



## **CHILD PROTECTION: Mandatory Reporting**

### **COMMITMENT TO CHILD SAFETY**

***All students enrolled, and any student visiting, have a right to feel safe and be safe. The wellbeing of children in our care will always be our first priority and we have zero tolerance to child abuse. We aim to create a child safe and child friendly environment where children feel safe and are free to enjoy life to the full without any concern for their safety.***

Formed by our belief in the dignity and sanctity of each person, we commit to working actively as a community to provide a safe and nurturing environment for all students to feel safe and be safe as part of their educational experience at St Luke's Catholic Primary School.

St Luke's Catholic Primary endeavors to educate students to be empowered with the knowledge and skills to enact their right to feel safe and be safe.

---

### **RATIONALE**

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. This Catholic anthropology leads us to afford all people, but especially children, young people and the most vulnerable, the highest respect. Within this context, effective Catholic schools provide a safe, supportive and secure environment that promotes respect and care and values diversity. The mental, physical, spiritual and emotional wellbeing of children and young people are essential preconditions for successful learning. These qualities cannot be developed for individuals in isolation from the health and wellbeing of the school community as a whole.

### **VISION, MISSION AND GRADUATE OUTCOMES**

Formed by our belief in the dignity and sanctity of each person, we commit to working actively as a community to provide a safe and nurturing environment for all students to feel safe and be safe as part of their educational experience at St Luke's Catholic Primary School.

St Luke's Catholic Primary endeavors to educate students to be empowered with the knowledge and skills to enact their right to feel safe and be safe.

### **BELIEFS**

St Luke's Catholic Primary School Shepparton believes that, while protecting children and young people against sexual abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

## PURPOSE

This policy applies to the whole school community in supporting safe environments for all children and young people.

Its purpose concerns the Child Youth and Families Act (CYFA) 2005, in which mandated professionals are legally compelled to make a report to the Department of Health and Human Service (DHHS) Child Protection, 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 has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unable or unwilling to protect the child.

In Victoria, mandated reporters are:

- Teachers registered to teach or who have permission to teach pursuant to the *Education and Training Reform Act 2006 (Vic)*
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

**Note:** There may be times when two or more mandated professionals, for example a teacher and a principal, have formed a belief about the same child on the same occasion. In this situation it is sufficient that only one of the mandated professionals make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person

In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

A mandated professional who **fails to report** a 'belief based on reasonable grounds that a child is in need of protection' because of physical or sexual abuse is liable to be prosecuted under s. 184(1), CYFA.

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



**Note:** There are also obligations for **ALL** Victorian adults under the 2014 'failure to disclose' amendments to the *Crimes Act* separate from, and in addition to, Mandatory Reporting obligations.

**Confidentiality** is provided for reporters in the CYFA (ss. 190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

## KEY PRINCIPLES

- A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- The commitment to protecting children is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

## DEFINITIONS

### Child

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s. 3) defines a child as a person who is under the age of 17 years or, if a protection order, a [child protection order](#) or an interim [order](#) continues in force in respect of him or her, a person who is under the age of 18 years

A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

### Reasonable belief

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s. 184(4), CYFA)

For example, there may be reasonable grounds when:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows the child states that the child has been physically or sexually abused

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



- professional observations of the child's behaviour or development leads the mandated professional to form a belief that the child has been abused or is likely to be abused
- signs of physical or sexual abuse leads to a belief that the child has been abused.

### **Physical abuse**

Physical abuse consists of any non-accidental form or injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements. Physical abuse can also include female genital mutilation (FGM).

### **Sexual abuse**

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

## **IMPLEMENTATION**

This policy applies to the whole school community in supporting safe environments for all children and young people.

- This policy is communicated to staff each year, and during induction of new staff.
- All staff will complete the DEECD eLearning module on Mandatory Reporting during Semester 1 of each year. Certificates of completion will be forwarded to the Principal and kept in the staff members file.
- In the event that a teacher or other staff members forms a view that a child may be at risk of harm, that staff member is obliged to ensure an appropriate report is made. Staff are encouraged to advise the Principal or Deputy Principal that a report is to be made or has been made, or to seek support in making the report.
- Staff making a mandated report should keep appropriate records, including times and dates, of what had led to that report and the report itself.
- Staff making a report are also encouraged to advise the Principal that the report has been made.

### **Forming a belief on reasonable grounds**

- A staff member may form a belief on reasonable grounds that a child is in need of protection after becoming aware that a child or young person's health, safety or wellbeing is at risk and the child's parents are unwilling or unable to protect the child.
- There may be reasonable grounds for forming such a belief if:
  - a child or young person states that they have been physically or sexually abused.

