

St Francis Xavier Primary School Mandatory Reporting /Failure to Disclose Policy

Rationale:

At St Francis Xavier Primary School we comply with the legal requirements of the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (Vic.) and the recommendations of the Betrayal of Trust Report for the protection of children from harm due to physical injury and sexual abuse. 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 injury or sexual abuse, must report that belief and the grounds for it as soon as possible.

This policy is for our school to comply with this requirement and fulfil our responsibilities regarding the welfare and protection of children at risk. This policy complements the guidelines Protecting the safety and wellbeing of children and young people. A joint protocol of the Department of Human Services Child Protection, the Department of Education and Early Childhood Development, Licensed Children's Services and Victorian schools (the Protocols).

Definitions

Child. For the purpose of the relevant parts of the Children, Youth and Families Act 2005 (Vic.), a child is any person 17 years of age or younger.

Child FIRST. The Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Child Protection. The Victorian Government agency, provided by DHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Mandatory report. A report made to Child Protection, by a person mandated under the Act, that is based on a reasonable belief that a child is in need of protection from physical injury that results from abuse or neglect or harm caused as a result of sexual abuse.

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

Reasonable belief. A person 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.

A *reasonable belief* that a child is in need of protection is more likely formed in circumstances where:

• a child states that they have been physically injured or sexually abused (self-disclosure);

- a child states that they know someone who has been physically injured or sexually abused (sometimes the child may be talking about him or herself);
- someone who knows the child states that the child has been physically injured or sexually abused;
- professional observations of the child's behaviour or development lead the mandated professional to form a belief that the child has been physically injured or sexually abused;
- signs of physical injury or sexual abuse lead to a belief that the child has been abused.
- the 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.

School Advisory Group. A committee consisting of the *Principal* and *Child Safety Officer/s* (Deputy Principal and Student Wellbeing) to discuss any concerns and observations in relation to child physical or sexual abuse recorded by a teacher and to offer support to the teacher concerned. A gender balance (if possible) within the group is an important consideration.

Additionally, it should be noted that *three new criminal offences* have been introduced under the Crimes Act 1958 (Vic):

- failure to disclose offence, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child.
- failure to protect offence, which applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation and had the authority to reduce or remove the risk, but failed to do so.
- grooming offence, which targets communication with a child or their parents with the intent of committing child sexual abuse.

Implementation

At St Francis Xavier Primary School, we follow the following procedures, as mandated in the CEM School Guidelines (Updated 2019) - Identifying and Responding to abuse Reporting Obligations Policy 2.19.

1. Forming a belief

A requirement of the Children, Youth and Families Act 2005 (Vic.) and detailed further in the Protocols is that when a mandatory reporter forms a reasonable belief that a child is in need of protection from physical injury or sexual abuse and the child's parents are unable or unwilling to protect the child, he/she must make a report to Child Protection 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.

If one or more mandated professionals have formed a belief about the same child on the same occasion it is sufficient that only one professional makes 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 staff member. (s. 184(2)).

Staff members, whether mandated or not, need to report their belief when the belief is formed in the course of undertaking their professional duties. If one mandated professional directs another mandated professional not to make a report, and the 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.

It should be noted that although it is not mandatory to report suspected incidents of emotional abuse or neglect, mandatory reporters should make a referral to Child FIRST where they have a significant concern for a child's wellbeing, or a report to Child Protection where they form a reasonable belief that a child is in need of protection.

If a mandatory reporter suspects that a child is in need of protection it is essential that he/she document any concerns and observations in a confidential file. This process of documentation may occur over a period of time.

A series of documents published by the DHS and the Department of Education and Training (DET), see the Protocols and the Mandatory Reporting section of the Victorian Government's School Policy & Advisory Guide (also see the Resources section below), provide background information and guidance for professionals mandated to make a report. These resources have been prepared to:

- ensure that mandatory reporters are aware of their legal responsibilities to report child abuse and neglect to Child Protection;
- provide mandatory reporters with information on how to recognise and respond to child abuse;
- provide mandatory reporters with advice about sharing information with Child FIRST or Child Protection.
- It is important that the recommended procedures are followed to support and protect the child at risk.

