

# Child Protection Reporting Obligations Policy

February 2022



## Context

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.

Protecting children and young people from harm is a shared responsibility between the family, schools, the general community, community agencies, professionals working with children, police and government. Each has a significant role to play in ensuring the safety and wellbeing of children and young people and in helping prevent harm from occurring.

As a Catholic school and a Ministry of Mercy Education Ltd, Our Lady of Mercy College (OLMC) has a mission-driven, moral and legal responsibility to provide a safe, inclusive and secure environment for students where their voices are heard and where every reasonable precaution is taken to protect them from all forms of abuse. Our College works in partnership with the community to ensure that we reduce or remove risks to the personal safety and wellbeing of our students.

Under the [National Framework for Protecting Australia's Children 2009–2020](#), protecting children is everyone's responsibility – parents/guardians/carers, 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.

The DET has also produced [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) and [Four Critical Actions for Schools: Responding to Student Sexual Offending](#). The PROTECT materials have guided the development of this policy and are referenced throughout.

All teachers, Education Support Officers, other staff members, volunteers, contractors, service providers, religious leaders, chaplains and parish priests 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 and Scope

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.). The Order came into effect on 1 August 2016 and specifies how every Victorian school must embed a culture of 'no tolerance' for child abuse; and comply with the prescribed seven minimum child safe standards. The Ministerial Order sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

This policy assists OLMC staff (inclusive of teachers, educational support officers, volunteers, contractors, other service providers, religious leaders and clergy) to comply with Standard 5 of the Victorian Child Safe Standards, that is, processes for responding to and reporting

suspected child abuse, as well as the requirements for responding to allegations of suspected abuse. The policy outlines the legal and moral staff obligations of staff and presents information and guidance regarding:

- identifying the indicators of a child or young person who may be in need of protection;
- understanding how a suspicion or reasonable belief is formed;
- understanding and responding to student sexual offending;
- making a report about a child or young person who may be in need of protection;
- complying with obligations under the Victorian Reportable Conduct Scheme;
- complying with mandatory reporting obligations under child protection law;
- complying with legal obligations relating to criminal child abuse and grooming under criminal law.

## Principles

- All children and young people, regardless of their gender, race, religious beliefs, disability, sexual orientation or social background, have the right to personal safety, including safety in relationships and protection from all forms of abuse and neglect.
- OLMC is committed to nurturing a culturally safe and inclusive community which celebrates diversity and difference and which protects the right of each student to feel safe and be safe at school.
- Every person involved with OLMC has a responsibility to understand the important and specific role they have, individually and collectively, to ensure that the wellbeing and safety of all children and young people are at the forefront of all they do and every decision they make.
- OLMC is committed to working in partnership with families and community agencies to reduce or remove risks to the personal safety and wellbeing of children and young people.
- Early identification and effective intervention can lessen the initial and long-term effects of abuse and promote recovery of the student and family concerned.
- Harm to a student is minimised by allegations or suspicions of abuse being dealt with promptly and with:
  - high measures of confidentiality
  - adherence to agreed procedures
  - provision of appropriate emotional support and pastoral care.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, contractors, College Council members, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the College Leadership Team or a member thereof. Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.
- All OLMC staff will have appropriate and ongoing training and professional learning to ensure that they understand their professional and legal obligations and responsibilities for reporting suspicion of abuse and neglect.

## Definitions

**Child.** A child or a young person who is under the age of 18.

**Young person.** A person who is 12-18 years of age.

**Child safety.** Encompasses matters related to protecting all children from abuse, managing the risk of abuse, providing support to a child at risk of abuse, and responding to incidents or allegations of abuse.

**Child abuse.** This includes any act committed against a child/young person involving:

- a sexual offence
- grooming
- 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 *Crimes Act 1958* (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 *Crimes Act 1958* (Vic.).

**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 *Family Violence Protection Act 2008* (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 *Child Wellbeing and Safety Act 2005* (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.

**Mandatory report.** A report made to Child Protection, by a person mandated under the *Children, Youth and Families Act (2005)*, that is based on a reasonable belief that a child is in need of protection from injury that results from abuse or neglect or harm caused as a result of abuse (emotional, physical or sexual) or neglect, including medical neglect.

**Mandatory reporter.** Person(s) required under the *Children, Youth and Families Act (2005)* to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse (emotional, physical or sexual) or neglect, including medical neglect. Mandatory reporters include VIT registered school teachers or principals and registered nurses.

**Non-mandatory report.** A report of an incident, disclosure or suspicion made by a person who is not subject to a mandatory reporting obligation.

**Non-mandatory reporter.** Person(s) who is not subject to a mandatory reporting obligation but who holds professional, moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion.

**Reasonable belief.** When a person is concerned about the safety and wellbeing of a child or young person, he/she 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.

**Reportable conduct.** Reportable conduct covers allegations or convictions of child abuse or misconduct toward children where the source of the misconduct or conviction is an employee of an organisation. It 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.

**Reportable Conduct Scheme.** Created under the *Child Wellbeing and Safety Act 2005* (Vic.), the Scheme 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, board or school council member, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or a minister of religion or religious leader.

