



# Responding to Allegations of Child Abuse -

## *St Joseph's Child Protection Reporting Obligations Policy and Procedures*

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### Introduction

St Joseph's Primary School Staff Members have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

This Policy assists staff members, clergy, CRT, volunteers, contractors, parents and care-givers to:

- Identify the indicators of a child 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 laws as well as their legal obligations, relating to criminal child abuse and grooming under criminal law.

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, [Protecting the safety and wellbeing of children and young people](#), involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people. **All teachers, other staff, 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:

The school complies with legal obligations that relate to managing the risk of child abuse in accordance with the [Victorian Children, Youth and Families Act 2005](#), the [Victorian Crimes Act 1958](#) and recommendation from the [Betrayal of Trust Report 2014](#).

This policy is designed to assist staff 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. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

## PROCEDURES

### Mandatory Reporting

Mandatory reporting is a legal requirement under the Children, Youth and Families Act 2005 (Vic.) (Act) to protect children from harm relating to physical injury and sexual abuse. A child, student or young person for the purpose of the relevant parts of the Act, is any person 17 years of age or younger.

Staff Members mandated under this Act (teaching staff and principals) who form a 'reasonable belief' that a child, student or young person is in need of protection from



physical, emotional, psychological, developmental harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, must report that belief to DHHS Child Protection and the 'grounds' for it, as soon as possible after forming the belief. A subsequent report must be made on each occasion in which the Mandatory Reporter becomes aware of further reasonable grounds for the belief.

### **Forming a Reasonable Belief**

When a Staff Member is 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.

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

- A student or young person states that they have been physically or sexually abused
- A student 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 states that the student or young person has been physically or sexually abused
- A student or young person exhibits sexually-abusive or age-inappropriate behaviours
- Professional observations of the student or young person's behaviour or development leads a professional to form a belief that the student has been physically or sexually abused or is likely to be abused
- Signs of abuse lead to a belief that the student or young person has been physically or sexually abused.

### **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 members 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 student or young person exhibiting sexually-abusive behaviours.



## Reporting Child Protection Concerns

Any Staff Member who 'believes on reasonable grounds' that a student or young person is in need of:

- Protection from physical harm or sexual abuse – must report their concerns to DHHS Child Protection
- Protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection
- Therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

All Staff Members are encouraged to report any Child Protection concerns to the Principal, the School's Child Safety Officer or a Member of the Leadership Team prior to reporting to the DHHS or Child FIRST. This aims to support the Staff Members making the report.

NOTE# Child Protection is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.  
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.

Mandatory reporters must report their concern to DHHS Child Protection if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. Refer to: [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#). It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same student or young person on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member [Section 182 \(4\) of the Victorian Children, Youth and Families Act 2005](#)

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a student or young person is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a student or young person 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 student or young person is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child under 16 then it must be reported to the police. Refer to [Department of Justice and Regulations – Failure to disclose offence](#) and the [Betrayal of Trust: Fact Sheet 2014](#).



## WHEN TO REPORT

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p><b>Mandatory Reporting - DHHS Child Protection</b></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p><b>Mandatory Reporters</b></p> <ul style="list-style-type: none"> <li>▪ Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006</i> (Vic.)</li> <li>▪ Principals of government and non-government schools</li> <li>▪ Registered medical practitioners</li> <li>▪ Nurses</li> <li>▪ All members of the police force.</li> </ul>	<p>Contact:</p> <ul style="list-style-type: none"> <li>▪ DHHS Child Protection</li> </ul>

### A Child In Need Of Protection

Type of Reporting	By Whom	To Whom
<p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The child has been abandoned and there is no other suitable person who is willing and able to care for the child.</li> <li>▪ The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.</li> <li>▪ The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.</li> <li>▪ The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.</li> <li>▪ The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.</li> </ul> <p>The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.</p>	<p>Any Person</p>	<p>Contact:</p> <ul style="list-style-type: none"> <li>▪ DHHS Child Protection</li> <li>▪ Victoria Police 000 if a Crime has been committed.</li> </ul>

### Child In Need Of Therapeutic Treatment

Type of Reporting	By Whom	To Whom
Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours.	Any Person	Contact: <ul style="list-style-type: none"> <li>▪ DHHS Child Protection</li> </ul>

### Significant Concerns About Wellbeing Of A Child

Type of Reporting	By Whom	To Whom
Any person may make a report if they have significant concerns for the wellbeing of a child	Any Person	Contact: <ul style="list-style-type: none"> <li>▪ DHHS Child Protection</li> </ul>

### Reasonable Belief That A Sexual Offence Has Been Committed By An Adult Against A Child Under 16.

Type of Reporting	By Whom	To Whom
<p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police.</p> <p>It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>▪ The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police</li> <li>▪ The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.</li> <li>▪ The victim turned 16 years of age before 27 October 2014.</li> </ul>	Any Person	Contact: Victoria Police 000

### Reasonable Excuses For Failing To Comply With The Requirement Include:

- A reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information.
- A reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.