1.1 Discussing concerns

It is recommended that the mandatory reporter's concerns and observations regarding the suspected physical injury or sexual abuse of a child and/or a student has engaged in sexual offending, are discussed with a School Advisory Group formed to support all involved in matters of this nature. The confidentiality of these discussions must be maintained.

A mandatory reporter may make a referral to Child FIRST or a report to Child Protection without the prior knowledge of the Principal. However, it is good practice for the mandatory reporter to inform the Principal of his/her action as soon as practicable in order for the Principal to support the mandatory reporter.

2. Report to relevant agencies

2.1 Department of Human Services Child Protection

The mandatory reporter may form the belief that it is necessary to make a report to Child Protection. In this case, the teacher is required to make a report as soon as practicable (see Appendix 1 for a list of Child Protection office numbers).

The mandatory reporter may continue to suspect that a child is in need of protection. In this case, the mandatory reporter should continue to record any further observations made and make a report on each occasion where they form a belief, on reasonable grounds, that a child is or is likely to be at risk of physical or sexual abuse.

The Four critical actions for schools reporting to Child Protection or Child FIRST document (Appendix 1) provides a summary of school and DHS processes for the mandatory reporting

of child physical and sexual abuse. Appendix 2 also provides a summary of the responsibilities of principals and teachers for the mandatory reporting of child physical and sexual abuse.

2.2 Contact with Child FIRST

A registered school teacher or Principal in Victoria can seek advice from or make a referral to Child FIRST if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised. The teacher or Principal should share relevant information with Child FIRST to help them complete their assessment of the referral. Contact should be made with the nearest Child FIRST office for information and advice.

A mandated reporter may wish to keep their identity confidential when they make a referral to Child FIRST or a report to Child Protection, or when they share information with these agencies. A Child First or Child Protection worker cannot disclose the identity of the person making a referral or report without their consent. The publications listed in Appendix 1 provide advice on why it may be appropriate for a person making a referral or report to disclose their identity.

3. Ongoing support

The Principal has a role in seeking or offering appropriate pastoral support for the staff member making the report, for the student and student's family. The principal's actions in this regard should be informed by the school's policies and procedures for ensuring the safety and wellbeing of students.

Appendix 3 provides a list of various agencies, including the Wellbeing & Community Partnerships Unit at the CEOM, that are able to offer support to teachers and principals in instances of child abuse.

Failure to Disclose

Any staff member who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must disclose that information to police. Failure to disclose the information to police is a criminal offence under section 327 of the Crimes Act 1958 (Victoria) and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose that information to the police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DHHS Child Protection. For more information see: Department of Justice and Community Safety

Failure to Protect

Any staff member in a position of authority who becomes aware that an adult associated with their 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. 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 contained in section 49C (2) of the Crimes Act 1958 (Vic.). In a school context this will include the principal and the business manager and may also extend to School Counsellors, heads of departments and heads of school.

For more information see: Department of Justice and Community Safety Fact Sheet

Grooming Offences

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49B (2) of the Crimes Act 1958 (Vic.). The offence applies to communication with children under 16 years. 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 more information see Department of Justice and Community Safety Fact Sheet

Evaluation:

This policy will be reviewed as part of the school's review cycle or as Legislative changes are made

We will refer to: The Children, Youth and Families Act 2005 (Vic.) as provided by the Department of Human Service (DHS), The Crimes Act 1958 (Vic.) and the recommendations of the Betrayal of Trust Report.

This policy was last reviewed and ratified by SFX School Leadership - May 2020

Appendix 1:

https://www.education.vic.gov.au/school/teachers/health/childprotection/Pages/default.aspx

A step-by-step guide to making a report to **Child Protection or Child FIRST**

Protective concerns You are concerned about a child because you have:

At all times remember to:

- record your observations
- · observed indicators of abuse or neglect
- · been made aware of possible harm via your involvement in the community external to your professional role.