**Reportable conduct employee allegation.** Means any information that leads a person to form a reasonable belief that an employee has engaged in 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.

**School environment.** Any physical or virtual place made available or authorised by the school for use by a child or young person during or outside school hours, including:

- a campus of the school
- online school environments
- locations used for school camps, sporting events, excursions, competitions, and other events.

**Student Sexual Offending.** Refers to sexual behaviour that is led by a student 10 years and over which may amount to a sexual offence.

## Legislative Context

Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. Relevant legislation includes:

- *Children, Youth and Families Act 2005* (Vic.)
- *Education and Training Reform Act 2006* (Vic.) and the *Education and Training Reform Regulations 2017* (Vic.)
- *Child Wellbeing and Safety Act 2005* (Vic.)
- *Family Violence Protection Act 2008* (Vic.)
- *Wrongs Act 1958* (Vic.)
- *Crimes Act 1958* (Vic.)
- *Worker Screening Act 2020* (Vic.)

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.). The Order came in to effect on 1 August 2016 and specifies how every Victorian school must embed a culture of 'no tolerance' for child abuse and comply with the prescribed seven minimum child safe standards. The Ministerial Order sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

Under *the Crimes Act 1958*, three criminal offences pertaining to child safety were introduced in 2016 They are:

1. **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
2. **Failure to protect offence:** This offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
3. **Grooming offence:** 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, web forums and emails.

The Reportable Conduct Scheme, created in 2016 under the *Child Wellbeing and Safety Act 2005* (Vic.), 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.

Also under the *Child Wellbeing and Safety Act 2005* (Vic.), a school, as a prescribed Information Sharing Entity (ISE), is able to share confidential information with other ISEs to promote child wellbeing or safety. OLMC is a prescribed Information Sharing Entity (ISE), meaning that, where legislated requirements are met, the College is able to share confidential information with other ISEs via the Child Information Sharing Scheme (CISS) or the Family Violence Information sharing Scheme (FVISS).

**All** of these legislative obligations described above 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.

#### **NOTE**

**Appendix 1**, 'Legislative Context: Sources of Child protection reporting obligations', provides more detailed information about the legislation and reporting requirements summarised above, with particular reference to mandatory reporting, reportable conduct and duty of care.

## **Reporting Authorities**

There are different reporting authorities depending on whether the source of the suspected or alleged abuse comes from within the College or within the family or community of the child/young person, also, the type of abuse. Notification to one or more of the following entities/agencies may be required:

**DFFH Child Protection.** The Department of Families, Fairness and Housing (DFFH) has responsibility for child protection, housing, disability, the prevention of family violence, multicultural affairs, LGBTIQ+ equality, veterans, women and youth. This government agency has statutory powers and can use these to protect children.

**Child FIRST/The Orange Door.** A family information referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child/young person of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

**Commission for Children and Young People (CCYP).** The CCYP is the reporting authority for allegations of child abuse (and other child-related misconduct) made against employees and volunteers who work with children and young people.

**Victoria Police.** Victoria Police is the reporting authority when the source of the abuse comes from within the school and/or where a suspicion, belief or disclosure relates to grooming. Where the source of suspected or actual abuse comes from within the family or community, both DFFH Child Protection and Victoria Police are notified.

**Mercy Education Limited (MEL) and Melbourne Archdiocese Catholic Schools (MACS).** The Principal is required to notify both the MEL Executive Director and the MACS Safeguarding and Standards Team when first advised of a reportable conduct allegation.

## PROCEDURES

### Becoming aware of a child protection incident

There are four main ways in which a staff member may become aware that a child/young person is experiencing, or is at risk of experiencing, abuse:

#### 1. Witnessing an incident

If you witness an incident where you believe a child/young person has been subjected to, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child/young person involved and then refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

#### 2. Forming a suspicion or reasonable belief

All suspicions that a child/young person has been, is being, or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief, you must act and refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#). (see below).

There are many indicators of 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 abuse and neglect.

**Appendix 2** provides guidelines on indicators of physical abuse, sexual abuse, emotional abuse, family violence, neglect and grooming.

A reasonable belief might be formed if:

- A child/young person 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/young person who is talking about themselves;
- You observe physical or behavioural indicators of abuse (described in **Appendix 2**);

- A child/young person exhibits sexually abusive or age-inappropriate behaviour(s);
- Professional observations of the child/young person's behaviour or development (refer to **Appendix 2**) cause you to form a belief that the child/young person has been physically or sexually abused or is likely to be abused.

It is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child/young person may be sufficient to form a reasonable belief. This must be reported.

### **3. Receiving a disclosure about or from a current student**

All disclosures must be treated seriously. You should immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

### **4. Receiving a disclosure about or from a former student**

If you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

If the former student is no longer of school age or attending a Victorian school, you must still act. You are encouraged to report the disclosure to the Principal and seek advice about other appropriate reporting authorities to be notified.

### **Notes and records**

Staff must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. You are encouraged to use the use the PROTECT reporting template, [Reporting Suspected Child Abuse Template](#), a copy of which is held in [SIMON/Knowledge Banks/Child Safety](#). Your aim should be to provide as much information within the template as possible.

