



Mandatory Reporting Policy

Rationale

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 businesses 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 Ltd (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 *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol.

All teachers, other school staff members, volunteers, contractors, other service providers, parish priests, and 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

Ministerial Order No. 870: *Child Safe Standards – 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 for registration.

This policy enables 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.

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.

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 are set out in this policy. It also provides guidance and procedures on how to make a report.

This policy assists 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 'suspicion' or 'reasonable belief' is formed
- where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community
- make a report about a child or young person who may be in need of protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

Legislative and Regulatory Requirements

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.), the Education and Training Reform Act 2006 (Vic.) and the Family Violence Protection Act 2008 (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.

Child protection reporting obligations for Catholic schools fall under five 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.)
- the *Family Violence Protection Act 2008* (Vic.)
- the *Wrongs Act 1958* (Vic.).

Definitions and Obligations

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 offences under section 49M(1) of the *Crimes Act 1958* (Vic.)
- physical violence
- serious emotional or psychological harm
- serious neglect.

Sexual offences	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
Grooming	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the <i>Crimes Act 1958</i> (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
Physical violence	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.
Serious emotional or psychological harm	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
Serious neglect	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
Family violence	Family violence is defined under the <i>Family Violence Protection Act 2008</i> (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 <i>Child Wellbeing and Safety Act 2005</i> (Vic.), 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. A child can also be a direct victim of family violence.

Child abuse can have a significant effect on a child's physical, social, psychological or emotional health, development and wellbeing. The younger the child, the more vulnerable they are 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.

For further 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 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 injury or sexual abuse, and that the **child's parents are unwilling or unable to protect the child**, they must report that belief to: Department of Health and Human Services (DHHS) Child Protection and/or Victoria Police, including the information prescribed in *Protect: 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 have 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. *Child Wellbeing and Safety Act 2005 (Vic.)*

Reportable conduct

The Reportable Conduct Scheme was created under the *Child Wellbeing and Safety Act 2005 (Vic.)* and requires schools to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of their employees.

Employees can include a principal, teacher, corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader.

Reportable conduct is defined under the *Child Wellbeing and Safety Act 2005 (Vic.)* to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child.

A **reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). The head of entity (governing authority) is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to a reportable allegation
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical reportable allegations. More guidance can be found at [Reportable Conduct Scheme – Historical allegations](#).

All school staff are required to notify the principal or, if the principal is involved in the allegation, the Leadership Team if they have a reportable allegation. The principal or a member of the Leadership

Team (as applicable) must notify the CCYP of the reportable conduct as soon as possible.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations. See the School's Reportable Conduct Policy for more information.

2.3 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 Victoria 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 Victoria 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 Victoria 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 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 the Department of Justice and Community Safety's '[Failure to disclose offence](#)' webpage and *Betrayal of Trust: Factsheet*.

Failure to protect

Any school staff member in a position of authority who has the power or responsibility to remove risk, and 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.

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

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 49O (1) of the *Crimes Act 1958* (Vic.).

For further information about the failure to protect offence, see the Department of Justice and

Community Safety's '[Failure to protect offence](#)' webpage and *Betrayal of Trust: Factsheet*.

Grooming

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M (1) 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 the Department of Justice and Community Safety's '[Grooming offence](#)' webpage and *Betrayal of Trust: Factsheet*.

For more information about managing and responding to the risk of abuse, see DET's '[Responding to Student Sexual Offending](#)' and '[Risk Management](#)' webpages.

2.4. *Education and Training Reform Act 2006 (Vic.) - Child safety obligations*

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
- ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

A registered school must ensure that the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

2.5. *Wrongs Act 1958 (Vic.) and duty of care*

Organisational duty of care

The *Wrongs Act 1958* (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an 'organisational duty of care'.

Schools owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the *Wrongs Act 1958* (Vic.) but, as examples, the following measures are what courts have previously considered reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences

- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

School staff duty of care

School staff have a duty to take reasonable steps to protect children and young people 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*.

2.6 Victorian Charter of Human Rights and Responsibilities

While Victorian Catholic schools are not bound by the *Charter of Human Rights and Responsibilities Act 2006* (Vic.), the following principle should be noted:

School staff are required to respond to suspected child abuse with proper consideration for human rights, and, when making decisions and taking actions in response to suspected child abuse, to act compatibly with human rights. This means that school staff should take into account the right to protection without discrimination, the right to protection from torture and cruel, inhuman or degrading treatment and the right to privacy when responding to suspected child abuse.

Responding and reporting protocols

The Child Safety Policy also 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

- *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*](#)
- *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools*
- *School Guidelines 2.19a: Police and DHHS Interview Protocols*
- *Catholic Schools Operational Guide* (CEVN website)
- [*Privacy Compliance Manual*](#) (CEVN website):
- *Family and Domestic Violence: A guide to supporting staff* (CECV, 2019)
- *Catholic Education Melbourne Guide to the Reportable Conduct Scheme* (CECV website)

Related School Policies

- Child Safety Policy
- Pastoral Care & Wellbeing Policy
- Code of Conduct
- Reportable Conduct Policy

Department of Education and Training (DET)

- [School Policy and Advisory Guide \(SPAG\)](#)
- [Protecting Children eLearning module](#)

Department of Health and Human Services (DHHS)

- [Child Protection](#)
- [Child FIRST/The Orange Door](#)

Department of Justice and Community Safety

- [Failure to disclose offence](#)
- [Failure to protect offence](#)
- [Grooming offence](#)
- [Reportable conduct](#)

Commission for Children and Young People (CCYP)

- [Reportable Conduct Scheme](#)

Appendix 1

FOUR CRITICAL ACTIONS FOR SCHOOLS

Responding to Incidents, Disclosures and Suspicions of Child Abuse

YOU MUST TAKE ACTION As a school staff member, you play a **critical role** in protecting children in your care.

