

# PROTECT Procedure

## Informing staff of reporting obligations

## Purpose

To ensure that all staff are made aware of their reporting obligations and receive appropriate training to provide a child safe environment for students.

## Scope

Under duty of care obligations, all staff are mandated to report child abuse when this has been disclosed to them or they have formed a reasonable belief that abuse has occurred.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- sexual offences
- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect.

The mandatory reporting obligation is set out in Part 4.4 of the *Children, Youth and Families Act 2005* (Vic.). Section 184 imposes an obligation on teachers, principals and other persons listed in section 182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

[Ministerial Order No. 1359](#) (MO 1359) sets out the specific actions that registered schools need to take to meet the [child safe standards](#). MO 1359 places accountability for managing the risk of child abuse with school governing authorities.

The [failure to disclose offence](#) requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 to report that information to police. Failure to disclose the information to police is a criminal offence.

The [failure to protect offence](#) applies where there is a substantial risk that a child under the age of 16, under the care, supervision or authority of a school, will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the organisation (including schools) will commit the offence if they know of the substantial risk of abuse and have the power or responsibility to reduce or remove that risk, but negligently fail to do so.

## Procedures

All teachers, mandatory reporters and all other school staff will be made aware of reporting requirements (including Reportable Conduct) and potential offences for failing to make a mandatory report by:

- addressing the school's policies and the mandatory reporting obligations at staff meetings on a regular basis (at least annually). This includes information on:
  - the Child Safety and Wellbeing policy
  - the Child Safety Code of Conduct
  - recognising indicators of child harm, including harm caused by other children and students and circumstances that increase children's vulnerability to abuse
  - responding effectively to issues of child safety and wellbeing and managing a disclosure
  - the Reportable Conduct Scheme and associated reporting procedures

- criminal offences under the *Crimes Act 1958* (Vic.) including failure to disclose, failure to protect and grooming
- mandatory reporting procedures
- information sharing and record keeping responsibilities
- how to build culturally safe environments for children and students
- how to identify and mitigate child safety and wellbeing risks in the school environment without compromising a child or student's right to privacy, access to information, social connections and learning opportunities.
- using school-wide operational and classroom practices that embed a culture of child safety
- ensuring all staff undertake mandatory reporting eLearning sessions annually and supply evidence of completion
- ensuring any new or trainee staff have an induction regarding school issues, child safety, the Child Safety Code of Conduct, reporting responsibilities and information sharing
- displaying posters of the Four Critical Actions for Schools (both all forms of child abuse and student sexual offending) in the staff room and other relevant, key locations for staff
- requiring all staff to sign the Child Safety Code of Conduct that explains the expected and unacceptable behaviours for staff at appointment
- assessing the ongoing understanding of child safety procedures, processes and expectations, and suitability of staff through discussion as part of the annual review meeting process.

## Definitions

### Child abuse

Child abuse includes:

- (a) any act committed against a Child involving:
  - (i) a sexual offence
  - (ii) an offence under section 49B(2) of the *Crimes Act 1958* (grooming)
- (b) the infliction, on a Child, of:
  - (i) physical violence
  - (ii) serious emotional or psychological harm
- (c) serious neglect of a Child.

### Child Information Sharing Scheme (CISS)

The CISS, implemented by the Victorian Government, is a scheme enabling information sharing between authorised organisations to promote a child's wellbeing or safety. All Victorian children and young people from 0 to 18 years of age are covered by the CISS.

### Child safety

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse ([Ministerial Order No. 1359](#)).

### Department of Education (DE)

Victorian government department that leads the delivery of education and development services to children, young people and adults.

### 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.

## **Family Violence Information Sharing Scheme (FVISS)**

Implemented by the Victorian government under the *Family Violence Protection Act 2008*. The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk and supports effective assessment and management of family violence risk.

## **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.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

## **Melbourne Catholic Archdiocese Schools Ltd (MACS)**

MACS is a reference to Melbourne Archdiocese Catholic Schools Ltd, and/or its subsidiaries, MACSS and/or MACSEYE (as the context requires).

## **MACS board or board**

The board of Melbourne Archdiocese Catholic Schools Ltd (MACS), being also the board of Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS) and the board of Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE) in an ex officio capacity (as the context requires).

## **MACS executive**

A member of the executive leadership team (ELT) of MACS or the ELT as a group.

## **MACS school or school**

A school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by MACS, directly or through MACSS (as the context requires). References to schools or MACS schools also includes boarding premises of schools operated by MACS and specialist schools operated by MACSS.

## **Melbourne Archdiocese Catholic Schools Early Years Education Ltd (MACSEYE)**

Melbourne Archdiocese Catholic Early Years Education Ltd, a subsidiary of MACS established to conduct early childhood education and care services.

## **MACSEYE service**

An early childhood education and care service which is owned, operated and governed by MACSEYE.

## **Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)**

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

## **Mandatory reporters**

Mandatory reporters listed under the *Children, Youth and Families Act 2005* (Vic.) include:

- Victorian Institute of Teaching (VIT) registered teachers (including principals and early childhood teachers)
- school staff who have been granted permission to teach by VIT
- registered medical practitioners, nurses and midwives
- people in religious ministry
- youth justice workers
- out-of-home care workers (excluding voluntary and kinship carers)
- school counsellors, including staff who provide direct support to students for mental, emotional and psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, and chaplains.