Even if you initially decide not to make a report to an external authority, these records may become helpful if a later report is made to the relevant authorities. The records may also be sought at a later date if the matter is the subject of Court proceedings and you are required to provide evidence to support Court decisions.

Notes and records must be kept securely on College grounds and must not be destroyed.

### **Disclosures**

It is the role of OLMC staff members to reassure and support a child/young person who makes a disclosure of abuse. However, staff members should never promise to keep any disclosures confidential, as all disclosures of abuse must be reported.

The role of staff members remains the same if disclosures are made by a parent/guardian/carer or a sibling, or if disclosures involve family violence.

For strategies on how to manage a disclosure, refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

### **Student Sexual Offending**

Once a child is 10 years or over, some sexual behaviour can constitute a sexual offence. A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching, all of which are offences under the *Crimes Act 1958*.

It is widely recognised that determining whether a student's sexual behaviour amounts to sexual offending may be difficult. School staff are advised of the importance of considering the

context of any alleged sexual behaviour of students, taking into consideration their developmental age and cognitive functioning, so that an informed decision about appropriate action can be made.

The DET resource titled *PROTECT: Identifying and Responding to Student Sexual Offending* includes procedures and guidance on:

- Defining Student Sexual Offending
- Knowing Your Obligations
- Four Critical Actions for Schools: Responding to Student Sexual Offending.

These procedures must be applied in any circumstance where there is an incident, allegation or you form a suspicion that a student is victim to a student sexual offence and/or a student has committed a sexual offence. This includes suspected offences that have taken place outside of school grounds and hours.

The key obligations of staff in relation student sexual offending are reproduced here from the DET resource:

- *As a school staff member, you must act as soon there is an incident or allegation or you form a suspicion that a student is victim to student sexual offending and/or a student has committed student sexual offending.*
- *You must act even if you have not directly observed the student sexual offending (e.g. if the victim or another person tells you about the student sexual offending).*
- *If you are unsure whether a behaviour (or suspected behaviour) constitutes student sexual offending, you should seek further advice and follow the Four Critical Actions.*
- *You must also act if you form a reasonable belief that a student's sexual offending is a result of underlying child abuse by following the Four Critical Actions for Schools: Responding to Suspected Student Sexual Offending and the Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse*
- *You should make sufficient enquiries to form a reasonable belief and to determine a child's immediate needs. However, once a reasonable belief has been formed, it is not your role to investigate. This is the role of DFFH Child Protection or Victoria Police.*

OLMC staff must report their concerns of student sexual offending to the Principal and Child Safety Officer. The Principal has primary responsibility for managing the College's response. However, it is important to note that reporting internally does not mean that a staff member's reporting obligations have been met. In some circumstances, staff must also report to Victoria Police or DFFH.

Staff are also encouraged to refer to the summary 'overview' information provided in **Appendix 4**, 'Four Critical Actions – Responding to Student Sexual Offending'.

## **The Four Critical Actions**

There are Four Critical Actions which must be taken when responding to and reporting a child protection incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support.

### **Critical Action 1: Responding to an Emergency**

This first step is only applicable if a child/young person has just been abused or is at risk of immediate harm. If this is not the case, go straight to Critical Action 2: Reporting to Authorities.

If the child/young person has just been abused or is at risk of immediate harm, you must take reasonable steps to protect the child/young person, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the College, they are supervised separately by a staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

If the incident has occurred at the College, staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

## **Critical Action 2: Reporting to Authorities**

Once immediate health and safety concerns have been addressed, the staff member must take steps to report the incident, suspicion or disclosure of abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

There are different reporting procedures depending on:

- a) whether the source of the suspected or alleged abuse comes from within the College or within the family or community of the child/young person
- b) the type of abuse.

- **Employee Allegation.** Where the source of the abuse comes from within the College, that is, the suspected or alleged abuse involves a staff member, volunteer, allied health professional, officer/office holder, contractor or visitor at the school, it must be reported to the Principal, or, if the Principal is involved in the allegation, a member of the Leadership Team.

Depending on the nature of the reportable conduct allegation, the Principal may notify Victoria Police, Mercy Education Limited (MEL), the Commission for Children and Young People (CCYP), and, if the allegation involves a teacher, the VIT.

For further information on reportable conduct allegations and how to report a reportable conduct allegation, see [Appendix 6](#).

- **Sexual abuse or grooming.** Where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police.
- **Protection from harm that is not believed to involve sexual abuse.** Where the source of the abuse comes from within the family (e.g. family violence) or community and is not sexual abuse or grooming, it must be reported to DFFH Child Protection.
- **Neglect, emotional or psychological abuse.** If you believe that a child/young person is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g. risk-taking behaviour, parenting difficulties, isolation from family or lack of support), you must still act. This may include making a referral to or seeking advice from Child FIRST/The Orange Door.

You should make a report to Child FIRST/The Orange Door if:

- you have a significant concern for a child/young person's wellbeing
- your concerns are about circumstances that have a low-to-moderate impact on the child/young person
- the child/young person's immediate safety is not compromised

- you and College support personnel have discussed the referral to Child FIRST/The Orange Door with the parents/carers of the child/young person, and all parties are supportive of this decision.

