



# St Matthew's Catholic Primary School

95 WILLIAM ST, FAWKNER, VICTORIA 3060

## POLICIES

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### Mandatory Reporting Policy

*'St Matthew's School Community promotes the safety, wellbeing and inclusion of all children in accordance with Ministerial Order No. 870.'*

#### RATIONALE

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 to take reasonable care to avoid acts or omissions that 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 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 [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), both of which are referred to in the joint protocol.

**All teachers, other school staff members, volunteers, contractors, other service providers 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.

#### AIM

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.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

This Policy is designed to enable those at St Matthew's to comply with Standard 5 of the Victorian Child Safe Standards: processes for responding to and reporting suspected child abuse, as well as the school-specific requirements for procedures for responding to allegations of suspected abuse in Ministerial Order No. 870. All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of our school community.

Actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offense has been committed are set out in this Policy. It also provides guidance and procedures on how to make a report.

This Policy assists staff at St Matthew's (which includes volunteers, contractors, other service providers and religious leaders including clergy) to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a suspicion or reasonable belief is formed
- where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community
- make a report about a child or young person who may be in need of protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

### **Definition of key terms:**

**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 reasonable belief is that a child is in need of protection may be formed when there is disclosure of abuse or injury by a child or someone known to the child, through professional observations of the child's behaviour or development, there are signs of physical injury or sexual abuse lead to a belief that the child has been abused.

## **IMPLEMENTATION**

Each year all full time and part time staff members inclusive of the Leadership Team, Classroom Teachers, Specialist Teachers, Learning Support Officers (LSOs) and Office Staff are required to complete the online Mandatory Reporting eLearning Module either in the scheduled staff meeting time or at a time convenient to them. The Module must be completed by the end of Term 1 and the certificate must be printed and a copy given to the Student Wellbeing Leader who then checks off each name on a staffing list. Following completion of this, all certificates are subsequently handed to the office staff and are then placed into the staff files.

## ***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 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
- indications of grooming
- 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.

**Note:** For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm refer to Appendix 2: Protecting the safety and wellbeing of children and young people

#### **1.4 Reporting child protection concerns**

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – **must** report their concerns to DHHS Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection.
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST.

**Child Protection** is the Victorian Government Agency, provided by the DHHS, that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

**Child FIRST** is 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.

Mandatory reporters **must report their concern to DHHS Child Protection** if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. Refer to Appendix A and/or *A step-by-step guide to making a report to Child Protection or Child FIRST*

It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended, however not a requirement, that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained. **All members of the Leadership Team can support staff in making a report.**

If more than one mandated reporter has formed a belief about the same child on the same occasion, 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 (Section 184 (2)).

If one mandated reporter directs another mandated reporter 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.

The mandatory reporter may continue to suspect that a child 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, on reasonable grounds, that a child is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child **under 16** then it must be reported to the police. Refer to *Department of Justice and Regulations – Failure to disclose offence* and the *Betrayal of Trust: Fact Sheet*

#### **1.5 The School's Responsibilities**

The school will annually provide opportunities for staff to complete the online Mandatory Reporting module, as per legal requirements.

This module offers:

- information to ensure that mandatory reporters are aware of their legal responsibilities;
- information on how to recognise and respond to child abuse;
- advice about sharing information with Child FIRST or Child Protection;
- suggestions about informing and discussing concerns with the Principal and the Student Wellbeing Team (made up of the Principal, Student Wellbeing Coordinator and personnel as nominated by the Principal /leadership team).

The school will provide information for new staff on mandatory reporting responsibilities and procedures as part of their induction procedure.

### **Evaluation:**

The Mandatory Reporting Policy will be evaluated and reviewed as part of the 4 year School Review cycle or as required.

Date of last review: September 2021