



**WHITEFRIARS**  
CATHOLIC COLLEGE FOR BOYS

## **CHILD PROTECTION POLICY REPORTING OBLIGATIONS**

### **Introduction**

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God and that the inherent dignity of all should be recognised and fostered.

Catholic schools are entrusted with the holistic education of the child in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which they can reasonably foresee would be likely to result in harm or injury to the student and to work for the positive wellbeing of the child.

Under the National Framework for Protecting Australia's Children 2009-2020, protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, Protecting the Safety and Wellbeing of Children and Young People, involving the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services, exists to protect the safety and wellbeing of children and young people.

**All teachers, other staff, parish priests, canonical and religious order administrators of Catholic schools** within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

### **Purpose of this Policy**

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the ***Children, Youth and Families Act 2005 (Vic.)***, the ***Crimes Act 1958 (Vic.)*** and the recommendations of the Betrayal of Trust Report.

This policy is designed to assist staff to:

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

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed and provides guidance and procedures on how to make a report.

## Procedures

### 1. Children, Youth and Families Act 2005 (Vic.)

#### 1.1 Mandatory Reporting

Mandatory reporting is a legal requirement under the **Children, Youth and Families Act 2005 (Vic.)** (Act) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of the Act, is any person **17 years** of age or younger. School personnel mandated under this Act who, in the course of carrying out their duties, form a **reasonable belief** that a child is in need of protection from physical, emotional, psychological, developmental harm or sexual abuse, and that the **child's parents are unwilling or unable to protect the child**, must report that belief to DHHS Child Protection and the grounds for it as soon as possible after forming the belief. A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief.

#### 1.2 Forming a 'reasonable belief'

When staff 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. This process of considering all relevant information and observations is known as forming a 'reasonable belief'.

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere rumour or speculation. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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

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

#### 1.3 Types of child abuse and indicators of harm

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators **must** be reported.

It is **mandatory** to report concerns relating to:

- physical abuse
- sexual abuse.

While not mandated, making a report to DHHS Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- sexual exploitation (including pornography and prostitution)
- risk-taking behaviour
- female genital mutilation
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.

### **Further information**

Catholic Education Melbourne Wellbeing & Community Partnerships Unit operates the ***Student Wellbeing Information Line (9am – 5pm daily) 03 9267 0228.***

The *Student Wellbeing Information Line* seeks to:

- address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution focused-framework
- act as a conduit between the school and the family to promote effective communication and resolution of enquiries
- empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.

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