



# MANDATORY REPORTING POLICY



St Mary's is a Sandhurst Catholic School which operates with the consent of the Bishop of Sandhurst and is owned and operated by Catholic Education Sandhurst Limited (CES). This Policy forms part of the Child Safety Framework which is available at [www.smechuca.catholic.edu.au](http://www.smechuca.catholic.edu.au).

St Mary's is committed to the safety of all children and has 'zero tolerance' for child abuse. The importance of embedding a child safe culture across the school is recognised and paramount, as is our commitment to complying with the requirements of CES Ltd.

The Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) have a joint policy *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools* to protect the safety and wellbeing of children and young people. This policy centres on *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* (Four Critical Actions). Following the *Four Critical Actions* will support staff to meet their legislative obligations to protect children and young people in their care. See *Reporting and Responding Obligations Procedures* in this Manual.

## 1. Purpose

This policy informs all St Mary's staff of their roles and responsibilities in protecting the safety and wellbeing of children and young people, specifically in relation to mandatory reporting obligations.

To support all St Mary's staff, the school uses *Protect: Identifying and Responding to All Forms of Abuse in Victorian Schools* to take action if they suspect, or are witness to any form of child abuse.

## 2. Scope

This policy is relevant to all staff at St Mary's.

All staff, volunteers, contractors, ministers of religion and other service providers must understand and abide by professional, moral and legal obligations to implement child safety policies, procedures and guidelines.

Mandatory Reporters as defined by *Children, Youth and Families Act 2005* (Vic) include:

- VIT registered teachers, including principals
- school staff who have been granted permission to teach by the VIT
- registered doctors, nurses and all members of the police force

- registered psychologists
- people in religious ministry
- staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, chaplains, and student support services staff.

It is the responsibility of all St Mary's staff, volunteers and contractors to check whether they are Mandatory Reporters as defined by *Children, Youth and Families Act 2005 (Vic)*.

### 3. Principles

- The child or young person's ongoing safety and wellbeing should be the primary focus of decision making
- St Mary's is committed to the safety of all children and young people and has 'zero tolerance' for child abuse
- St Mary's is committed to ensuring a positive and robust child safety culture is created and maintained
- St Mary's staff must be informed of matters related to child abuse and be fully aware of their professional obligations and responsibilities
- All children and young people have a right to a thorough and systematic education in personal safety, including safety in relationships
- Abuse of children and young people by persons in positions of trust and authority is a serious matter. All allegations must receive a response and be dealt with promptly
- All St Mary's staff working with students or in schools have a moral and legal obligation and a duty of care to protect any child under their care from reasonably foreseeable harm (not just staff who are classified as mandatory reporters)
- All non-teaching staff, volunteers and contractors engaged in child-related work must have a valid Working With Children Check to engage and undertake work at St Mary's.

#### Processes for Reporting

Staff at St Mary's must respond to any reasonable suspicion or belief that a child has been, or is at risk of being abused, following the Four Critical Actions:

The *Four Critical Actions* which must be taken when responding to and reporting a child safety incident, disclosure or suspicion are:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support.

A report to Victoria Police and/or DFFH Child Protection must be made as soon as practicable if, in the course of carrying out their profession roles and responsibilities, they form a reasonable belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/or sexual abuse
- the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

It is a criminal offence not to report in these circumstances.

St Mary's staff must make additional reports on each occasion where they become aware of any further reasonable grounds for the belief that the child is at risk of, or being abused.

St Mary's staff must in all instances, also report internally to school principal/leadership team and the CES Ltd Office Child Safe Officer.

St Mary's staff must in all instances, even if the principal and/or leadership team do not share the belief, make a report.

St Mary's staff must in all instances, ensure that the report has been made where another mandated reporter undertakes to make the report and ensure that their concerns were also reported.

St Mary's staff must report all allegations of reportable conduct, as soon as possible, to the school principal.

If the allegations are about the principal, the report can be made to another member of the school leadership team or to CES Ltd Child Safe Officer who is required to report to the Executive Director of CES Ltd.

St Mary's staff must still act if they believe that a child is not subject to abuse, but if significant concerns for the child's wellbeing are held. This may include making a referral or seeking advice from Child FIRST/The Orange Door.

The principal of St Mary's or their delegate, must seek advice from DFFH Child Protection or Victoria Police before contacting parents.

St Mary's staff must ensure students impacted by abuse feel safe and supported at school including during interviews at school conducted by DFFH Child Protection and/or Victoria Police.

St Mary's staff must keep clear and comprehensive notes, relating to incidents, disclosures and allegations of child abuse by using the *Responding to Suspected Child Abuse template*.

A mandatory reporter who fails to comply with these reporting obligations may have committed a criminal offence.

### **Failure to Disclose**

All adults, not just professionals who work with children or young people, have a legal obligation to report to Victoria Police where they form a reasonable belief that another adult may have committed a sexual offence against a child under 16 years of age.

Failing to report in such a circumstance may amount to a criminal offence.

### **Failure to Protect**

Any St Mary's staff member in a position of authority who knows of a substantial risk to a child under the age of 16, under the care, supervision or authority of St Mary's becoming a victim of a sexual offence committed by an adult associated with the St Mary's (e.g. employee, contractor, volunteer, visitor or minister of religion); must take reasonable steps to remove or reduce that risk.

### **Grooming**

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M (1) 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 further information about the grooming offence, see the Department of Justice and Community Safety's '[Grooming offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

If a St Mary's staff member in a position of authority fails to take reasonable steps in these circumstances this may amount to a criminal offence.

## **4. Relevant Legislation**

*Children, Youth and Families Act 2005* (Vic)

*The Crimes Act 1958* (Vic)

*Child Wellbeing and Safety Act 2005* (Vic)

*Education and Training Reform Act 2006* (Vic)

*Ministerial Order No. 870 – Managing the Risk of Child Abuse in Schools* was made under the *Education and Training Reform Act 2006* (Vic)

## **5. Review**

This Policy is scheduled for review every two years or more frequently if appropriate.