Where you believe that the parents/carers of the child/young person will not be supportive of the referral, or the child/young person is partaking in any risk-taking activity that is illegal and extreme in nature, you may refer the matter to DFFH Child Protection.

### **Other reporting considerations and obligations**

1. If a staff member believes there is reasonable grounds to make a report to an external authority, they are strongly advised to discuss this belief with the relevant College support personnel, and to continue to inform them of developments. The support personnel at OLMC are the:

- Principal
- Head of Student Wellbeing (Child Safety Officer)
- Student Counsellors.

It is important to note, however, that a staff member can make a report without the prior knowledge of the Principal or other College support personnel.

2. If more than one staff member has formed a belief about the same child/young person, 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. If one staff member directs the other(s) not to make a report, and one professional continues to hold the belief that a child/young person is in need of protection, then that professional is legally obliged to make a report to DFFH Child Protection.
3. After you have made a report, you may continue to suspect that a child/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 that the child/young person is likely to be at risk and in need of protection. Additional reports should be to the same reporting authority.
4. Reporting to DFFH Child Protection does not commit the staff member reporting abuse to a full judicial response.
5. The identity of the reporting staff member will remain confidential unless:
  - the staff member chooses to inform the child/young person or parents/guardians of the report;
  - the staff member consents in writing to their identity being disclosed;
  - a Court or Tribunal decides that it necessary for the identity of the staff member to be disclosed to ensure the safety and wellbeing of the child/young person;
  - a Court or Tribunal decides that, in the interests of justice, the staff member is required to provide evidence.
6. Irrespective of whether a report is made to Victoria Police, DFFH or Child FIRST/The Orange Door, staff are encouraged to use the PROTECT Template, *Reporting Suspected Child Abuse Template*, a copy of which is held in SIMON/Knowledge Banks/Child Safety. This template supports the important work of recording as much information as possible and will assist external authorities to investigate the matter.

7. Staff are encouraged to review the additional information provided in **Appendix 5**: 'How to Make a Mandatory Report'. If requested, OLMC's Child Safety Officer (Head of Student Wellbeing) will support a staff member to make the report and, also if requested, will manage the reporting process.

### **Critical Action 3: Contacting Parents/Carers**

Where it is suspected that a child/young person has been, or is, at risk of being abused, it is critical that parents/carers of the child/young person are notified as soon as practicable after a report is made to the authorities. The staff member or College must always seek advice from Victoria Police or DFFH Child Protection to ensure that it is appropriate to contact the parents/carers.

Advice from Victoria Police or DFFH Child Protection may depend on a number of factors, such as:

- The parents/carers of the child/young person are alleged to have engaged in the abuse (including in circumstances of suspected family violence)
- A disclosure to the parents/carers may result in further abuse to the child/young person
- The child/young person is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers
- The notification of parents/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/carers should be notified promptly. Guidance on how to have this conversation with a parent or carer are presented in Section 3 of *PROTECT: Identifying and responding to all forms of abuse in Victorian schools*.

In circumstances of family violence, the College will:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/carers as it could increase risk of harm to the child/young person, other family members or school staff
- seek advice from DFFH Child Protection or Child FIRST/The Orange Door before alerting parents/carers about safe strategies for communicating with a parent/carer who is experiencing family violence.

### **Critical Action 4: Providing Ongoing Support**

**Student Support.** OLMC staff members who witness a child protection incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) have a critical role to play in supporting students impacted by the child protection matter to ensure that they feel supported and safe at the school. Schools also play a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard by a school staff member they trust.

Support provided to students at OLM includes:

- regularly communicating with the student and their parents/carers where appropriate
- convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
- developing Student Support Plans for students impacted by the incident (depending on their involvement) to ensure appropriate levels of care and support are provided.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the Principal to ensure that students are supported throughout interviews at the College. The Principal will be guided by the policies and guidelines of Melbourne Archdiocese Catholic Schools (MACS), in particular *School Guidelines 2.19a: Police and DFFH Interview Protocols*.

**Staff Support.** OLMC and MEL have a duty to provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse.

It is important to note that staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. OLMC staff members requiring wellbeing support can contact the College's Employee Assistance Program (EAP) provider.

## Resource Support for the Four Critical Actions

Staff are encouraged to refer to [SIMON/Knowledge Banks/Child Safety](#) for the following key resources:

PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools  
PROTECT: Identifying and Responding to Student Sexual Offending  
PROTECT: Reporting Suspected Child Abuse Template  
Guidelines: How to Make a Mandatory Report

## Appendices

1. Legislative Context: Sources of Child Protection Reporting Obligations
2. Indicators of Child Physical Abuse, Sexual Abuse, Emotional Abuse, Family Violence, Neglect and Grooming
3. Four Critical Actions (Overview) – Responding to Incidents, Disclosures and Suspicions of Child Abuse
4. Four Critical Actions (Overview) – Responding to Student Sexual Offending
5. How to Make a Mandatory Report
6. Reporting Allegations of Reportable Contact
7. Reporting Authorities: Contact Information

## Related College Policies

- Safeguarding Children and Young People Code of Conduct
- Mercy Education Ltd & OLMC Code of Conduct for Staff and Volunteers
- Mercy Education Ltd & OLMC Privacy Policy
- Child Safety: Student Rights and Responsibilities Policy
- Counselling Services Policy
- Complaints Resolution Policy

## Melbourne Archdiocese Catholic Schools Policies

- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols

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## Legislative Context

### Sources of child protection reporting obligations

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#### 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 who is under the age of 17 years. In Victorian schools, registered teachers, school principals, early childhood workers, registered psychologists, school counsellors and all people in religious ministry are mandated to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made as soon as practicable after forming the belief.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and that the child's parents/guardians/carers are unwilling or unable to protect the child, they must report that belief to the Department of Families, Fairness and Housing (DFFH) 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](#) that all our 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 Our Lady of Mercy College 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.