## **Mandatory reporting**

Mandatory reporting is the legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person under the age of 17 years ([PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)).

## **Mature minor**

A mature minor is an individual in a MACS school who is assessed by the principal of that school to be a mature minor.

## **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.

## **Policy**

A high-level, principles-based directive that must be complied with across MACS, MACSS and MACSEYE.

## **Principal/director**

Individual appointed by MACS as principal in a MACS school or director in a MACSEYE service.

## **Procedure**

A step-by-step or detailed instruction for the implementation of MACS policy that is mandatory across MACS, MACS schools and MACSEYE.

## **Process**

A process is a method of implementation of a MACS framework, policy or procedure.

## **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.

## **Reportable allegation**

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.

## **Reportable conduct**

Reportable conduct for the purposes of the Reportable Conduct Scheme is:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child as defined in the *Child Wellbeing and Safety Act 2005* (Vic).

### **Risk**

Risk is defined as the effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances or knowledge) and the associated likelihood of occurrence.

### **Risk management**

The coordinated activities to direct and control an organisation regarding risk.

### **School Advisory Council**

Supports the principal of a MACS school by providing a forum for discussion and discernment where parent voice and community perspective can help inform decision-making.

### **School/service environment**

Means any of the following physical, online or virtual places used during or outside school/service hours:

- a campus of the school
- a campus of a MACSEYE service
- online or virtual school/service environments made available or authorised by MACS or a MACS school or MACSEYE service for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school/service or through a third-party provider for a child or student to use including, but not limited to, locations used for camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) ([Ministerial Order No. 1359](#)).

### **School/service staff**

Means an individual working in a school/service environment who is:

- directly engaged or employed by a school/service governing authority
- a contracted service provider engaged by MACS or MACSEYE (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform child-related work for a MACS school or MACSEYE service
- a minister of religion, a religious leader or an employee or officer of a religious body associated with MACS ([Ministerial Order No. 1359](#)).

### **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.

### **Sexual offences**

For the purposes of this policy, 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.

### **Student**

Student means a person who is enrolled at or attends a MACS school.

### **Volunteer**

A person who performs work without remuneration or reward for MACS, a MACS school or MACSEYE service in the school/service environment.

## **Support**

**MACS Legal and Professional Standards Unit** seeks to provide schools with support and advice on legal matters.

- Phone: 9267 0228
- Email: [legal@macs.vic.edu.au](mailto:legal@macs.vic.edu.au)

**MACS Student Wellbeing Information and Support Service (SWISS)** seeks to address matters that impact the wellbeing and educational outcomes of young people arising using a solution-focused framework, and empower and enhance the capacity, competence and confidence of staff to address matters related to the wellbeing of young people.

- Phone: 9267 0228
- Email: [swb@macs.vic.edu.au](mailto:swb@macs.vic.edu.au)

## **Related policies and documents**

### **Supporting documents**

PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy

PROTECT Procedure: Police or DFFH Child Protection interviews at school

PROTECT Procedure: Responding to all forms of child abuse

PROTECT Procedure: Responding to offences under the *Crimes Act 1958* (Vic.)

PROTECT Procedure: Responding to police and Child Protection requests for further information

PROTECT Procedure: Responding to student sexual offending

Student Interview Template: Police or DFFH Child Protection interviews at school

### **Related MACS policies and documents**

Child Safety Code of Conduct

Child Safety and Wellbeing Policy

Child Safety and Wellbeing Record Keeping Policy

Complaints Handling Policy

ICT Acceptable Usage Policy

Duty of Care Policy for MACS Schools

Pastoral Care Policy for MACS Schools

Recruitment Policy – Schools

Reportable Conduct Policy

Supervision Policy

## Resources

- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Child Information Sharing Scheme](#)
- [Child Information Sharing and Family Violence Reforms on the CEVN website](#)
- [DET Mature Minors and Decision Making \(2020\)](#)
- [Family Violence Information Sharing Scheme](#)
- [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)
- [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)
- [National Framework for Protecting Australia's Children 2021–2031](#)
- [Policy and Advisory Library \(PAL\): Police and Child Protection Interviews](#)
- [PROTECT on the CEVN Website](#)
- [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- [PROTECT: Identifying and Responding to Student Sexual Offending](#)
- [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)
- [PROTECT: Responding to Student Sexual Offending: Principal Checklist](#)
- [PROTECT: Responding to Student Sexual Offending: A Template for all Victorian Schools](#)

## Legislation and standards

- Child Wellbeing and Safety Act 2005 (Vic.)*
- Children, Youth and Families Act 2005 (Vic.)*
- Crimes Act 1958 (Vic.)*
- Education and Training Reform Act 2006 (Vic.)*
- Education and Training Reform Regulations 2017 (Vic.)*
- Family Violence Protection Act 2008 (Vic.)*
- Information Privacy Act 2000 (Vic.)*
- Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*
- Victorian Institute of Teaching Act 2001 (Vic.)*
- Working with Children Act 2006 (Vic.)*
- Wrongs Act 1958 (Vic.).*

## Policy information table – school facing procedure

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