## Reporting Suspected Sexual Offences To Victoria Police:

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.

### 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 16 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 more information see: [Department of Justice and Regulation - Failure to disclose fact sheet](#).

### Failure to Protect

Any staff member in a position of authority who becomes aware that an adult associated with their school (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 school must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the school from the risk of sexual abuse from an adult associated with the school 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 more information see: [Department of Justice and Regulation – Failure to protect fact sheet](#)

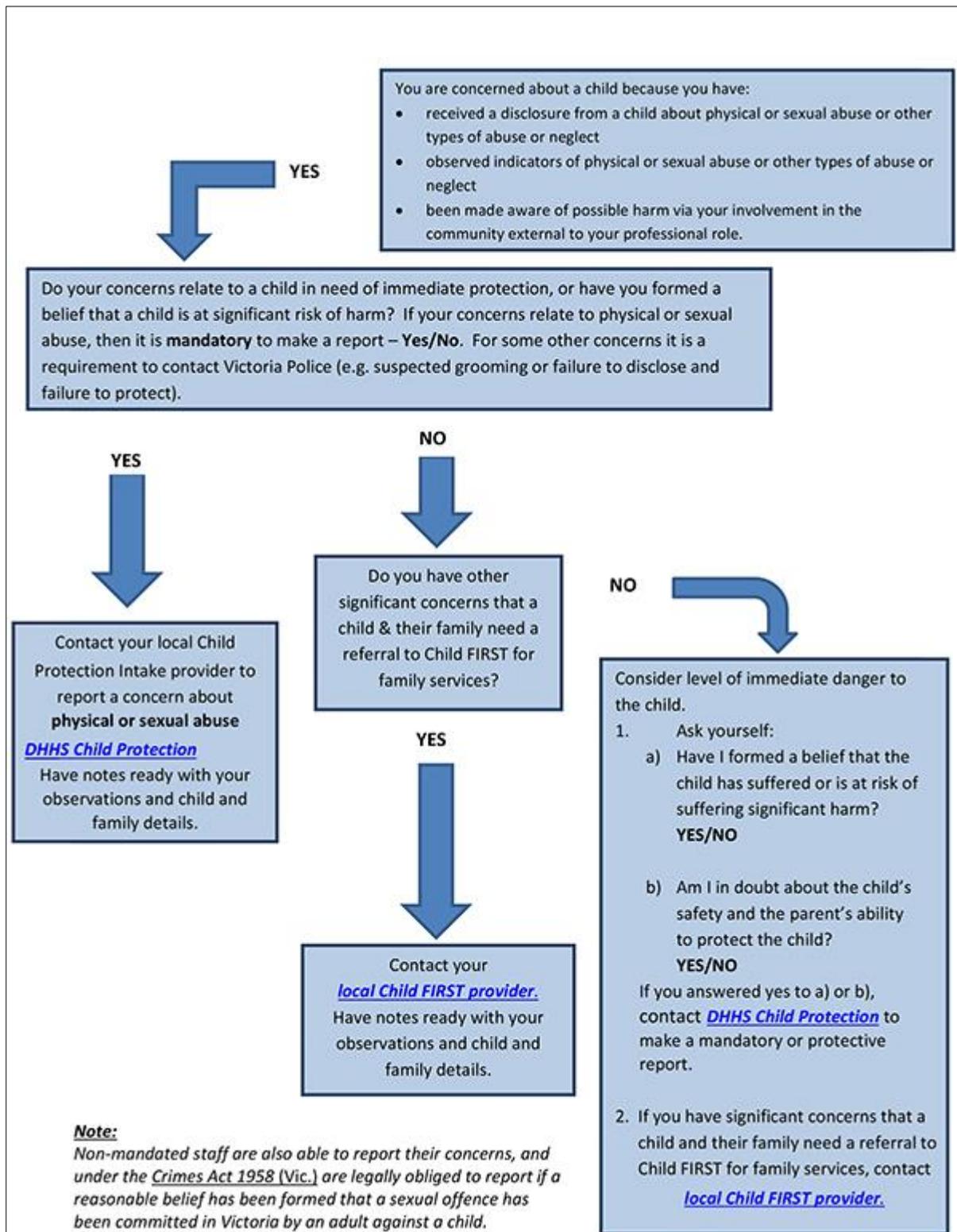
### Grooming Offences

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 more information see: [Department of Justice and Regulation – Grooming offence fact sheet](#)



## Flowchart - Responding to Suspected Mandatory Reporting Concerns





## Making a Report

This table describes how to make a mandatory report, to report child abuse or child protection concerns.

