



## **Mandatory Reporting Policy**

### **1 Internal School Protocol Regarding Child Physical and Sexual Abuse**

#### **1.1 Rationale**

Mandatory reporting arises from the requirements of 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.)***.

and the recommendations of the [Betrayal of Trust](#) Report for the protection of children from harm due to physical injury and sexual abuse. School personnel mandated under this Act who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

That is each teacher is individually mandated to report to Child Protection, instances where they have formed a belief, based on reasonable grounds, that a child has suffered physical or sexual abuse.

Although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to Child Protection where they form a reasonable belief that a child is in need of protection.

Understandably, this is a sensitive area and CRC Melton recognises the need for the care and support of staff. This document is intended to support teachers/staff who are concerned that abuse may be occurring. Members of the School Advisory Group are available to listen, discuss and clarify issues confronting individual teachers in relation to child physical and sexual abuse.

#### **Types of abuse and indicators of harm**

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

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators **must** be reported.

It is **mandatory** to report concerns relating to:

- physical abuse
- sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence

- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.

**Note:** 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.](#)

### **Crimes Act 1958 (Vic.)**

Three new criminal offences have been introduced under the *Crimes Act 1958* (Vic.):

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

#### **1.2 Failure to disclose**

**Any staff member** who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a **child under 17** must disclose that information to police. Failure to disclose the information to police is a criminal offence under **section 327 of the Crimes Act 1958 (Victoria)** and applies to **all adults** 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.

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](#)

#### **1.3 Failure to protect**

Any 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 contained in **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 school.

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](#).

#### **1.4 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 Regulations - Grooming offence](#) and the [Betrayal of Trust: Fact Sheet](#).

## **2.1 Protocols**

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](#).

### **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:

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: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).
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, Disclosures and Suspicions of Child Abuse](#).
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: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).
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: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

## **STEP 1**

Individual teachers should keep a record of concerns and observations which may lead to the forming of a reasonable belief of child physical and/or sexual abuse.

- The description of the concerns (e.g. physical injuries, student behaviour)
- The source of 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.)

Gather the relevant information necessary to make the report. This should include the following information:

- 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
- the individual staff member's involvement with the child or young person
- details of any other agencies which may be involved with the child or young person

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](#).

## **STEP 2**

The individual teacher may wish to discuss these observations and concerns with a member or members of the School Advisory Group. They are currently:

Mark Sheehan	(Principal)
Robert Blackley	(Deputy Principal-Students)
Karen Hunter	(Student Counsellor)
Terry Quinn	(Student Counsellor)
Nerida Thurn	(Student Counsellor)
Rachel Di Natale	(College Psychologist)

This is an opportunity to discuss and clarify any issues involved in a confidential environment. Given the sensitive nature of these matters, a wide discussion of individual cases is inappropriate.

## **STEP 3**

It may be that, following either of the previous steps, the individual teacher decides to make a report to Child Protection.

## **STEP 4**

For a variety of reasons, following a report, Child Protection may need to contact the Principal in regard to notification. It would be a matter of courtesy to inform the Principal/ Deputy Principal that a report has been made, or is about to be made.

## **STEP 5**

Following a report, it is important to protect confidentiality and the interests of the child and family at all times.

## **STEP 6**

Members of the School Advisory Group will arrange for appropriate support for the reporting teacher and the student involved.

## **2.2 Some Relevant Questions**

### **1. How do I form a belief?**

A reasonable belief that a child is in need of protection is more likely formed in circumstances where:

- a child states that they have been physically injured or sexually abused (self-disclosure);
- a child states that they know someone who has been physically injured or sexually abused (sometimes the child may be talking about him or herself);
- a relative, friend, acquaintance or sibling of the child states that the child has been physically injured or sexually abused;

- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been abused.

**2. Should I discuss my concerns with anyone?**

It may be helpful for you to discuss and clarify issues. Members of the School Advisory Group are there to provide support for you in this regard.

**3. Do I have to talk to school administration?**

There is no compulsion to do so. You must remember that you are personally and individually mandated, not the school authorities. The person who forms the belief has the responsibility to make the report. However, it would be advisable to inform the Principal, either once you have formed a belief and have decided to make a report or after you have made a report.

**4. Can I be called to give evidence?**

Yes you can. You can be called in the role of teacher. If the judge sees fit and sees that it could change the outcome you could be subpoenaed as the notifier. This is a very rare occurrence.

**5. Can I make an anonymous report to Child Protection?**

That is possible, but it makes the follow up by Child Protection more difficult. The identity of the person reporting is kept confidential. Child Protection can only divulge the identity of the person reporting the abuse with that individual's written permission.

**6. What information should be recorded?**

- (i) Teachers should record observations of the child and her behaviour where they believe or are concerned that abuse is occurring. A clear personal diary note would generally be sufficient. Care needs to be taken to ensure confidentiality. Thus, do not use full names but initials.
- (ii) The School Advisory Group should keep accurate and secure records as to the content of discussions. These should include the name of the student and the nature of the concern/discussion.

**3 Report to relevant agencies**

**3.1 Department of Health and Human Services Child Protection**

The mandatory reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable.

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse.

**3.2 Contact with Child FIRST**

A registered school teacher or principal in Victoria can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or principal should share relevant information with Child FIRST to help them complete their assessment of the referral.

A mandated reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child First or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent.

**Make a written record of the report including the following information:**

- 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.

**3.3 Allegations of misconduct against lay employees in Catholic schools and Catholic education offices**

If the alleged perpetrator is a staff member, principal or any other person employed by the school, contact should be made in the first instance with the Assistant Director, Religious Education and Pastoral Care, Catholic Education Office Melbourne. This action and all other procedures to be followed in this case are outlined in [CEOM Policy 2.20, Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices.](#) (currently under review)

**4 Ongoing support**

The principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family. The principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students. All mandated staff (including all teachers registered with the VIT) are required to complete the online mandatory reporting eLearning module each year. Non-mandated staff are also encouraged to complete the training.

## Related Resources

### ***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](#)
- [Policy 2.19 Child Protection Reporting Obligations](#)