3. If you have significant concerns

services. Go to Step 3

that a child and their family need

a referral to Child FIRST for family

· received a disclosure from a child about abuse or neglect

follow appropriate protocols consult notes and records

- · consult with appropriate colleagues if necessary
- · consult with other support agencies if necessary

FORMING A BELIEF ON REASONABLE GROUNDS MAKING A REFERRAL TO MAKE A REPORT TO CHILD **RESPONDING TO CONCERNS** PROTECTION 1. If your concerns relate to a child in 1. Consider the level of immediate **Child Wellbeing Referral** Mandatory/Protective Report* need of immediate protection; or danger to the child. 1. Contact your local Child FIRST 1. Contact your local Child Protection you have formed a belief that a child Ask yourself: provider. Intake provider immediately. is at significant risk of harm*. a) Have I formed a belief that the See over for contact list for See over for contact list for Go to Step 4 child has suffered or is at risk of local Child FIRST phone local Child Protection phone 2. If you have significant concerns that a child and their family need suffering significant harm? numbers. numbers. YES / NO For After Hours Child 2. Have notes ready with your a referral to Child FIRST for family and Protection Emergency observations and child and services b) Am I in doubt about the child's family details. Services, call Go to Step 3 safety and the parent's ability to 131 278 3. In all other situations protect the child? 2. Have notes ready with your Go to Step 2. YES / NO observations and child and 2. If you answered yes to a) or b) family details. Go to Step 4

Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection

For further information refer to Protecting the safety and wellbeing of childr Department of Education and Early Childhood tocol of the Department of Human Services Child Protection, is Services and Victorian Schools