## 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 the head of entity, to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of its employees.

'Employees' can include a principal, teacher, administrative or 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. It may also include former employees.

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). For Our Lady of Mercy College, the Executive Director of our governing body, Mercy Education Limited (MEL), through our Principal, will:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations are brought to the attention of the Executive Director at the earliest opportunity for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to an 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 in [Reportable Conduct Scheme – Historical allegations](#).

All school staff are required to notify the Principal or, if the Principal is involved in the allegation, a member of the Leadership Team, MEL Executive Director, if they have a reportable allegation. The Principal or a member of the Leadership Team (as applicable) must notify the MACS Safeguarding and Standards Team of the allegation of reportable conduct as soon as possible, which in turn will immediately notify the Executive Director.

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.

All allegations of reportable conduct must be referred to MEL.

The *Child Wellbeing and Safety Act 2005* (Vic.) also enables a school, as a prescribed Information Sharing Entity (ISE) to share confidential information with other ISEs to promote child wellbeing or safety, where legislated requirements are met.

## CRIMES ACT 1958 (VIC.)

In response to the 2014 [Betrayal of Trust](#) report, three criminal offences were 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 by another adult

- **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/guardians/carers with the intent of committing child sexual abuse.

### **Failure to disclose**

Any staff member at Our Lady of Mercy College 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 DFFH Child Protection.

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: Fact Sheet](#).

### **Failure to protect**

Any staff member at Our Lady of Mercy College in a position of authority who has the power or responsibility to remove risk, and becomes aware that an adult associated with the 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. At Our Lady of Mercy College, this will include the Principal and Leadership Team.

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 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](#)' webpage and [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 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](#).

## **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 Our Lady of Mercy College to notify the Victorian Institute of Teaching (VIT) of action taken against a registered teacher or early childhood teacher in response to allegations of serious misconduct or if the school becomes aware that the teacher is currently charged with, or convicted or found guilty of, certain offences including sexual offences
- Ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

Our Lady of Mercy College and our governing body, MEL, 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.

## **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'.

OLMC and our governing body, MEL, 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 to be 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\*](#).

## **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.

### INDICATORS of Child Physical Abuse, Sexual Abuse, Emotional Abuse, Family Violence, Neglect and Grooming

Extracts from *PROTECT: Identifying and responding to all forms of abuse in Victorian schools*, Edition 2, DET 2018

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#### PHYSICAL ABUSE

**PHYSICAL indicators of physical child abuse include (but are not limited to):**

- bruises or welts on facial areas and other areas of the body, e.g. back, bottom, legs, arms and inner thighs
- bruises or welts in unusual configurations, or those that look like the object used to make the injury, e.g. fingerprints, handprints, buckles, iron or teeth
- burns from boiling water, oil or flames or burns that show the shape of the object used to make them, e.g. iron, grill, cigarette
- fractures of the skull, jaw, nose and limbs (especially those not consistent with the explanation offered, or the type of injury possible at the child's age of development)
- cuts and grazes to the mouth, lips, gums, eye area, ears and external genitalia
- bald patches where hair has been pulled out
- multiple injuries, old and new
- effects of poisoning
- internal injuries.

**BEHAVIOURAL indicators of physical child abuse include (but are not limited to):**

- disclosure of an injury inflicted by someone else (parent, carer or guardian), or an inconsistent or unlikely explanation or inability to remember the cause of injury
- unusual fear of physical contact with adults
- aggressive behaviour
- disproportionate reaction to events
- wearing clothes unsuitable for weather conditions to hide injuries
- wariness or fear of a parent, carer or guardian
- reluctance to go home
- no reaction or little emotion displayed when being hurt or threatened
- habitual absences from school without reasonable explanation
- overly compliant, shy, withdrawn, passive and uncommunicative
- unusually nervous, hyperactive, aggressive, disruptive and destructive to self and/or others
- poor sleeping patterns, fear of the dark or nightmares and regressive behaviour, e.g. bed-wetting
- drug or alcohol misuse, suicidal thoughts or self-harm.

#### SEXUAL ABUSE

**PHYSICAL indicators of sexual abuse include (but are not limited to):**

- injury to the genital or rectal area, e.g. bruising, bleeding, discharge, inflammation or infection
- injury to areas of the body such as breasts, buttocks or upper thighs
- discomfort in urinating or defecating
- presence of foreign bodies in the vagina and/ or rectum
- sexually-transmitted diseases
- frequent urinary tract infections
- pregnancy, especially in very young adolescents
- anxiety-related illnesses, e.g. anorexia or bulimia.

