



# Child Protection Policy

## Introduction

St Thomas the Apostle Primary School recognises its role in the prevention of child abuse and takes responsibility for implementing child protection practices.

Protection for children and young people is based upon our 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. The school is entrusted with the holistic education of the child, in partnership with parents, guardians and caregivers who are the primary educators of their children. School staff therefore have a duty of care to students by taking reasonable care to avoid acts or omissions which 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.

Mandatory reporters, who believe on reasonable grounds that a child or young person is in need of protection from physical injury or sexual abuse, must report their concerns to a member of the Leadership team immediately. In all cases where staff members have concerns about a child or young person, they should discuss their concerns with the principal or a member of the school leadership team.

## Purpose

The purpose of this policy is to assist staff to:

- » Identify the indicators of a child or young person who may be in need of protection
- » Understand how a 'reasonable belief' is formed
- » Make a report regarding a child or young person who may be in need of protection
- » Comply with mandatory reporting obligations under child protection law and with their legal obligations relating to criminal child abuse and grooming under criminal law.

Child Protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. This policy sets out the actions required under the relevant legislation when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed. The policy also provides guidance and procedures on how to make a report.

## Scope

Applies to all full-time & part time staff, casual relief teachers and students at St Thomas the Apostle Primary School under their care.

## Child Protection

St Thomas the Apostle Primary School is committed to:

- » Being a place where children are safe and feel safe
- » Allocating resources for child protection education and programs
- » Developing practices and procedures that support child protection
- » Developing and providing protection and abuse prevention curriculum for students.

Staff at St Thomas the Apostle Primary School are educated in the area of child protection and mandatory notification. As mandatory reporters, staff members at St Thomas the Apostle Primary School will report any reasonable belief of child abuse or neglect.

Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual abuse, and the child's parents are unable or unwilling to protect the child.

The Leadership Team is committed to:



- » Providing a safe school environment that ensures children are protected
- » Ensuring school personnel understand the definitions of child abuse and neglect and carry out their legal obligations, responsibilities and correct procedures when making a report concerning a reasonable belief of child abuse and neglect
- » Supporting school personnel directly involved with the handling of disclosure and notification
- » Ensuring that policies and organizational procedures provide children with a safe school environment. This will be done in consultation with the Catholic Education Office of Melbourne (CEOM).
- » Promoting models of behaviour between school personnel and children, based on mutual respect and consideration
- » Ensuring that student management practices respect the dignity of children
- » Providing training and development for all involved in child protection
- » Providing training and development for all involved in abuse prevention curriculum
- » Initiating and supporting the implementation of child protection and abuse prevention curriculum at the classroom level to ensure that all children have access to these programs throughout their school years.

Staff members at St Thomas the Apostle Primary School are committed to:

- » Treating children with dignity and respect, to act with propriety, provide a 'duty of care' and protect children under their supervision
- » Notifying the Leadership Team if, in the course of their work, they suspect on reasonable grounds that a child has been or is being abused or neglected
- » Providing a physically and psychologically safe environment for children
- » Participating in training and development opportunities which provide knowledge and skills in mandatory notification
- » Teaching children skills which will empower them to achieve and maintain personal safety
- » Assisting children to develop positive, responsible and caring attitudes and behaviours which recognise the rights of all people to be safe and free from both harassment and abuse.

### **Definitions**

The following definitions are provided to assist St Thomas the Apostle Primary School staff identify the indicators of a child or young person who may be in need of protection & to enable them to make a report of a child or young person who may be in need of protection.

#### 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 under 16 years of age.

School staff 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.

#### 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.

#### 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
- » 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.

#### Physical abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by another person. Physical abuse does not mean reasonable discipline, though it may result from excessive or inappropriate discipline. Physical abuse can include beating, shaking, burning and assault with implements.

#### Sexual abuse

A child is sexually abused when any person uses their authority or power over a child or young person to engage in sexual activity. Child sexual abuse involves a wide range of sexual activity and may include fondling genitals; masturbation; oral sex; vaginal or anal penetration by finger, penis or any other object; voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

#### Emotional abuse

Emotional abuse occurs when a child or young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and

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putdowns, or persistent coldness from a person, to the extent that the behaviour of the child or young person is disturbed or their emotional development is at serious risk of being impaired.

Psychological or emotional abuse may occur with or without other forms of abuse. The child or young person may develop personality or behavioural disorders, or become filled with self-doubt and internalised rage, unable to form sustained and intimate relationships. There are few physical indicators, although emotional abuse may cause delays in emotional, mental or even physical development.

### Neglect

Neglect includes a failure to provide the child or young person with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or development of the child is significantly impaired or placed at serious risk. A child is neglected if they are left uncared for over long periods of time or abandoned. The two types of neglect are further defined below.

