



Child Safety Mandatory Reporting Policy

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](#) for the protection of children from harm due to physical injury and sexual abuse. St Paul's Primary School, Mildura (SPPS) 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 or is at immediate risk of suffering 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.

Purpose

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.

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.

SPPS follows the process and procedures as set out in [Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools](#), to meet its legislative requirements. This document has been designed to assist school staff (which includes volunteers, contractors, other service providers and religious leaders, including clergy) to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- make a report of a child or young person who may be in need of protection
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

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

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

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.

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.

Implementation

This mandatory obligation is a sensitive area and SPPS recognises the need for the care and support of staff. This policy is intended to support teachers/staff who are concerned that abuse may be occurring or that they have a reasonable belief that a child is in need of protection. A reasonable belief 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.

The Principal and leadership team are available to listen, discuss and clarify issues confronting individual teachers/staff in relation to child physical and sexual abuse.

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.

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](#)

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.)**.

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**.

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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.](#)

Responding and reporting protocols

The supporting SPPS Child Safety Policy demonstrates the strong commitment to the care, safety and wellbeing of all students at our school. It provides an outline of the supporting policies, procedures and strategies developed to keep students safe from harm, together with supporting processes and guidelines referenced in this policy being [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#), together with the [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) are key resources utilised to assist schools/teachers and staff in meeting their mandatory reporting requirements and keeping children safe from harm.

Related Resources

Catholic Education Melbourne Policies

- *Policy 2.19: Child Protection – Reporting Obligations*
- *Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols*
- *Policy 2.20: Complaints Policy*
- *Policy 2.26: Pastoral Care of Students in Catholic Schools*
- *CEM Guidelines for Behaviour Support*
- *CECV Whole School Approaches to Supporting Positive Behaviour*
- [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](#)

School Policies

- Child Safety Policy
- Pastoral Care Policy
- Code of Conduct
- Complaints & Grievances Policy

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