#### **BEHAVIOURAL indicators of sexual abuse include (but are not limited to):**

- disclosure of sexual abuse, either directly (from the alleged victim) or indirectly (by a third person or allusion)
- persistent and age-inappropriate sexual activity, e.g. excessive masturbation or rubbing genitals against adults
- drawings or descriptions in stories that are sexually explicit and not age-appropriate
- fear of home, specific places or particular adults
- poor/deteriorating relationships with adults and peers
- poor self-care or personal hygiene
- complaining of headaches, stomach pains or nausea without physiological basis
- sleeping difficulties
- regressive behaviour, e.g. bed-wetting or speech loss
- depression, self-harm, drug or alcohol abuse, or attempted suicide
- sudden decline in academic performance, poor memory and concentration
- engaging in sex work and/or sexual risk-taking behaviour
- wearing layers of clothing to hide injuries and bruises.

## **EMOTIONAL ABUSE**

#### **PHYSICAL indicators of emotional abuse include (but are not limited to):**

- speech disorders such as language delay, stuttering or selectively being mute (only speaking with certain people or in certain situations)
- delays in emotional, mental or physical development.

#### **BEHAVIOURAL indicators of emotional abuse include (but are not limited to):**

- overly compliant, passive and undemanding behaviour
- extremely demanding, aggressive and attention-seeking behaviour or anti-social and destructive behaviour
- low tolerance or frustration
- poor self-image and low self-esteem
- unexplained mood swings, depression, self-harm or suicidal thoughts
- behaviours that are not age-appropriate, e.g. overly adult, or overly infantile
- fear of failure, overly high standards, and excessive neatness
- poor social and interpersonal skills
- violent drawings or writing
- lack of positive social contact.

## **FAMILY VIOLENCE**

#### **PHYSICAL indicators of family violence include (but are not limited to):**

- speech disorders
- delays in physical development
- failure to thrive (without an organic cause)
- bruises, cuts or welts on facial areas, and other parts of the body including back, bottom, legs, arms and inner thighs
- any bruises or welts (old or new) in unusual configurations, or those that look like the object used to make the injury (such as fingerprints, handprints, buckles, iron or teeth)
- fractured bones, especially in an infant where a fracture is unlikely to have occurred accidentally poisoning
- internal injuries.

#### **BEHAVIOURAL indicators of family violence include (but are not limited to):**

- violent/aggressive behaviour and language
- depression and anxiety and suicidal thoughts
- appearing nervous and withdrawn, including wariness or distrust of adults
- difficulty adjusting to change
- psychosomatic illness
- bedwetting and sleeping disorders
- 'acting out', such as cruelty to animals

- extremely demanding, attention-seeking behaviour
- participating in dangerous risk-taking behaviours to impress peers
- overly compliant, shy, withdrawn, passive and uncommunicative behaviour
- taking on a caretaker role prematurely, trying to protect other family members
- embarrassment about family
- demonstrated fear of parents, carers or guardians, and of going home
- disengagement from school (absenteeism, lateness and/or school refusal) and/or poor academic outcomes
- parent-child conflict
- wearing long-sleeved clothes on hot days in an attempt to hide bruising or other injury
- becoming fearful when other children cry or shout
- being excessively friendly to strangers.

For older children and young people indicators can also include:

- moving away/running away from home
- entering a relationship early to escape the family home
- entering into other violent and/or unsafe relationships
- involvement in risk taking and/or unlawful activity
- alcohol and substance misuse.

## NEGLECT

**PHYSICAL indicators of neglect include (but are not limited to):**

- appearing consistently dirty and unwashed
- being consistently inappropriately dressed for weather conditions
- being at risk of injury or harm due to consistent lack of adequate supervision from parents
- being consistently hungry, tired and listless
- having unattended health problems and lack of routine medical care
- having inadequate shelter and unsafe or unsanitary conditions.

**BEHAVIOURAL indicators of neglect include (but are not limited to):**

- gorging when food is available or inability to eat when extremely hungry
- begging for or stealing food
- appearing withdrawn, listless, pale and weak
- aggressive behaviour, irritability
- involvement in criminal activity
- little positive interaction with parent, carer or guardian
- poor socialising habits
- excessive friendliness towards strangers
- indiscriminate acts of affection
- poor, irregular or non-attendance at school
- staying at school for long hours and refusing or being reluctant to go home
- self-destructive behaviour
- taking on an adult role of caring for parent.

## GROOMING

**BEHAVIOURAL indicators that a child may be subject to grooming include (but are not limited to):**

- developing an unusually close connection with an older person
- displaying mood changes (hyperactive, secretive, hostile, aggressive, impatient, resentful, anxious, withdrawn, depressed)
- using street/different language; copying the way the new 'friend' may speak; talking about the new 'friend' who does not belong to his/ her normal social circle
- possessing jewellery, clothing or expensive items given by the 'friend'
- possessing large amounts of money which he/she cannot account for
- using a new mobile phone (given by the 'friend') excessively to make calls, videos or send text messages

- being excessively secretive about their use of communications technologies, including social media
- frequently staying out overnight, especially if the relationship is with an older person
- being dishonest about where they've been and whom they've been with
- using drugs; physical evidence includes spoons, silver foil, 'tabs', 'rocks'
- assuming a new name; being in possession of a false ID, stolen passport or driver's license provided by the 'friend' to avoid detection
- being picked up in a car by the 'friend' from home/school or 'down the street'.

