St. Mary's School

Swan Hill

Child Safety: Reporting Obligations

Statement

At St Mary's School all children have a right to feel safe. The school provides an environment in which they can receive appropriate assistance and response regarding their personal safety. The school monitors student wellbeing and implements processes that are consistent with the Child Safe Standards (Ministerial order 870). The school ensures that all forms of suspected child abuse are reported appropriately and timely when a reasonable belief has been formed that child abuse has or could occur.

Definitions

Child abuse includes—

- any act committed against a child involving—
    - a sexual offence or
    - an offence under section 49B(2) of the Crimes Act 1958 (grooming)
- the infliction, on a child, of—
    - physical violence or
    - serious emotional or psychological harm
- serious neglect of a child.

Reasonable belief might be formed if:

- A child states they have been physically or sexually abused
- A child states that they know someone who has been physically or sexually abused (they may be referring to themselves)
- Someone who knows a child states that they have been physically or sexually abused
- A child 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, or is likely to be, abused
- Signs of abuse lead to a belief the child has been abused.

Responsibilities

It is the responsibility of all staff to be familiar with the relevant policy, procedures and resources for the Child Safe Standards and implement accordingly to ensure a safe environment at all times. This includes:

- The policies required by school and procedures (required by Ministerial Order NO 870) that prescribes specifically what *St Mary's Schools* must do in order to comply with these Child Safe Standards including:
    - Strategies to embed and organizational culture of child safety such as professional learning, risk management, commitment statement (standard one)
    - St Mary's Child Safety Policy that is available on school website (standard two)
    - St Mary's Child Safety Code of Behaviour that is available on school website and Staff Handbook (standard three)
    - St Mary's School Staff Selection, Supervision and Management Practices for a Child Safe Environment -Staff and Administration Handbook (standard four)
    - Procedures for responding to and reporting allegations of suspected child abuse- see resource *PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools (standard five)*
    - Strategies to identify and reduce or remove risks of child abuse. See *PROTECT Indentifying and Responding to All Forms of Abuse* in Victorian Schools (standard six)
    - Strategies to promote child empowerment and participation such as student voice in the classroom and student representatives (standard seven)
- The resource *PROTECT Indentifying and Responding to All Forms of Abuse* in Victorian Schools. The resource includes:
    - Understanding your obligations
    - Identifying signs of abuse
    - Responding to incidents, disclosures and suspicions of child abuse
    - Reporting to authorities

PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools is available at http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1

Implementation

Every person involved in Catholic education has a responsibility to understand the important and specific role he/she plays individually and collectively to ensure that the wellbeing and safety of all children and young people is at the forefront of all they do and every decision they make (Catholic Education Commission of Victoria Ltd 2016).

Providing a Safe Environment

- Staff are required to provide a safe environment (any environment in which a school activity is being conducted) at all times. This includes creating a culture in which students can approach staff with any concerns regarding safety.
- The curriculum includes developing student knowledge, skills and capabilities in identifying and reporting safety issues (see also Learning and Teaching Policy).
- 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. A reasonable belief is not the same as having proof but is more than speculation or rumour (refer to *PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools*).

Child Safety Protection Officer

St Mary's school has a staff member who acts as the school's Child Protection Officer. The duties of this person are:

- leading the school's child safety culture

- developing and enhancing the school's child safety strategies
- proactively monitoring the effectiveness of child safety strategies
- coordinating reviews of the child safety strategies
- communicating the school's child safety strategies to the school community
- training staff (including contractors and volunteers) in the school's child safety strategies
- leading or delivering programs for children about the school's child safety strategies
- developing policies, procedures and supporting documentation including communications and resources.
- attending CEO briefings on the Child Safe Standards
- self-auditing the school's adherence to Ministerial Order 870
- ensuring all school staff complete the annual Mandatory Reporting online training
- providing advice to staff, students and families on child safety matters
- documenting, collating and maintaining all records pertaining to reporting child safety issues
- is provided with time release as appropriate to fulfill the duties outlined
- receives regular training and opportunities to develop understanding and expertise in this role

The school website provides contact details of the Child Protection Officer.

