accordance with security and privacy requirements. Our school complies with legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the recommendations of the [Betrayal of Trust](#) report.

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

Our school's **Child Protection – Reporting Policy**, updated on June 2016, sets out the actions required under the relevant legislation when there is a reasonable belief that a child at our school is in need of protection or a criminal offence has been committed, and provides guidance and procedures on how to make a report.

Our policy assists staff, volunteers and families 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.

Our school has also established internal processes to ensure that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a student. .

Our complaints and disclosure processes are outlined and detailed in the following policies and procedures:

- Grievance and Complaints Procedures
- Student Well Being Policy

10. Screening and Recruitment of School Staff

St Clement of Rome will apply thorough and rigorous screening processes in the recruitment of employees and volunteers involved in child-connected work. Our commitment to child safety and our screening requirements are included in all advertisements for such employee, contractor and volunteer positions, and all applicants are provided with copies of the school's Child Safety Code of Conduct and the Child Safety Policy.

When recruiting and selecting employees, contractors and volunteers involved in child-connected work, we make all reasonable efforts to:

- confirm the applicant's Working with Children Check and National Police Check status and/or professional registration (as relevant)
- obtain proof of personal identity and any professional or other qualifications
- verify the applicant's history of work involving children
- obtain references that address the applicant's suitability for the job and working with children.

We have processes for monitoring and assessing the continuing suitability of school staff to work with children, including regular reviews of the status of Working with Children Checks and staff professional registration requirements such as Victorian Institute of Teaching (VIT) registration.

11. Child Safety – Education and Training for School Staff

St Clement of Rome provides employees, volunteers and clergy with regular and appropriate opportunities to develop their knowledge of, openness to and ability to address child safety matters. This includes induction, ongoing training and professional



learning to ensure that everyone understands their professional and legal obligations and responsibilities, and the procedures for reporting suspicion of child abuse and neglect.

At the beginning of the year all members of Staff, including Parish staff/Clergy attend a briefing as to the roles and procedures when dealing with child safety

12. Risk Management

At *St Clement of Rome* we are committed to proactively and systematically identifying and assessing risks to student safety across our whole school environment, and reducing or eliminating (where possible) all potential sources of harm. We document, implement, monitor and periodically review our risk management strategies for child safety and ensure that the strategies change as needed and as new risks arise.

- Appointment of OH&S
- Appointment of Child Safety Steering Committee
- Termly Child Safety audit of grounds and facilities

13. Relevant Legislation

- *Children, Youth and Families Act 2005* (Vic.)
- *Working with Children Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.)
- *Equal Opportunity Act 2010* (Vic.)
- *Privacy Act 1988* (Cth)
- *Crimes Act 1958* (Vic.) – Three new criminal offences have been introduced under this Act:
 - a. **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.
 - b. **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.



i. **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.

14. Related Policies

14.1 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](#)
- Policy 2.20: Misconduct Policy (withdrawn and currently under review)
- [Policy 2.26: Pastoral Care of Students in Catholic Schools](#) (currently under review)

14.2 School Policies

- Child Protection – Reporting Obligations
- Student Well Being Policy
- ICT Policy
- Responsible Use of Social Media Policy
- Volunteer’s Policy
- Grievance and Complaints Procedures

15. Breach of Policy

Where an employee is suspected of breaching any obligation, duty or responsibility within this Policy, St Clement of Rome may start the process under clause 13 of the *Victorian Catholic Education Multi Enterprise Agreement 2013* (VCEMEA) for managing employment concerns. This may result in disciplinary consequences.

Where the **principal** is suspected of breaching any obligation, duty or responsibility within this policy, the concerned party is advised to contact the parish priest or the employer. Relevant notification should also be made to Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).



Where any other member of the school community is suspected of breaching any obligation, duty or responsibility within this policy, the school is to take appropriate action, including in accordance with: Child Protection – Reporting Obligations, Complaints Resolution Policy] and/or contact Catholic Education Melbourne (Office of Professional Conduct, Ethics and Investigation).

16. Review of this Child Safety Policy

At St Clement of Rome we are committed to continuous improvement of our child safety systems and practices. We intend this policy to be a dynamic document that will be regularly reviewed to ensure it is working in practice and updated to accommodate changes in legislation or circumstance.

We will maintain a history of updates to the policy.

History of Updates to Policy

Date	Comment (e.g. major review, minor review)
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17. References

Catholic Education Commission of Victoria Ltd (CECV) 2016, [Commitment Statement to Child Safety: A safe and nurturing culture for all children and young people in Catholic schools](#).

Catholic Education Commission of Victoria Ltd (CECV) 2013, [Victorian Catholic Education Multi Enterprise Agreement 2013](#), CECV.

Congregation for Catholic Education 1997, [The Catholic School on the Threshold of the Third Millennium](#), Vatican.