### Serious neglect

Serious neglect includes situations where a parent consistently fails to meet the child's basic needs for food, shelter, hygiene or adequate supervision to the extent that the consequences for the child are severe. For example:

- » The child's home environment is filthy or hazardous in the extreme and poses a threat to the child's immediate safety or development and is characterised by the presence of animal or human faeces or urine, decomposing food, syringes or other dangerous paraphernalia
- » The child is provided with consistently insufficient or inadequate food or nourishment for healthy development
- » The child has a serious medical condition for which the parent has consistently failed to obtain treatment or dispense prescribed medication
- » The parent consistently leaves the child unattended, or exposed to or in the care of strangers who may harm the child.

### Medical neglect

Neglect of medical care refers to a situation in which a parent's refusal of, or failure to seek, treatment or to agree to a certain medical procedure leads to an unacceptable deprivation of the child's basic rights to life or health.

### Family violence

Family violence is defined as violence (either actual or threatened) that occurs within a family, including physical, verbal, emotional, psychological, sexual, financial and social abuse. When there are strong indicators that incidents of family violence are placing children at significant risk or danger, Child Protection must be informed. Family violence is a criminal offence and can be liable for prosecution.

### Duty of care

Staff members have a 'duty of care' to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care it is important to take immediate action.

In the case of a child who may be in need of protection or therapeutic treatment, or where there are significant concerns about the wellbeing of a child, school staff can discharge this duty of care by taking action which includes the following:

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- » Reporting their concerns to the DHS Child Protection or another appropriate agency (as identified above)
- » Notifying the principal or a member of the school leadership team of their concerns and the reasons for those concerns.

### **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: [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](http://www.education.vic.gov.au/Documents/school/principals/spag/safety/makingareportchild.pdf).  
(<http://www.education.vic.gov.au/Documents/school/principals/spag/safety/makingareportchild.pdf>)

It is essential to document the concerns and observations which contributed to the reasonable belief 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 – not, however, 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.

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.

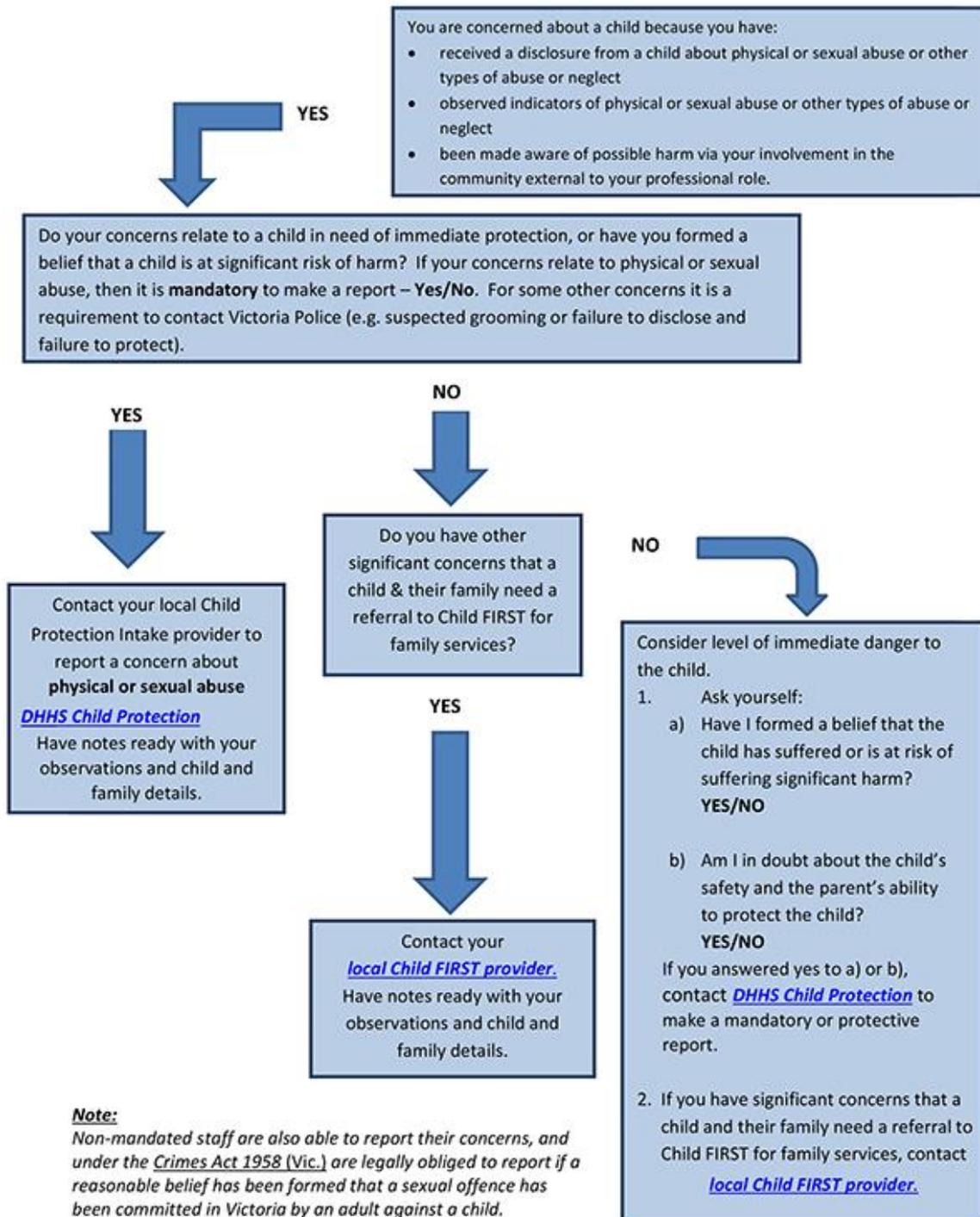
If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

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 a reasonable belief that this relates to a sexual offence involving an adult and a child under 16 then it must be reported to the police.



