



Child Safety - Mandatory Reporting and Other Obligations Policy

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2. Vision Statement

St Brigid's College commits our community to being a child-safe, nurturing and learning environment within the Catholic and Brigidine traditions, where each of us grows to a personal fullness of faith and life.

3. Rationale

St Brigid's College regards its child protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child safe culture. This is particularly so for our most vulnerable children and young people, including Aboriginal and Torres Strait Islander students, those from culturally and or linguistically diverse backgrounds and students with a disability.

The obligation of all teachers in the state of Victoria to report suspected cases of child physical or sexual abuse is seen as a vital professional responsibility to ensure the protection of children under the age of sixteen.

4. Policy Statement

At St Brigid's College we have a zero tolerance for child abuse and are committed to acting in children's best interests and keeping them safe from harm. The College regards its child protection responsibilities with the utmost importance and as such, is committed to providing the necessary resources to ensure compliance with all relevant child protection laws and regulations and maintain a child safe culture.

5. Guiding Principles

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical or sexual abuse, must report their concerns to Department of Health and Human Services (DHHS) Child Protection.

Mandated reporters who, in the course of carrying out their duties, form a reasonable belief that a child is in need of protection from physical or sexual abuse, must report that belief and the grounds for it as soon as possible.

All school staff members who form a belief on reasonable grounds that a child or young person:

- is in need of protection, should report their concerns to DHHS Child Protection or Victoria Police
- is displaying sexually abusive behaviours and is in need of therapeutic treatment, should report their concerns to DHHS Child Protection

If staff have significant concerns for the wellbeing of a child or young person they should report their concerns to DHHS Child Protection. In cases where staff have concerns about a child or young person, they should also discuss their concerns with the Principal, Deputy Principal or the Child Safety Officer.

Duty of Care

College staff have a duty of care to protect the safety, health and wellbeing of children and young people in their care. If a staff member has concerns about the safety, health and wellbeing of a child or young person in their care, they should take immediate action. In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child or young person, College staff can discharge this duty of care by taking action which includes the following:

- reporting their concerns to the DHHS Child Protection agency
- notifying the Principal or the Child Safety Officer

Reporting Criminal Child Sexual Abuse - Failure to Disclose Offence: Crimes Act 1958

Any member of the College Community over the age of 18 years 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 police. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHHS Child Protection.

The offence applies to all adults in Victoria, not just professionals who work with children. If the sexual abuse of a student is happening outside of the College, the College will contact the Police in order to ensure the protection of the student and remove the risk of ongoing abuse.

Protecting Children from the Risk of Sexual Abuse - Failure to Protect Offence: the Crimes Act 1958 (Vic.)

This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

Any staff member in a position of authority, who becomes aware that an adult associated with the College (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child or young person under the care, authority or supervision of the College, must take all reasonable steps to remove that risk. This may include, for example, removing the adult from child-related work pending investigation. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

The offence applies only to adults in a position of authority within the College, including the Principal and Senior staff.

Grooming: Crimes Act 1958 (Vic)

The *Crimes Act 1958* (Vic) introduced the offence of Grooming for sexual conduct with a child or young person under the age of 16 years. 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 and email. This offence prohibits an adult from engaging in any form of communication with a child or young person with the intention of facilitating sexual conduct. This is not limited to exposing the child or young person to indecent material or providing them with an intoxicating substance and may also include acts such as inappropriately gifts or favours with the intention of engaging in later sexual activity.

The offence can be committed by anyone over the age of 18 years. It does not apply to communication between people who are both under 18 years of age.

Members of the College Community must make a report to DHHS Child Protection or Victoria Police in circumstances where there are indications that a child or young person is being groomed.

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. For example, a 'reasonable belief' might be formed if:

- a child or young person states that they have been physically or sexually abused
- a child or young person states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child or young person states that they have been physically or sexually abused
- professional observations of the child or young person's behaviour or development, leads a professional to form a belief that the child or young person has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child or young person has been physically or sexually abused

There are members of the College staff who are available to assist and support staff who are in the process of forming such a belief. These staff members are the Principal, members of the College Executive and the Child Safety Officer. The role of these staff members is to discuss any concerns and observations recorded and to offer support to the concerned staff member. Staff are encouraged to consult the above staff members before reporting their belief that a student is in need of protection from physical or sexual abuse. The concerned staff member:

1. Discusses the matter with the Principal, the Child Safety Officer or a member of the College Executive
2. Forms a belief that a student is in need of protection
3. Reports the matter to the DHHS
4. Observes strict confidentiality

In all instances the concerned staff member, Principal, a member of the College Executive will notify the Child Safety Officer of the report. In instances whereby the above mentioned staff are all unavailable for consultation, the concerned staff member should seek guidance from the the Canonical Administrator.