Safe Schools Hub 2014, [National Safe Schools Framework Glossary](#), Australian Government Department of Education and Training.

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.

Victorian Government Department of Justice 2016, [Betrayal of Trust Implementation](#).

Child Reporting Obligations



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.

Catholic schools are entrusted with the holistic education of the child, in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore 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.

Under the National Framework for Protecting Australia's Children 2009–2020, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play.

In Victoria, a joint protocol, Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools, involving the Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people.

DET has also produced Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse and Responding to Suspected Child Abuse: A Template for all Victorian Schools, both of which are referred to in the joint protocol.

All teachers, other staff members, volunteers, contractors, other service providers, parish priests, canonical and religious order administrators of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

Purpose of this policy

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.), the Child Wellbeing and Safety Act 2005 (Vic.) and the Education and Training Reform Act 2006 (Vic.).

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. The Child Safe Standards were introduced in response to recommendations made by the Betrayal of Trust report.



Ministerial Order No. 870 – Managing the Risk of Child Abuse in Schools was made under the Education and Training Reform Act 2006 (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards.

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 is designed to assist 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 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.).

These legislative obligations exist in addition to moral and duty-of-care obligations, which require school community members to protect any child under their care and supervision from foreseeable harm.

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.

All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of school communities.

Types of Child Abuse and Indicators of Harm



Sources of Child Protection Reporting Obligations

- 2.1 Children, Youth and Families Act 2005 (Vic.)
- 2.2 Crimes Act 1958 (Vic.)
- 2.3 Education and Training Reform Act 2006 (Vic.)
- 2.4 Duty of Care.

Responding to and Reporting Child Protection Concerns

- 3.1 Becoming aware of a child protection incident
- 3.2 The Four Critical Actions
- 3.3 Potential consequences of making a report.
- 3.4 Responding to Complaints or Concerns.

1. Types of Abuse and Indicators of Harm

Child abuse can take many forms. The perpetrator may be a parent, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the Child Wellbeing and Safety Act 2005 (Vic.) to include:

sexual offences
grooming
physical violence
serious emotional or psychological harm
serious neglect.

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. While family violence does not form part of the official definition of 'child abuse' in the Child Wellbeing and Safety Act, the impact of family violence on a child can be a form of child abuse; for example, where it causes serious emotional or psychological harm to a child.

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child is, the more vulnerable he/she is to abuse and the more serious the consequences are likely to be.



There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as the Church.

For full definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse refer to the protocol Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

2. Sources of Child Protection Reporting Obligations

2.1 Children, Youth and Families Act 2005 (Vic.)

Mandatory Reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person 17 years of age or younger. The principal, teachers, medical practitioners and nurses at a school are mandatory reporters under this Act.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection from physical harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, they must report that belief to DHHS Child Protection and/or Victoria Police, including the information prescribed in the Responding to Suspected Child Abuse: A Template for all Victorian Schools, as soon as possible after forming the belief.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child protection incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol Protect: Identifying and Responding to



All Forms of Abuse in Victorian Schools. This protocol focuses on Four Critical Actions (refer to Appendix 1) that all school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

Reasonable Belief

Where school staff members 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. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information has caused the staff member to form a 'reasonable belief'.

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

A 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a 'reasonable belief' in a mandatory reporter's mind which must be reported.

2.2 Crimes Act 1958 (Vic.)

In response to the Betrayal of Trust report three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):



failure to disclose offence, which requires adults to report to the Police a reasonable belief that a sexual offence has been committed against a child
failure to protect offence, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

Failure to Disclose

Any school staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to Victoria Police.

Failure to disclose the information to the Police is a criminal offence under Section 327 of the Crimes Act 1958 (Vic.) and applies to all adults (18 years and over) in Victoria, not just professionals who work with children.

The obligation is to disclose that information to the Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

Refer to Appendix 2 for more information on when to report a concern that a child or a young person has been sexually abused, or is in need of protection from sexual abuse.

For further information about the 'failure to disclose' offence, see Department of Justice and Regulations – Failure to disclose offence and the Betrayal of Trust: Fact Sheet.

Failure to Protect

Any school staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16, who is in the care or supervision of the organisation, must take all reasonable steps to reduce or remove that risk.

Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence under Section 49C (2) of the Crimes Act 1958 (Vic.).



In a school context, this will include the principal and the business manager and may also extend to school counsellors, heads of departments and heads of schools.

For further information about the 'failure to protect' offence, see Department of Justice and Regulations - Failure to protect offence and the Betrayal of Trust: Fact Sheet.

Grooming

The offence of grooming prohibits predatory conduct 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.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age. For further information about the 'grooming offence', see Department of Justice and Regulation – Grooming offence and the Betrayal of Trust: Fact Sheet.