Step	Description
1	<p><b>In case of emergency or if a child is in immediate danger</b> contact Triple Zero (000) or the local police station.</p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>
2	<p><b>Keep comprehensive notes that are dated</b> and include the following information:</p> <ul style="list-style-type: none"> <li>▪ Information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)</li> <li>▪ The source of this information (e.g. observation of behaviour, report from child or another person)</li> <li>▪ The actions taken as a result of the concerns (e.g. consultation with principal, report to DHHS Child Protection etc.).</li> </ul>
3	<p><b>Discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team or Child Safety Officer.</b> The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
4	<p><b>Gather the relevant information necessary to make the report.</b></p> <p>This should include the following information:</p> <ul style="list-style-type: none"> <li>▪ Full name, date of birth, and residential address of the child or young person</li> <li>▪ The details of the concerns and the reasons for those concerns</li> <li>▪ The individual staff member's involvement with the child and young person details of any other agencies who may be involved with the child or young person, if known.</li> </ul>
5	<p><b>Make a report to the relevant Agency</b></p> <p>To report concerns that are life threatening phone 000 or the local police station. To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station or <a href="#">Click Here</a>.</p> <p>To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)</p> <p>To report concerns to DHHS Child Protection, contact your local child protection office</p>
6	<p><b>Make a written record of the report which includes the following information:</b></p> <ul style="list-style-type: none"> <li>▪ The date and time of the report and a summary of what was reported</li> <li>▪ The name and position of the person who made the report and the person who received the report.</li> </ul>
7	<p><b>Notify relevant school staff and/or Department staff of a report to DHHS Child Protection or Child FIRST.</b></p> <p>Allegations must be reported to the:</p> <ul style="list-style-type: none"> <li>▪ The Principal or member of the School Leadership Team</li> <li>▪ Department's Security Services Unit on (03) 9589 6266 (Govt Department Schools)</li> <li>▪ Catholic Education Office (Catholic Schools)</li> <li>▪ Relevant Regional Office</li> <li>▪ Student Critical Incident Advisory Unit on (03) 9637 2934 or (03) 9637 2487.</li> </ul> <p>In the case of Koorie students, the principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.</p>

## Potential Consequences of Making A Report

This table describes the potential consequences of making a report.

Potential Consequence	Description
<b>Confidentiality</b>	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>▪ The reporter chooses to inform the child, young person or parent of the report.</li> <li>▪ The reporter consents in writing to their identity being disclosed.</li> <li>▪ 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.</li> <li>▪ A Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
<b>Professional Protection</b>	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>» It does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.</li> <li>» The reporter cannot be held legally liable in respect of the report.</li> </ul>
<b>Interviews</b>	<p>DHHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.</p> <ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ 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.</li> <li>▪ When officers from DHHS Child Protection or Victoria Police come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.</li> <li>▪ 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.</li> </ul> <p>For more information on these requests and school responsibilities, see: <a href="#">Police and DHHS Interviews</a></p>
<b>Support For The Child Or Young Person</b>	<p>The roles and responsibilities of staff members in supporting students and young people who are involved with DHHS Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>▪ Acting as a support person for the child or young person</li> <li>▪ Attending DHHS Child Protection case planning meetings</li> <li>▪ Observing and monitoring the child's behaviour</li> <li>▪ Liaising with professionals.</li> </ul>
<b>Requests for Information</b>	<p>DHHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the student or young person 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. for more information see: <a href="#">Requests for Information About Students</a></p>
<b>Witness Summons</b>	<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: <a href="#">Subpoenas and Witness Summonses</a></p>

## Department of Education and Training Resources

- [Duty of care](#)
- [Police and DHHS Interviews](#)
- [Responding to Student Sexual Assault](#)
- [Requests for Information about Students](#)
- [Subpoenas and Witness Summonses](#)
- [Flowchart: A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)
- [Mandatory Reporting eLearning Module.](#)