Mandatory Reporting (all teachers and principals)

- All Victorian Institute Teaching (VIT) registered teachers (including principals) and staff that have been granted permission to teach by the VIT are mandated by law to report signs of child abuse.
- Sexual abuse (including grooming) must be reported to the Victorian Police and other forms of abuse reported to the Department Human Services (DHS). This contact should be made as soon as possible once a reasonable belief has been formed.
- St Mary's School follows the procedures for responding to and reporting incidents of abuse outlined PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools
- Failure to report suspected child sexual abuse is a criminal offence

Reporting Sexual Abuse (all adults)

- All adults (teachers, non teaching staff and community) must report suspected child sexual abuse including grooming to police if a reasonable belief has been formed.
- Staff will be reminded of mandatory responsibilities annually and participate in an annual (DET) Mandatory Reporting eLearning Module each year to support their understanding in this area.
- New staff will be informed of mandatory reporting responsibilities and procedures as part of induction.
- Staff members do not have to inform the Principal of their concerns before reporting the incident.
- Parents/carers will be reminded annually of their obligations in school newsletter and parent handbook.

- Students 18 years or older will be reminded of their obligations through targeted information sessions.
- If the allegation is made against a member of the clergy, religious or school staff, police are notified as well as the Bishop of Ballarat and the Director of Catholic Education. The principal is informed when it is a staff member (other than the principal).
- Failure to report suspected child sexual abuse including grooming is a criminal offence

Non-teaching staff – reporting child abuse

- Sexual abuse including grooming is reported to police.
- Failure to report suspected child sexual abuse including grooming is a criminal offence
- Other forms of abuse must be reported to the child's teacher and/or principal.
- Any form of abuse in which an allegation is made against a member of the clergy or religious or a school staff including the principal, volunteer, visitor or external provider member including the principal, police are notified first. Then notify the principal (if not the suspected source of the abuse) and the Director of Catholic Education.

Allegations Against Clergy or Religious or School Staff Member (all staff, volunteers, external providers, school community)

- If the allegation of any form of child abuse is made against a member of the clergy or religious or a school staff including the principal, volunteer, visitor or external provider member, police are notified first. Then notify the principal (if not the suspected source of the abuse) and the Director of Catholic Education.
- Dot not inform or interview the suspected person

Student Disclosure

- Students who disclose any form of abuse must be provided appropriate assistance and is reported to the police if sexual abuse and other abuse issues to the Department of Human Services. The school does not conduct an investigation as it can contaminate evidence.
- Students, who disclose to staff a desire to harm themselves or others, must be reported by staff to the principal who will take the appropriate action.
- Refer to PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools

Student Offenders

- Student sexual offending refers to sexual behaviour that is led by a student 10 years and over which may amount to 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.
- Additionally under Victorian Law:
  - children between 12-15 can only consent to sexual activity with a peer no more than two years their senior (therefore sexual contact led by a student with a child outside of these age parameters may amount to student sexual offending).

- o in order for a person to consent to sexual activity they have to have the capacity to understand the context and possible consequences of the act (therefore sexual contact led by a student involving a person with a cognitive impairment or affected by alcohol and other drugs may also amount to student sexual offending)
- Refer to resource Identifying and Responding to Student Offending (and Template) available at http://www.education.vic.gov.au/school/principals/spag/safety/Pages/sexualassault.aspx
- Refer to the resource Four Critical Actions: Identifying and Responding to all Forms of Child Abuse in Victorian Schools which provides procedures to follow. This resource is available at DET
  http://www.education.vic.gov.au/about/programs/health/protect/Pages/stusexoffdefine.aspx
- It is important to seek further advice if you are unsure whether behavior, or suspected behaviour constitutes student sexual offending, and/or whether it is indicative of any underlying abuse.

Documentation and Follow Up

- All reports, information sheets and subsequent discussions and information are to be recorded and remain strictly confidential.
- All incidents to be monitored, and any subsequent signs or indications of abuse are also to be reported.
- Refer to PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools regarding follow up of police or Department of Human Services. These are the procedures to be followed at all times at St Mary's School

Professional Learning

Beginning of each year, staff will:

- Re-commit to the St Mary's School Code of Conduct for working with children
- Be given an opportunity to re-familiarize themselves with the *Responding to All Forms of Abuse in Victorian Schools* resource and its implications
- Receive any updates on all areas related to duty of care, mandatory reporting and the child safe standards
- Receive training on their obligations and responsibilities in regard to witnessing an offence, forming a suspicion or receiving a disclosure
- Review the role the school's Child Protection Officer
- Review and clarify their duty of care obligations in relation to the criminal offences of failure to disclose, failure to protect and grooming

Throughout the year, all staff will:

- Continue to undertake appropriate updates/training in areas of child safety
- Engage in staff meetings that further build their understanding of duty of care staff and how its applies to child safety, including their obligations with regards to identifying and responding to all forms of abuse. This will include references to the *Responding to All Forms of Abuse in Victorian Schools* resource
- Annual briefing session on St Mary's Code of Conduct for working with children
- Induction of new staff (see also Duty of care Policy) on student safety policies and procedures

- All staff will undertake the (DET) Mandatory Reporting eLearning Module and a record of staff completion will be updated in the school document management system

Communication

The Principal will communicate to the school community about child safety matters through:

1. Newsletter updates and other communications that informs parents of their obligations and procedures regarding the reporting of suspected child abuse as well as school policy and procedures
2. Publication of relevant policies on the school website and staff intranet
3. Informing regularly the governing authority and School Advisory Council on the implementation of policies and procedures and risk management on child safety
4. Making links to support material, such as the PROTECT *Responding to All Forms of Abuse in Victorian School* resource, available on school website
5. Parents will be made aware of the procedures for volunteering at St Mary's school that are outlined in *CECV Guidelines on the engagement of volunteers in Catholic Schools* available at http://www.cecv.catholic.edu.au/getmedia/14f0d67b-fb34-48eb-bd2c-0a32688b1a96/Volunteer-Guidelines.aspx This link will be provided on the school website
6. All volunteers will be required to complete the St Mary's School Code of Conduct for working with children
7. Staff will be made aware of the obligation to supervise all volunteers, visitors and where appropriate, external providers
8. Communicating to students the process and support available if they disclose child abuse
9. Staff and parents will be made aware of the procedures for external providers that are outlined in *CECV Guidelines on Engagement of External Contractors in Catholic Schools* to ensure the school meets its duty of care in providing a safe environment for students including procedures for Child Safety Standards. The guidelines are available at http://www.cecv.catholic.edu.au/getmedia/a099f220-2e9a-4b5a-9147-8f11e49a28d1/Contractor-Guidelines.aspx This link is also provided on the school website

Relevant Legislation

St Mary's School will 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.), the Child Wellbeing and Safety Act 2005 (Vic.) and the Education and Training Reform Act 2006 (Vic.).

Risk Management

The principal and Child Protection Officer will monitor and evaluate the implementation of child safety policy and procedures. This will include maintaining and reviewing the risk management register and communicating to staff and school community strategies to mitigate identified risks.

Related Policy and Documents

- St Mary's Child Safety Policy
- St Mary's Code of Conduct
- St Mary's Commitment Statement
- Ministerial Order 807
- PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools
- CECV Guidelines on the engagement of volunteers in Catholic Schools
- Identifying and Responding to Student Offending (DET)

Appendix A

Summary: Reporting Obligations

The resource *PROTECT Indentifying and Responding to All Forms of Abuse in Victorian Schools* provides information and procedures for identifying and responding to abuse and is available at http://www.education.vic.gov.au/about/programs/health/protect/Pages/default.aspx?Redirect=1

When a reasonable belief has been formed of suspected abuse:

Sexual Abuse including grooming

- All adults must report grooming and sexual abuse to Police

Other Forms of Abuse

- Teachers and Principals must report to Department of Human Services
- Other adults should report concerns to classroom teacher or principal. They can report concerns to Department of Human Services

Allegations Against Clergy or Religious or School Staff Member (all staff, volunteers, external providers, school community)

- If the allegation of any form of child abuse is made against a member of the clergy or religious or a school staff including the principal, volunteer, visitor or external provider member, police are notified first. Then notify the principal (if not the suspected source of the abuse) and the Director of Catholic Education.

Child Protection Officer

- St Mary's Child protection officer is available to provide support and assistance in procedures and in reporting suspected abuse

Refer to St Mary's:

- Statement of Commitment
- Child safety Policy
- Code of Conduct
- Staff Selection, Supervision and Management Practices for a Child Safety

- *CECV Guidelines on the engagement of volunteers in Catholic Schools* available at http://www.cecv.catholic.edu.au/getmedia/14f0d67b-fb34-48eb-bd2c-0a32688b1a96/Volunteer-Guidelines.aspx

- *CECV Guidelines on Engagement of External Contractors in Catholic Schools* available at http://www.cecv.catholic.edu.au/getmedia/a099f220-2e9a-4b5a-9147-8f11e49a28d1/Contractor-Guidelines.aspx

- Department of Education and Training Child Safe Resource available at http://www.education.vic.gov.au/about/programs/health/protect/Pages/childsafestandards.aspx

- Victorian Registration and Qualifications Authority at http://www.vrqa.vic.gov.au/childsafe/Pages/default.htm