For more information about managing and responding to the risk of abuse, see Responding to Student Sexual Assault and Risk Management in the Department of Education and Training resources.

2.3 Education and Training Reform Act 2006 (Vic.)

From a child safety perspective, the key functions of the Education and Training Reform Act 2006 (Vic.) are to:

require schools to notify the Victorian Institute of Teaching (VIT) when a school has taken action against a teacher

make compliance with the Victorian Child Safe Standards a requirement for registration of all Victorian schools.

2.4 Duty of Care

School staff have a duty to take 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). The question of what constitutes reasonable steps will depend on the individual circumstances of each case.



A staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty-of-care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

Procedures

Catholic schools have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected, 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 is at the forefront of all they do and every decision they make.

It is Catholic Education Melbourne's policy that all schools display the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse diagram in staff rooms and other strategic areas of the school, to ensure all school staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable belief that a child has been, or is at risk of being, abused.

3. Responding to and Reporting Child Protection Concerns

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

Refer to Appendix 1: Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

Before the Four Critical Actions can be followed a school staff member must first be made aware of a child protection incident that will determine if they must take action to protect a child.

3.1 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 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: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

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, Disclosures and Suspicions of Child Abuse.

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: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

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: Responding to Incidents, Disclosures and Suspicions of Child Abuse.

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.

Notes & Records

Staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using the Responding to Suspected Child Abuse: A Template for all Victorian Schools.

For strategies on how to manage a disclosure refer to Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.

3.2 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:

Responding to an Emergency

Reporting to Authorities

Contacting Parents/Carers

Providing Ongoing Support

Critical Action 1: Responding to an Emergency

This first step is only applicable if a child has just been abused or is at immediate risk of harm.

If this is not the case, go straight to Critical Action 2: Reporting to authorities.

If the child has just been abused or is at immediate risk of harm you 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.

Critical Action 2: Reporting to Authorities

All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.

As soon as critical health and safety concerns have been addressed the staff member must take steps to report the child protection incident, suspicion or disclosure as soon as practicable.

DHHS Child Protection is the Victorian government agency that protects children at risk of significant harm. All incidents, suspicions and disclosures of child abuse must be reported



to DHHS Child Protection except where the incident involves sexual abuse or grooming, in which case it must be reported to the Police.

Failure to report physical or sexual abuse of a child is a criminal offence. For more information, refer to the Failure to disclose section of this policy.

There are different reporting procedures and authorities who must be notified depending on whether the source of the suspected or alleged abuse came from within the school or within the family or community of the child.

The DHHS and DET have deliberately set a low threshold for the formation of a 'reasonable belief'.

The Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

How to Make a Mandatory Report

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns. If a child is at immediate risk of harm, contact the Police immediately.

Making a Mandatory Report	
Step	Description
1. Keep Notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> • a description of the concerns (e.g. physical injuries, student behaviour) • the source of those concerns (e.g. observation, report from child or another person) • the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS Child Protection, etc.).



<p>2. Discuss Concerns</p>	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the principal or a member of the Leadership Team and/or Catholic Education Melbourne’s Student Wellbeing Information Line.</p> <p>This is not a legal requirement, however will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the principal, member of the Leadership Team or a representative of Catholic Education Melbourne advises you not to proceed with reporting suspected abuse.</p>
<p>3. Gather & Document Information</p>	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> • full name, date of birth and residential address of the child or young person • the details of the concerns and the reasons for those concerns • your involvement with the child or young person • details of any other agencies which may be involved with the child or young person. <p>This information should be collected and documented using the Responding to Suspected Child Abuse: A Template for all Victorian Schools. The template is to be used to record as much information as possible to provide when you make your report to either the Police or DHHS Child Protection.</p>



	<p>It is critical that completing the template does not impact on reporting times – if a child is in immediate danger school staff need to report the matter immediately to the Police.</p>
<p>4. Make the Report</p>	<p>To report concerns which are life-threatening phone ooo or the local police station.</p> <p>Where the source of the abuse comes from within the school; that is, the suspected or alleged abuse involves a staff member, volunteer or contractor at the school:</p> <ul style="list-style-type: none"> • contact the Police. The Police will, in this case, contact DHHS Child Protection when appropriate. • you must also report internally to: <ul style="list-style-type: none"> • The principal, or the Leadership Team if the principal is involved in the allegation • Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228). <p>Where the source of the suspected or alleged abuse comes from within the child’s family or community, you must:</p> <ul style="list-style-type: none"> • report sexual abuse and grooming to the Police • report the matter to DHHS Child Protection if you consider the child to be in need of protection due to child abuse, or has been, is being or is at risk of being harmed due to any form of abuse. If after hours call the Child Protection Crisis Line on 13 12 78. • report internally to: <ul style="list-style-type: none"> • the principal, or a member of the Leadership Team if the principal is unavailable • Catholic Education Melbourne’s Student Wellbeing Information Line (9267 0228)



<p>5. Document Written Records of Report</p>	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none"> • the date and time of the report and a summary of what was reported • the name and position of the person who made the report and the person who received the report. <p>The information initially recorded in the Responding to Suspected Child Abuse: A Template for all Victorian Schools and any additional information provided to either the Police or DHHS Child Protection is to be stored securely and maintained for a minimum of seven (7) years by the school, to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<p>6. Additional Steps for Overseas Students</p>	<p>Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child's accommodation, support and general welfare) the school will also need to contact the VRQA.</p>

Child FIRST

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 to or seeking advice from Child FIRST.