**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**

**DHHS CHILD PROTECTION**  
AREA  
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**

**AFTER HOURS**  
After hours, weekends, public holidays **13 12 78**.

**CHILD FIRST**  
<https://services.dhhs.vic.gov.au/referral-and-support-teams/>

**ORANGE DOOR**  
<https://www.vic.gov.au/familyviolence/the-orange-doorhtml>

**VICTORIA POLICE**  
000 or your local police station **DET SECURITY SERVICES UNIT (03) 9589 6266**

**STUDENT INCIDENT AND RECOVERY UNIT (03) 9651 3622**

**EMPLOYEE CONDUCT BRANCH (03) 9637 2595**

**DIOCESAN OFFICE**  
Melbourne (03) 9267 0228  
Ballarat (03) 5337 7135  
Sale (03) 5622 6600  
Sandhurst (03) 5443 2377

**INDEPENDENT SCHOOLS VICTORIA (03) 9825 7200**

**THE LOOKOUT**  
The LOOKOUT has a service directory, information, and evidence based guidance to help you respond to family violence: <http://www.lockout.org.au>

Family violence victims/survivors can be referred to **1800 Respect** for counselling, information and a referral service: **1800 737 732**.



# FOUR CRITICAL ACTIONS FOR SCHOOLS

## Responding to Student Sexual Offending

### 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 4 critical actions as soon as you witness an incident, receive a disclosure or form a suspicion that a student is a victim of a student sexual offending and/or a student has engaged in sexual offending
- You **must** act even if you are unsure and have not directly observed student sexual offending (e.g. if a victim, or another person tells you about the offence)
- You **must** use the *Responding to Student Sexual Offending template* to keep clear and comprehensive notes.

PROTECT



### 1 IMMEDIATE RESPONSE TO AN INCIDENT

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

As soon as immediate health and safety concerns are addressed you **must** report incidents, suspicions and disclosures of student sexual offending as soon as possible:

**VICTORIA POLICE**  
All instances on **000**

**DHHS CHILD PROTECTION**  
If you believe that:

- the victim's parent/carers are unable or unwilling to protect the child
- the student who is alleged to have engaged in the student sexual offending is:
  - aged over 10 and under 15 years and may be in need of therapeutic treatment to address these behaviours
  - may be displaying physical and behavioural indicators of being the victim of child abuse\*.

**INTERNALLY**  
ALSO report internally to:

- **School Principal and/or leadership team** (all instances)
- **Government Schools:** DET Security Services Unit
- **Catholic Schools:** Diocesan education office

You must identify a contact person at the school for future liaison with Victoria Police and/or Child Protection and seek advice about contacting parents/carers (see **Action 3**).

\*See the *Four Critical Steps for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* for further guidance in these circumstances.

### 3 CONTACTING PARENTS/CARERS

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

- **not to contact the parents/carers** (e.g. in circumstances where contacting the parents/carers is likely to adversely affect a **Victoria Police** investigation or where the student is a mature minor and has requested that their parent/carer not be notified)
- **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).

### 4 PROVIDING ONGOING SUPPORT

Your school **must** provide support for students who are victim to a student sexual offence AND students who have engaged in a sexual offence. This is an essential part of your duty of care requirements. This support should include the development of a **Student Support Plan** in consultation with wellbeing professionals, outlining support strategies. Strategies may include the development of a safety plan, direct support and referral to wellbeing professionals.

CONTACT		
<p><b>DHHS CHILD PROTECTION AREA</b></p> <p>North Division <b>1300 664 977</b>                      South Division <b>1300 655 795</b>                      East Division <b>1300 360 391</b>                      West Division (Rural) <b>1800 075 599</b>                      West Division (Metro) <b>1300 664 977</b></p> <p><b>AFTER HOURS</b>                      After hours, weekends, public holidays <b>13 1278</b></p>	<p><b>CHILD FIRST</b>  <a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a></p> <p><b>VICTORIA POLICE</b>                      000 or contact your local police station</p> <p><b>DET SECURITY SERVICES UNIT</b>                      (03) <b>9589 6266</b></p> <p><b>STUDENT INCIDENT AND RECOVERY UNIT</b>                      (03) <b>9651 3622</b></p>	<p><b>EMPLOYEE CONDUCT BRANCH</b>                      (03) <b>9637 2595</b></p> <p><b>DIOCESAN OFFICE</b>                      Melbourne (03) <b>9267 0228</b>                      Ballarat (03) <b>5337 7135</b>                      Sale (03) <b>5622 6600</b>                      Sandhurst (03) <b>5443 2377</b></p> <p><b>INDEPENDENT SCHOOLS VICTORIA</b>                      (03) <b>9825 7200</b></p>

## How to Make a Mandatory Report

The table below describes the information to include when making a **mandatory report** about child abuse or child protection concerns. If a child is at immediate risk of harm, contact Victoria Police immediately.