*Flowchart – Responding to a possible mandatory reporting concern*





## Making a Report

When making a report staff members should keep comprehensive notes that are dated and include the following information:

- » Description of the concerns (e.g. physical injuries, student behaviour)
- » Source of those concerns (e.g. observation, report from child or another person)
- » Actions taken as a result of the concerns (e.g. consultation with principal, report to DHS Child Protection etc).

Staff members should discuss any concerns about the safety and wellbeing of students with the principal or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.

A member of the Leadership Team should 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
- » Details of the concerns and the reasons for those concerns
- » The individual staff member's involvement with the child and young person
- » Details of any other agencies who may be involved with the child or young person.

Upon making a report to the relevant agencies written record of the report which includes the following information must be taken and kept:

- » 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
  - The person who received the report.

Notify the Victoria Police if there is concern that a criminal offence may have been committed.

## Potential consequences of making a report

The following consequences must be considered upon making a report:

### Confidentiality

The identity of a reporter must remain confidential unless:

- » The reporter chooses to inform the child, young person or parent of the report.
- » The reporter consents in writing to their identity being disclosed.
- » A Court or Tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child.
- » A Court or Tribunal decides that, in the interests of justice, the reporter is required to provide evidence.

### Professional Protection

If a report is made in good faith:

- » It does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter.
- » The reporter cannot be held legally liable in respect of the report

### Interviews

- » DHS Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without the parent's knowledge or consent.



- » Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.
- » DHS Child Protection and/or Victoria Police will notify the principal or a member of the leadership team of their intention to interview the child or young person on the school premises.
- » When DHS Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person.
- » When a child or young person is being interviewed by DHS Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.

#### Support for the child or young person

The roles and responsibilities of staff members in supporting children who are involved with DHS Child Protection may include the following:

- » Acting as a support person for the child or young person.
- » Attending DHS Child Protection case planning meetings.
- » Observing and monitoring the child's behaviour.
- » Liaising with professionals.

#### Requests for Information

DHS Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.

In certain circumstances, DHS Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DHS Child Protection.

#### Witness Summons

If DHS Child Protection makes a Protection Application in the Children's Court of Victoria, any party to the application may be issued with a Witness Summons to produce documents and/or to give evidence in the proceedings.

#### **Crimes Act 1958 (Vic.)**

Three new criminal offences have been introduced under the Crimes Act 1958 (Vic.):

- » A *failure to disclose* offence, which requires adults to report to police a reasonable belief that a sexual offence has been committed against a child
- » A *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
- » A *grooming* offence, which targets communication with a child or their parents with the intent of committing child sexual 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 (Vic.)* and applies to all adults in Victoria, not just professionals who work with children. The obligation is to disclose that

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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.

### Failure to protect

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (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 organisation must take all reasonable steps to reduce or remove that risk. Failure to take reasonable steps to protect a child in the organisation from the risk of sexual abuse from an adult associated with the organisation is a criminal offence contained in section 49C (2) of the *Crimes Act 1958 (Vic.)*.

### Grooming

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.

### **Further information**

The Catholic Education Melbourne Wellbeing & Community Partnerships Unit operates the [Student Wellbeing Information Line](#) (9am – 5pm daily): 03 9267 0228

The Student Wellbeing Information Line seeks to:

- » address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution-focused framework
- » act as a conduit between the school and the family to promote effective communication and resolution of enquiries
- » empower and enhance the capacity, competence and confidence of stakeholders to address matters related to the wellbeing of young people.

### **Related Resources**

[Catholic Education Melbourne](#)

[Catholic Schools Operational Guide](#) (CEVN website)

[Department of Education and Training](#)

[Duty of care](#)

[Police and DHHS Interviews](#)

[Responding to Student Sexual Assault](#)

[Requests for Information about Students](#)

[Subpoenas and Witness Summonses](#)

Flowchart: [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)

[Mandatory Reporting eLearning Module](#)



Related legislation

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

*Crimes Act 1958 (Vic.)*

*Education and Training Reform Act 2006 (Vic.)*

*Victorian Institute of Teaching Act 2001 (Vic.)*

Department of Health and Human Services

[Child Protection](#)

[Child FIRST](#)

Victoria Police

[Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\).](#)

Department of Justice and Regulations

[Failure to disclose offence](#)

[Failure to protect offence](#)

[Grooming offence](#)