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.

You should make a report to Child FIRST if:

- you have a significant concern for a child's wellbeing
- your concerns are about circumstances that have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you and the school have discussed the referral to Child FIRST with the child's parents/carers, and all parties are supportive of this decision.



Where you believe that the child's parents/carers will not be supportive of the referral, you may refer the matter to DHHS Child Protection.

If you are unsure of what action to take in response to your concerns about a child, speak to the principal or a member of the school's Leadership Team, or contact DHHS Child Protection or Child FIRST for further advice. For more information refer to [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

Making Additional Reports

After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed – on reasonable grounds – that a child is likely to be at risk and in need of protection.

If there is any suspicion that this relates to a sexual offence involving a person over 18 and a child under 16 then it must be reported to the Police. For more information, refer to the ***Failure to disclose*** section of this policy.

Where a staff member is aware that another staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the first staff member need not make a further report.

However, if the first staff member has formed a reasonable belief of abuse or a significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

Critical Action 3: Contacting Parents/Carers

Where it is suspected that a child at the school has been, or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

The school must always seek advice from the Police or DHHS Child Protection, to ensure that it is appropriate to contact the parents/carers.

Advice from the **Police or DHHS Child Protection** will depend on a number of factors, including:

- whether the parents/carers of the child are alleged to have engaged in the abuse
- whether a disclosure to the parents/carers may result in further abuse to the child
- where the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has



requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers

- whether notifying parents/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should also be notified promptly after the school has carefully considered the factors listed above.

For detailed guidance on how to have this conversation with a parent or carer, refer to [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

Critical Action 4: Providing Ongoing Support

Staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse 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 provided to students at the school includes:

- 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.

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

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.

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

The school has a duty to ensure that school staff members are supported following the witnessing of an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. Staff members requiring wellbeing support can contact the school’s Employee Assistance Program (EAP) provider.

The school should conduct a review of the reporting process 4–6 weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [Responding to Suspected Child Abuse: A Template for all Victorian Schools](#) for more information.

3.3 Potential Consequences of Making a Report



This table describes the potential consequences of making a report.

Potential consequence	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> • the reporter chooses to inform the child, young person or parent of the report • the reporter consents in writing to their identity being disclosed • a court or tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child • a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> • it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter • the reporter cannot be held legally liable in respect of the report.
Interviews	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent's knowledge or consent.</p> <ul style="list-style-type: none"> • Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner • DHHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises • When DHHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see



	<p>identification before permitting them to have access to the child or young person</p> <ul style="list-style-type: none"> • When a child or young person is being interviewed by DHHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person. <p>For more information on these requests and school responsibilities: see Catholic Education Melbourne's School Guidelines 2.19a: Police and DHHS Interview Protocols.</p>
<p>Support for the child or young person</p>	<p>The roles and responsibilities of staff members in supporting children who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> • acting as a support person for the child or young person • attending DHHS Child Protection case-planning meetings • observing and monitoring the child's behaviour • liaising with professionals.
<p>Requests for Information</p>	<p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DHHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHHS Child Protection. Refer to Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools.</p>
<p>Witness Summons</p>	<p>If DHHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings. See Catholic Education Melbourne's School Guidelines 2.19a: Police and DHHS Interview Protocols.</p>



3.4 Responding to Complaints or Concerns

The school may receive concerns or complaints about school staff management of a child protection incident. These concerns or complaints may be voiced by parents/carers or others within the school community.

The school should follow its internal complaints handling process to ensure that all concerns, complaints or feedback on school policies or processes are effectively captured and appropriately managed.

It is important that, as a first step, the school ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, the school should follow the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

Related resources

Appendices

- [Appendix 1: Four Critical Actions for Schools](#)
- [Appendix 2: Reporting Criteria: Failure to Disclose](#)

Catholic Education Melbourne

- [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- [Four Critical Actions for Schools Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)
- [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)
- [Privacy Compliance Manual](#) (CEVN website)
 - updated by the Catholic Education Commission of Victoria Ltd (CECV) December 2015
 - this manual may be used by schools and systems which are represented by the CECV.

Victorian Government



- [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.](#)

The following document was discussed by:

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July 2019