Making a Mandatory Report	
Step	Description
<b>1. Keep notes</b>	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DFFH Child Protection).</li> </ul> <p>Our Lady of Mercy College staff can use the template provided in <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> to record their notes.</p>
<b>2. Discuss concerns</b>	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Principal or a member of the Leadership Team and/or via the MACS Regional General Manager.</p> <p>This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the Principal, member of the Leadership Team or a representative of MACS advises you not to proceed with reporting suspected abuse.</p>
<b>3. Gather and document information</b>	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• details of the concerns and the reasons for those concerns</li> <li>• your involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>. This template is held in SIMON/Knowledge Banks/Child Safety. The template is to be used to record as much information as possible to provide when you make your report to either Victoria Police or DFFH Child Protection.</p> <p>It is critical that completing the template does not impact on reporting times – if a child is in immediate danger, Our Lady of Mercy College staff need to report the matter to Victoria Police immediately.</p>

Making a Mandatory Report	
Step	Description
<b>4. Make the report</b>	<p><b>To report concerns which are life-threatening, phone 000 or the local police station.</b></p> <p>Where the source of the abuse comes from within the College, that is, the suspected or alleged abuse involves an OLMC staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school:</p> <ul style="list-style-type: none"> <li>• contact Victoria Police, which will contact DFFH Child Protection when appropriate</li> <li>• report internally to: <ul style="list-style-type: none"> <li>- the Principal, or the Leadership Team if the Principal is involved in the allegation</li> <li>- Mercy Education Limited (MEL).</li> </ul> </li> </ul> <p>Where the source of the suspected or alleged abuse comes from within the child’s family or community, you must:</p> <ul style="list-style-type: none"> <li>• report sexual abuse and grooming to Victoria Police</li> <li>• report the matter to <a href="#">DFFH Child Protection</a> if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78</li> <li>• report internally to: <ul style="list-style-type: none"> <li>- the Principal, or a member of the Leadership Team if the Principal is unavailable.</li> </ul> </li> </ul>
<b>5. Document written records of report</b>	<p>Make a written record of the report, including the following information:</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> <p>The information initially recorded in <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> and any additional information provided to either Victoria Police or DFFH Child Protection are to be stored securely and maintained indefinitely by Our Lady of Mercy College to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<b>6. Additional steps for overseas students</b>	<p>Where a child protection incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child’s accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).</p>

**NOTE: Reporting that is non-mandatory**

OLMC staff members, volunteers, contractors and other service providers who are not mandatory reporters are reminded that they have professional and moral (and sometimes legal) obligations to report a child protection incident, disclosure or suspicion. You are advised to seek the assistance of OLMC’s Child Safety Officer in making a report.

## Reporting Allegations of Reportable Conduct

### Reportable Conduct Scheme

The Reportable Conduct Scheme is a child protection scheme that requires Victorian education providers to notify the Commission for Children and Young People if there is an allegation of 'reportable conduct' made against one of its employees (including a Principal, teacher, College Council employee, contractors, chaplain, volunteers, or allied health staff members).

The Reportable Conduct Scheme does not change a person's mandatory reporting or other reporting obligations. For example, school staff must still contact Victoria Police if they suspect a criminal offence involving a child has occurred.

### Reportable Conduct Allegations

There is an allegation of 'reportable conduct' where a person has a 'reasonable belief' that there has been:

- a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child/young person; OR
- behaviour causing significant emotional or psychological harm to a child/young person; OR
- significant neglect of a child/young person; OR
- misconduct involving any of the above.

The scope of 'reportable conduct' is wide, and includes information about something that is alleged to have occurred outside the course of the person's employment or engagement with the school, which may include family violence committed by a school staff member in front of their own child).

### Reporting Process

The table below describes the information to include when making an allegation of reportable conduct about an employee. Note that any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority.

Making an Allegation of Reportable Conduct	
Step	Description
<b>1. Keep notes</b>	Keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• any actions taken as a result of the concerns (e.g. consultation with the Principal, report to DFFH Child Protection).</li> </ul>
<b>2. Make the report</b>	As soon as a person forms a reasonable belief that an employee has engaged in reportable conduct or misconduct that may involve reportable conduct, you must report this allegation to the school's Principal or, if the Principal is involved in the allegation, a member of the Leadership Team.

NOTE: This information, plus additional guidance for the Principal about actions to be taken, is held in [SIMON/Knowledge Banks/Child Safety](#). It is titled 'Guidelines: How to Report Allegations of Reportable Conduct (Employees)

## Reporting Authorities Contact Information

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### DFFH Child Protection

OLMC is located in the DHHS Northern and Western Intake Region. The Office of Child Protection in this region is located at:

679–685 High Street

Preston 3072

**Phone: 1300 664 977**

### Victoria Police

000 or Heidelberg Police Station (03) 9450 8000

Student Incident and Recovery Unit (03) 9651 3622

Employee Conduct Branch (03) 9637 2595

Sexual Offences Child Investigation Team (SOCIT) Brimbank Region (03) 9313 3460

### Child FIRST/The Orange Door

OLMC is located in the North East region of Child FIRST/The Orange Door referral services.

The contact number is **9450 0955**