If the Principal, the Child Safety Officer or the member of the College Executive does not believe that a mandatory report is warranted, this does not discharge the teacher of their obligation to do so if they have formed a reasonable belief that abuse may have occurred or is likely to occur. If the teacher's concerns continue, even after consultation with the Principal, the Child Safety Officer or a member of the College Executive the teacher is still legally obliged to make a mandatory report of their concerns.

Support for Staff and Students Following a Report to DHHS or Victoria Police

College staff will be given the opportunity to debrief with either the Principal, the Child Safety Officer or a member of the College Executive.

Students will be provided with ongoing support from the Student Wellbeing Coordinator which, where appropriate, will include the creation of an individual safety plan to help ensure their wellbeing outside of school, referral to outside agencies and consultation with DHHS and/or the Police.

6. Responsibilities

Child protection is everyone's responsibility. At St Brigid's College all members of the College Advisory Council and staff, as well as direct and indirect volunteers, have a shared responsibility for contributing to the safety and protection of children.

Specific responsibilities include:

College Advisory Council

Each Advisory Council member is required to ensure that appropriate resources are made available to allow the College's Child Safety - Mandatory Reporting and Other Obligations Policy to be effectively implemented within the College and are responsible for holding the Principal and College Executive team accountable for effective implementation.

The Principal

The Principal is responsible, and will be accountable for, taking all practical measures to ensure that this Child Safety - Mandatory Reporting and Other Obligations Policy is implemented effectively and that a strong and sustainable child protection culture is maintained within the College.

The College's Child Protection Officer

Our Child Protection Officer receives additional specialised training with respect to child protection issues. Antonia Jeffery is the first point of contact for raising child protection concerns within the College. She is also responsible for championing child protection within the College and assisting in coordinating responses to child protection incidents.

Staff Members

All staff are required to be familiar with the content of our Child Safety Policy and Child Safety - Mandatory Reporting and Other Obligations Policy and their legal obligations with respect to the reporting of child abuse. It is each individual's responsibility to be aware of key risk indicators of child abuse, to be observant, and to raise any concerns they may have relating to child abuse with the College's Child Protection Officer.

Indirect Contact Volunteers

Indirect Contact Volunteers (or 'indirect volunteers') are those volunteers who are involved in providing support and services whilst not directly assisting a specific group of students. Indirect contact volunteers are not responsible for supervising students and would not have "unsupervised" contact with students during the normal course of providing the volunteer service. All indirect volunteers are responsible for contributing to the safety and protection of children in the College environment. All indirect volunteers are required by the College to be familiar with our Child Safety Policy and our Child Safety Code of Conduct. Examples of Indirect Contact Volunteer activities may include assisting with College functions, or the College canteen and fundraising barbeques.

Third Party Contractors

All Third Party Contractors (service providers) engaged by the College are responsible for contributing to the safety and protection of children in the College environment. All service providers engaged by the College are required by the College to be familiar with our Child Safety Policy and our Child Safety Code of Conduct. The College may include this requirement in the written agreement between it and the service provider.

7. Legal References

Federal and relevant State laws bind the School and its employees. A breach of this policy may result in the School and/or its employees breaching any one of the following pieces of legislation:

Racial Discrimination Act 1975 (Cth); Sex Discrimination Act 1984 (Cth);
Disability Discrimination Act 1992 (Cth); Equal Opportunity Act 1995 (Vic)
Privacy Act 1988 (Cth) Child Safe Standards (Ministerial Order 870)
Education and Training Reform Act 2006
Department of Health & Human Services (DHHS) Child Protection - <http://www.dhs.vic.gov.au>
National Safe Schools Framework 2011 (Ministerial Council for Education, Early Childhood
Development and Youth Affairs);
Catholic Education Office Melbourne Policy 2.19

Note: This is not an exhaustive list of the relevant legislation.