- You **must** act, by following the Four Critical Actions, as soon as you witness an incident, receive a disclosure or form a reasonable belief* that a child has, or is at risk of being abused.
- You **must** act if you form a suspicion/ reasonable belief, even if you are unsure and have not directly observed child abuse (e.g. if the victim or another person tells you about the abuse).
- It is strongly recommended that you use the **Responding to Suspected Child Abuse template** to keep clear and comprehensive notes, even if you make a decision not to report.

* A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm go to **Action 2**.

If a child is at immediate risk of harm you **must** ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

2 REPORTING TO AUTHORITIES / REFERRING TO SERVICES

As soon as immediate health and safety concerns are addressed you **must** report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

Q: Where does the source of suspected abuse come from?

WITHIN THE SCHOOL

VICTORIA POLICE
You **must** report all instances of suspected child abuse involving a school staff member, contractor, volunteer or visitor to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- Employee Conduct Branch
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or school chairperson
- Commission for Children and Young People on **1300 782 978**.

All allegations of 'reportable conduct' **must** be reported as soon as possible to:

GOVERNMENT SCHOOLS

- Employee Conduct Branch

CATHOLIC SCHOOLS

- Diocesan education office

INDEPENDENT SCHOOLS

- Commission for Children and Young People on **1300 782 978**.

WITHIN THE FAMILY OR COMMUNITY

DHHS CHILD PROTECTION
You **must** report to DHHS Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

VICTORIA POLICE
You **must also** report all instances of suspected sexual abuse (including grooming) to Victoria Police.

You **must also** report **internally** to:

GOVERNMENT SCHOOLS

- School principal and/or leadership team
- DET Security Services Unit.

CATHOLIC SCHOOLS

- School principal and/or leadership team
- Diocesan education office.

INDEPENDENT SCHOOLS

- School principal and/or chairperson.

For suspected student sexual assault, please follow the **Four Critical Actions: Student Sexual Offending**.

OTHER CONCERNS

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 or seeking advice from:

- Child FIRST/The Orange Door (in circumstances where the family are open to receiving support)
- DHHS Child Protection
- Victoria Police.

3 CONTACTING PARENTS/CARERS

Your principal **must** consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate** with all relevant parties with consideration for their safety.

4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for children impacted by abuse. This should include the development of a **Student Support Plan** in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

CONTACT

<p>DHHS CHILD PROTECTION</p> <p>AREA</p> <p>North Division 1300 664 9777 South Division 1300 655 795 East Division 1300 360 391 West Division (Rural) 1800 075 599 West Division (Metro) 1300 664 9777</p> <p>AFTER HOURS After hours, weekends, public holidays 13 1278.</p> <p>CHILD FIRST https://services.dhhs.vic.gov.au/referral-and-support-teams</p> <p>ORANGE DOOR https://www.vic.gov.au/familyviolence/the-orange-door.html</p>	<p>VICTORIA POLICE</p> <p>000 or your local police station DET SECURITY SERVICES UNIT (03) 9589 6266</p> <p>STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3822</p> <p>EMPLOYEE CONDUCT BRANCH (03) 9637 2595</p> <p>DIOCESAN OFFICE Melbourne (03) 9267 0228 Ballarat (03) 5337 7135 Sale (03) 5622 6600 Sandhurst (03) 5443 2377</p>	<p>INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200</p> <p>THE LOOKOUT The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: http://www.lookout.org.au</p> <p>Family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732.</p>
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Appendix 2

In accordance with the *Crimes Act 1958* (Vic.), this table sets out when to report a concern that a child or young person has been sexually abused or is in need of protection from sexual abuse.

Type of Reporting	By Whom	To Whom
<p><i>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</i></p> <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 Victoria Police.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none"> The victim is 16 years of age or older and does not want the information reported to Victoria Police. However, this exception does not apply where the victim is aged under 16 years, or is aged over 16 years and has an intellectual disability and does not have the capacity to make an informed decision about whether or not to report. The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in a religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition. <p>Please note that mandatory reporting obligations under the <i>Children, Youth and Families Act 2005</i> (Vic.) may override the exceptions to making a disclosure under the <i>Crimes Act 1958</i> (Vic.).</p> <p>The National Catholic Education Commission (NCEC) <i>Privacy Compliance Manual</i> (updated by the Catholic Education Commission of Victoria Ltd (CECV) in April 2018) also provides details relating to the role of school counsellors and their obligations to students, the schools at which the students are enrolled and the parents of those students (refer to Section 25).</p> <p>Where it is necessary for school counsellors to directly pass on information which relates to the wellbeing of a student at a school, this information must be conveyed to a person (i.e. school principal) who has a legal obligation to receive it without betraying a confidence (Section 25.3). A mandatory report may then need to be made by the person who receives the information (e.g. the school principal).</p> <p>Reasonable excuses for failing to report to Victoria Police any reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 include:</p> <ul style="list-style-type: none"> a reasonable belief that the information has already been reported to Victoria Police or disclosed to DHHS Child Protection the victim turned 16 years of age before 27 October 2014 a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm. 	<p>Any person aged 18 or over</p>	<p>Victoria Police</p>