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



- o 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)
  - o someone who knows the child or young person states that the child or young person has been physically or sexually abused.
  - o a child shows signs of being physically or sexually abused.
  - o the staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child or young person's safety, stability or development.
  - o the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
  - o a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to.
  - o the staff member observes signs or indicators of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
  - o a child's actions or behaviour may place them at risk of significant harm and the child's parents are unwilling or unable to protect the child.
- If one staff member has a different view from another staff member about making a report and the staff member continues to hold the belief that a child is in need of protection, that person is obliged to make a report to Child Protection.
  - If a non-mandated staff member forms a belief they must consult with a member of the Wellbeing team.
  - Staff making a mandated report should keep appropriate records, including times and dates, of what had led to that report and the report itself.
  - Staff making a report are to advise the Principal/Deputy Principal or Wellbeing Leader that the report has been made.

### **Making a report to child protection**

A report must be made as soon as practicable after forming the belief and on each occasion on which they become aware of any further reasonable grounds for the belief.

The CYFA allows for two types of reports to be made in relation to significant concerns for the safety or wellbeing of a child – a report to Child Protection or a referral to Child FIRST.

A report to Child Protection should be considered if, after taking into account all of the available information, the staff member forms a view that the child or young person is in need of protection.

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



## **Failure to report**

A failure by mandated professionals and staff members to report a reasonable belief that a child is in need of protection from significant harm as a result of physical or sexual abuse may result in the person being prosecuted and a court imposing a fine under the CYFA.

## **Protecting the identity of the reporter**

Confidentiality is provided for reporters under the CYFA. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

## **The identity of a reporter must remain confidential unless:**

- the reporter chooses to inform the child, young person or family of the report
- the reporter consents in writing to their identity being disclosed
- a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- a court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child or young person require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of a child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

## **Confidentiality**

St Luke's Catholic Primary School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.

## **Interviews at Victorian schools**

Child Protection may conduct interviews of children and young people at St. Luke's Catholic Primary School without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

**St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.**



Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

### **Support persons**

Children and young people should be advised of their right to have a supportive adult present during interviews. If a child is too young to understand the significance of the interview, a staff member should make arrangements for a supportive adult to attend with the child.

A staff member may be identified as a support person for the child or young person during the interview. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the St. Luke's Catholic Primary School staff member to receive information regarding a Child Protection investigation. This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest.

Advising parents, carers or guardians: St. Luke's Catholic Primary School staff do not require the permission of parents, carers or guardians to make a report to Child Protection, nor are they required to tell parents, carers or guardians that they have done so.

It is the responsibility of Child Protection to advise the parents, carers or guardians of the interview at the earliest possible opportunity. This should occur either before, or by the time the child arrives home.

### **Ensuring that a child protection interview takes place**

St. Luke's Catholic Primary School does not have the power to prevent parents, carers or guardians from removing their children from the school and should not attempt to prevent the parents, carers or guardians from collecting the child. If a parent/carer or guardian removes a child before a planned interview has taken place, the principal and/or their nominee should contact Child Protection or Victoria Police immediately.

### **Responsibility of the reporting staff member**

St. Luke's Catholic Primary School teaching or non-teaching staff making a Child Protection report according to the CYFA – Children, Youth and Families Act 2005 must inform the Principal or Principal's nominee that a report has been made to Child Protection.

## **RELATED DOCUMENTATION**

St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.



This policy should be read in conjunction with the other policies and procedures of St Luke's Catholic Primary School Shepparton concerned with Child Safety and Pastoral Wellbeing:

- *Charter of Sandhurst School Improvement (CoSSI)*
- Child Protection and Safety Policy
- Child Protection – Failure to Protect Policy
- Child Protection – Failure to Disclose Policy
- Child Protection – Grooming Policy
- Child Protection – Working With Children Policy
- Catholic Education Sandhurst *Information for Schools – Child Safe Organisations*

## REFERENCES

- Children, Youth and Families Act (Vic) 2005
- DEECD and DHS 2010, *Protecting the Safety and Wellbeing of Children and Young People, A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools.*

## REVIEW

This policy is to be reviewed at least every three years.

Initially Ratified: 12/07/2016

Next Review to be Completed by: 30/06/2019

## POLICY RATIFIED BY:

David Keenan  
Principal

Fr. Joe Taylor  
Canonical Administrator

Paul Ranson  
School Board Chair

St Luke's Catholic Primary School provides a child safe environment, where all students have the right to be treated with respect, dignity and will be protected from harm.