8. Related Policies

- Child Safety Policy
- Safeguarding Children and Young People Code of Conduct
- Pastoral Care
- Student Wellbeing

9. Appendices

1. What to do when an allegation of child abuse is made
2. Definitions of Child Abuse and Indicators of Harm
3. Police and DHHS Interviews
4. Child Safety – Mandatory Reporting and Other Obligations Procedure

10. Document Review

Prepared: 2013	<u>Date</u>	<u>Comment</u>
Updated: 2017	Feb 2017	Layout updated, Child Safe updated
Updated:		
Updated:		
Due for Review:	March 2019	

Appendix 1: Definitions of Child Abuse and Indicators of Harm

Physical Abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

Possible Behavioural Indicators

Physically abused children and young people find it difficult relating to their peers and the adults around them. The constant threat of violence at home makes them perpetually vigilant and mistrustful and they may be overly domineering and aggressive in their attempts to predict and control other people's behaviour.

Indicators of physical abuse includes:

- Poor academic achievement
- Difficulties developing friendships and relationships
- Aggression and anger management
- Depression, anxiety and low self-esteem
- The child or young person states that an injury has been inflicted by someone else, offers an inconsistent or unlikely explanation or cannot remember the cause of the injury
- Unusual fear of physical contact with adults (for example, flinches when unexpectedly touched)
- Wearing clothes unsuitable for weather conditions (such as long sleeved tops) to hide injuries
- Wariness or fear of parent/caregiver; reluctance to go home
- Habitual absences from school without explanations
- Overly compliant, shy, withdrawn, passive and uncommunicative
- Unusually nervous or hyperactive, aggressive, disruptive and destructive to self/ and or others

Sexual Abuse

Sexual abuse describes any incident where an adult engages a child or young person in a sexual act or exposes the child or young person to inappropriate sexual behaviour or material. A person may sexually abuse a child or young person using threats and physical force, but sexual abuse usually involves subtle forms of manipulation, in which the child or young person is coerced into believing that the activity is an expression of love or that the child or young person brought the abuse upon themselves.

Possible Behavioural Indicators

- Withdrawn, unhappy and suicidal behaviour
- Self-harm and suicide ideation
- Aggressive and violent behaviours
- Bedwetting, sleep problems, nightmares
- Eating problems e.g anorexia or bulimia
- Mood swings
- Detachment
- Pains for no medical reason
- Sexual behaviour, language or knowledge too advanced for their age
- Poor self-care/ personal hygiene
- Depression
- Sudden decline in academic performance, poor memory and concentration
- Promiscuity

Appendix 2: What to do when an allegation of child abuse is made?

A guide for College Staff and Volunteers

If a child discloses an incident of abuse to you:

- Stay calm and control expressions of panic and shock
- Give reassurance that telling somebody was the right thing to do
- State clearly that the abuse was not the child or young person's fault no matter what the circumstances
- Always accept what the child/young person says - let them know you believe them; do not make judgements about the validity of the allegation. It is not the role of Principal or school staff to prove that sexual assault has occurred.
- Listen attentively and empathically to what the alleged victim is saying, where possible using only open-ended questions. Let the student tell you in her/his own words
- Do not pressure the child/young person into telling you more than they want to
- Not all the information will be necessarily expressed in one conversation and discussion. However, where a disclosure of alleged student sexual assault is made to a staff member, the staff member must inform the Principal, and/or the Child Safety Officer as soon as possible. It must be on the same day as the disclosure occurred
- At some point in the disclosure (preferably as early as possible) ensure that you inform the child/ young person that you cannot offer absolute confidentiality. Do not make promises that you may not be able to keep
- Take careful notes throughout, if appropriate, or very soon after the child/young person has left. Keep to the facts and use the words as they were spoken to you. Note date, time and place
- You may wish to stop the interview if you believe it is better handled by another person or staff member such as the Child Safety Officer or a College Counsellor, or if it is too stressful for the child/young person. It is imperative that this be done sensitively, without adding to the trauma of the alleged victim with the assurance of ongoing and immediate support until this is enacted. Reassure the student that ongoing support will be provided and explain what will happen next
- Avoid going over the information time and time again; you are only gathering information to help you form a *belief on reasonable grounds* that you need to make a report to DHHS Child Protection
- DHHS Child Protection and/or Victoria Police are responsible for investigating the allegations after a notification to Child Protection has been made
- Once a student discloses an alleged sexual assault, the Principal (or delegate) must take immediate action. This will assist to minimise the impact of the trauma for the student
- Principal and College staff must keep written records of all discussions relating to the incident and/or allegations made as close in time as possible to the event. These records should be in hard copy and placed in a separate file. The file must be labelled 'confidential' and held in a secure cabinet, preferably in the Principal's office with access limited to the Principal and his/her delegate. These records should be clear and legible and include:
 - i) date, time, place, name/s of persons involved
 - ii) content of the discussions and account of the event
 - iii) signature and dates
 - iv) provided to the Principal for the confidential incident file

Appendix 3: Police and DHHS Interviews

As law enforcement officers, police have broad powers to investigate, question, search and detain. For the most part, police will conduct interviews at the police station. However, there will be rare and urgent circumstances in which police may wish to interview a student under the age of 18 at school.