			Contact	Numbers	;			
Department of Education and Early Childho	ood Development	Department of	Human Service	s Child Prote	ction	CHILD FIRST		
METROPOLITAN REGIONS		METROPOLITAN REGIONS		METROPOLITAN REGIONS		Local Catchme	ent Area	Contact
Eastern Northern			Intake Unit		Regional Office		Greater Geelong, Queenscliff, Surf Coast	1300 551 948
Western	(03) 9488 9488 (03) 9291 6500	Eastern	1300 360 391		(03) 9843 6000		Colac – Otway, Corangamite	5232 5500
Southern	(03) 9794 3555	North and West		Footscray	1300 664 977 1300 360 462		Warrnambool, Moyne, Glenelg, Southern Grampians	1300 889 713
RURAL REGIONS		Southern	1300 655 795	Dandenong	(03) 9213 2111	Gippsland	East Gippsland	5152 0052
Barwon South Western	5225 1000	RURAL REGIONS				oppstand	Wellington	5144 7777
Gippsland	5127 0400	Intake Unit		Regional Offi	ce		La Trobe, Baw Baw	1800 339 100
Grampians Hume	5337 8444 5761 2100	Barwon South W	/estern	inegronal on			South Gippsland, Bass Coast	5662 5150
Loddon Mallee	5761 2100 5440 3111		1800 075 599	Geelong	(03) 5226 4540	Grampians	Northern Grampians, West	1800 195 114
Loudon Plance	5440 3111	Gippsland			(03) 5177 2500	Grampians	Wimmera, Hindmarsh, Yarrambat,	1000 195 114
		Grampians	1800 000 551		(03) 5333 6530		Horsham	
Office for Children and Licensed Children'	s Services:	Hume	1800 650 227		(03) 5722 0555 (02) 6055 7777		Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool	1300 783 341
Eastern	(03) 9265 2400	Loddon Mallee	1800 675 598		(03) 5434 5555	Hume	Wodonga, Towong, Indigo	1800 705 211
Northern	(03) 9412 5333						Alpine, Benalla, Mansfield, Wangaratta	1800 705 211
Western Southern	(03) 9275 7000 (03) 9096 9555	After hours Child Protection Emergency Services (AHCPES) Weiligeniate Greater Shepparton, Stratt Statewide number for all emergency Moira					Greater Shepparton, Strathbogie, Moira	1300 854 944
RURAL REGIONS		child protection					Mitchell, Murrindindi	1800 663 107
Barwon South Western	5225 1000	business hours (2			131 278	Loddon	Greater Bendigo, Campaspe,	1800 260 338
Gippsland	5127 0400		, ,		3 /	Mallee	Central Goldfields, Loddon,	
Grampians	5337 8444						Macedon Ranges, Mount Alexander	
Hume	5761 2100	Victoria Police			000			- 0 6
Loddon Mallee	5440 3111	Catholic Educa	tion Offices				Buloke, Goonawarra, Swan Hill, Mildura	1800 625 533 1800 MALLEE
Important information for government schools		Catholic Education Office, Melbourne Catholic Education Office, Ballarat Diocese Catholic Education Office, Sale Diocese		(03) 9267 0228	(03) 9267 0228 Eastern 5337 7135 Metropolitan 5622 6600	Yarra Ranges, Knox, Maroondah	1300 369 146	
Principals of Victorian Government schools must report all						Monash, Whitehorse, Manningham, Booroondarra	1300 762 125	
incidents to the Emergency and Security Management Unit on		Catholic Education Office, Sandhurst Diocese		5443 2377 North and West	Nillumbik, Whittlesea, Banyule, Yarra and Darebin	(03) 9450 0955		
03 9589 6266.		Independent Sch	ools Victoria		(03) 9825 7200	Metropolitan	Brimbank, Melton	1300 138 180
Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student		Other				Hume, Moreland	1300 786 433	
		Victorian Aboriginal Education Association, Inc.		(03) 9481 0800		Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and	1300 786 433	
sexual assault or inappropriate sexual behaviou	JFS.			Child Abuse Ur	nit (03) 9247 6666		Wyndham	
The SCIAU can be contacted on		Centre Against Sexual Assault Gatehouse Centre, Royal Children's Hospital		1800 806 292 (03) 9345 6391	Southern Metropolitan	Casey, Cardinia, Greater Dandenong	(03) 9705 3939	
o3 9637 2934 or o3 9637 2487.		(for specialist counselling and medical assistance)		(03) 8601 5884		Aboriginal children and families (Casey, Cardinia and Great	(03) 9794 5973	
Victorian Government School Principals should		Victorian Aboriginal Child Care Agency		(03) 8601 5884		Dandenong)		
flowchart – Responding to Allegations of Student Sexual Assault		victorian Aboriginal crind Cale Agency		(05) 0500 1055		Frankston, Mornington Peninsula	1300 721 383	
Compulsory Actions for Principals at: http://www.education.vic.gov.au/healthwe	llbaing/safety/childpr	atastian /shildnes	tection htm				Kingston, Bayside, Glen Eira,	1300 367 441

nowcnart - nesponaing to Auegatons of Student Sexual Assault Compulsory Actions for Principals at: http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm

* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol - Protecting the safety and wellbeing of children and young people

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FOUR CRITICAL ACTIONS



This section outlines four critical actions which must be taken if 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 student sexual offending.

For easy reference a summary of these actions is available at <u>www.education.vic.gov.au/protect</u> as a printable PDF A3 Poster.

You should read this summary in conjunction with the following advice, which includes critical detail and links to supporting documents (including the **Responding to Suspected Student Sexual Offending: Template** which must be completed when responding to any form of suspected student sexual offending).