Child Protection workers also have wide powers to investigate and obtain information that is relevant to the protection of a child or young person. Interviews by child protection workers would normally be carried out in the home but, as for police, there will be occasions where child protection workers need to interview a child or young person at school as a matter of urgency or necessity.

Principals must:

- Facilitate interviews requested by police or DHHS Child Protection workers
- Balance their obligation to protect the rights of students with their obligation to assist the police/child protection in their exercise of duty
- Ensure there is someone acting as an independent supportive adult for students interviewed at school by Victoria Police or Child Protection workers
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Important: The interview of a student at school by Victoria Police or DHHS Child Protection is not permitted unless someone is acting as an independent supportive adult for that student.

Acting in the Absence of Parents/Guardians

<i>When the parents/guardians</i>	<i>Then the principal should allow the interview if the questioning or investigation</i>
Cannot be present because they: <ul style="list-style-type: none">• Cannot be contacted or• Have not authorised the principal or their delegate to act as their representative Do not agree to the interview	Is necessary to avert: <ul style="list-style-type: none">• Injury to others• Miscarriage of justice Is so urgent for the safety of other people that it should not be delayed

Duties of Employees as Parent/Guardian Representatives

<i>When</i>	<i>Employees should</i>
At all times	<ul style="list-style-type: none">• Support the student• Ensure the student understands what is happening• Ensure the student understands their rights
Before the interview	Be aware that: <ul style="list-style-type: none">• In more serious cases, the most appropriate advice may be there is no compulsion to answer police questions and the student should seek legal advice• In less serious cases, the most appropriate advice may be to cooperate fully with the police
During the interview	<ul style="list-style-type: none">• Focus on supporting the child/ young person• Refrain from providing their own opinions or account of events

	<ul style="list-style-type: none"> • Refrain from asking the child/young person questions about the offence, their guilt or acting as an authority figure • Ensure that they will be in a position to give an accurate account of the interview in any court proceedings, either by taking notes during the interview or making a note immediately afterwards
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Appendix 4: Child Safety – Mandatory Reporting and Other Obligations Procedure

Protective concerns

You are concerned about a child because you have:

- Received a disclosure from a child about abuse or neglect
- Observed indicators of abuse or neglect
- Been made aware of possible harm via an involvement in the community external to your professional role.

At all times remember to:

- Record your observations
- Follow appropriate protocols
- Consult notes and records
- Consult with appropriate colleagues if necessary
- Consult with other support agencies if necessary

Step 1 Responding to concerns	Step 2 Forming a belief on reasonable grounds	Step 3 Making a referral to Child FIRST	Step 4 Make a report to Child Protection	Step 5 Make a report to Police
<p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm <i>Go to Step 4</i></p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services <i>Go to Step 3</i></p> <p>3. Any adult who forms a reasonable belief that a <i>sexual offence</i> has been committed by an adult against a child under 16 must disclose that information to police. Failure to disclose the information is a criminal offence. <i>Go to Step 5</i></p> <p>4. Any staff member in a position of authority who becomes aware that an adult associated with St Brigid's College poses a risk of <i>sexual abuse</i> to a child under 16 who is under the care, supervision or authority of St Brigid's College must take all reasonable steps to remove or reduce that risk. Failure to protect the child may be deemed a criminal offence. <i>Go to Step 4</i></p> <p>5. In all other situations <i>Go to Step 2</i></p>	<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO</p> <p>And</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO</p> <p>2. If you answered yes to a) or b) <i>Go to Step 4</i></p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services <i>Go to Step 3</i></p>	<p>Child Wellbeing Referral</p> <p>1. Contact your local Child FIRST provider.</p> <p>Horsham: 1800 195 114</p> <p>2. Have notes ready with your observations and child and family details.</p>	<p>Mandatory/Protective Report*</p> <p>1. Contact your local Child Protection Intake provider immediately. Western Division – 1800 075 599 After Hours - 131 278.</p> <p>2. Have notes ready with your observations and child and family details.</p> <p><i>* Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</i></p>	<p>Police Report</p> <p>Immediate danger – call 000</p> <p>Horsham Police Station – 5382 9200</p>