Appendix 2: In case of emergency or if a child is in life-threatening danger contact Triple Zero (000) or the local police station: Greensborough Police (8432 0200)

Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the local Child Protection Intake Provider, (see DHHS Child Protection contacts.) If after hours call the Child Protection Crisis Line on 13 12 78. The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

Step	Description
1.	Keep comprehensive notes that are dated and include the following information:
	• a description of the concerns (e.g. physical injuries, student behaviour)
	• the source of those concerns (e.g. observation, report from child or another person)
	• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DHHS
	Child Protection etc.).
2	Discuss any concerns about the safety and wellbeing of students with the Principal or Child Safety Officer or
	a member of the school leadership team.
	The individual staff member should then make their own assessment about whether they should make a
	report about the child or young person and to whom the report should be made.
3	Gather the relevant information necessary to make the report. This should include the following information:
	• full name, date of birth and residential address of the child or young person
	• the details of the concerns and the reasons for those concerns
	• the individual staff member's involvement with the child or young person
	• details of any other agencies which may be involved with the child or young person.
4	Make a report to the relevant agency:
	To report concerns which are life-threatening phone 000 or the local police station: Greensborough Police
	(8432 0200)
	To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local
	police station or visit the <u>Victoria Police website</u> for local contact numbers.
	To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection:
	Call your local Child Protection Intake provider immediately, North Division Intake: 1300 664 977
	https://services.dhhs.vic.gov.au/child-protection-contacts
	For After Hours Child Protection Emergency Services, call 13 12 78.
	To report concerns to DHHS Child Protection, contact your local child protection office: North Division
	Intake: 1300 664 977
	https://services.dhhs.vic.gov.au/child-protection-contacts
	**Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are
	able to report their concerns to Child Protection.
5	Make a written record of the report including the following information:
	• the date and time of the report and a summary of what was reported
	• the name and position of the person who made the report and the person who received the report.
6	Notify relevant school staff and/or Catholic Education Melbourne staff of a report to DHHS Child Protection
-	or Child FIRST.
	School staff should advise the Principal, Child Safety Officer or a member of the leadership team if they
	have made a report.
	School staff can seek further assistance by contacting the Catholic Education Melbourne Wellbeing &
	Community Partnerships Unit. (03267 0228)
7	In the case of Koorie students, the Principal must notify the Diocese or Regional Office (as appropriate) to
	ensure the regional Koorie support officer can arrange appropriate support for the student.

NB: When making a report please record all information on the Responding To An Incident, Disclosure Or Suspicion Of Child Abuse At St Francis Xavier Montmorency - Four Critical Actions Template

Appendix 3:

Services provided by the Catholic Education Melbourne Wellbeing Unit:

- Telephone advice 9 am 5 pm weekdays (Catholic Education Melbourne Wellbeing & Community Partnerships Duty Officer 03 9267 0228)
- Consultation with school leadership and Catholic Education Melbourne Regional Offices
- Guidance and support to schools in responding to a critical incident
- Briefings with school clusters and regions
- Postgraduate study options including sponsorship of the Master of Education (Student Wellbeing) at the University of Melbourne and Master of Education (Wellbeing in Inclusive Schooling) at ACU and ongoing support of graduates from both courses
- Professional learning opportunities
- Professional reading and access to current information through the Student Wellbeing Action Partnership (SWAP) online resource.

Australian Childhood Trauma Group

website: <u>www.theactgroup.com.au</u> Professional support services for government agencies, non-government agencies and schools. Phone(03) 9415 6066

Healing Foundation

website: <u>healingfoundation.org.au</u> Service to help build the capacity of Indigenous organisations and support the development of the Link Up network. Phone<u>02 6124 4400</u>

Lighthouse Foundation

website: <u>www.lighthousefoundation.org.au</u> Specialist attachment and trauma informed training. Phone(03) 9093 7500

Link Up Victoria

website: <u>www.linkupvictoria.org.au</u> Provides counselling, healing and culturally appropriate support for indigenous Australians. Phone<u>1800 687 662</u>

Mental Health Professionals Network

website: <u>www.mhpn.org.au</u> Provides mental health practitioners with networking and online professional development opportunities across Australia. Phone<u>1800 209 031</u>

The Aboriginal Family Violence Prevention and Legal Service Victoria website: <u>www.fvpls.org</u> Provide assistance to victims of family violence and sexual assault. Phone<u>1800 105 303</u> Email<u>information@fvpls.org</u>