

COVENANT COLLEGE

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MANDATORY REPORTING POLICY

Schools must comply with the legal obligations that relate to managing the risk of child abuse under the *Children, Youth and Families Act 2005 (Vic.)*, and the *Crimes Act 1958 (Vic.)* and the recommendations of the *Betrayal of Trust Report*.

Intent

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 recognized and fostered. The purpose of this policy is to protect children and young people from abuse and neglect by ensuring Covenant College staff and volunteers:

- are able to identify and be aware of the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law
- understand how to make a mandatory report to the Department of Health and Human Services (DHHS) Child Protection or Victorian Police when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm from any type of abuse
- understand how to make a report to Child FIRST and when it is appropriate to do so.

Covenant College believes that all children have the right to physical and emotional safety and therefore seeks to uphold both Scriptural precepts and the laws of Australia with regard to the reporting of child abuse.

Child abuse damages children spiritually, physically and emotionally. The initial effects and the long-term consequences of child abuse impact on the individual, their family and the community at large.

Early identification and effective intervention can lessen the initial and long-term effects of child abuse and promote recovery of the children and families concerned.

In 1993, the Victorian Government introduced mandatory reporting of child sexual and physical abuse. The introduction of mandatory reporting has been successful in uncovering serious and hidden abuse and making a strong statement about the criminal nature of child physical and sexual abuse.

The Law

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005 (Vic.)* 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. All VIT registered teachers, including Principals and staff members who have been granted permission to teach by VIT are mandated under this *Act*. In the course of carrying out their duties, if any of the above School personnel 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, the staff member 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.

In addition to reports made by mandated reporters, it is important to note that *any person* (volunteer, contractor etc.) is able to make a report to the DHHS Child Protection that a child is in need of protection under the CYFA.

Under the *Crimes Act 1958 (Vic.)*, three new criminal offences have been introduced that are important to be aware of:

- *failure to disclose offence*, which requires any adult to report to police a reasonable belief that a sexual offence has been committed against a child.

This applies to *all adults*, not just mandated reporters or professionals who work with children.

- *failure to protect offence*, which applies to people within the organisation who knew of a risk of child sex abuse by someone in the organization and had the authority to reduce or remove the risk, but failed to do so.

Any staff member in a position of authority at Covenant College (Principal, Business Manager, Child Safe Representative and Leadership Team members) who becomes aware that an adult associated with their organization poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the organization must take all reasonable steps to reduce or remove that risk. Failure to do so, is classified as a criminal offence in section 49C(2) of the *Crimes Act 1958 (Vic.)*.

- *grooming offence*, which targets communication with a child or their parent/carer with the intent of committing child sexual abuse.

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 and over. It does not apply to communication between people who are both under 18 years of age.

Forming a 'reasonable belief'

Most of the reporting provisions in the *CYFA* and *Crimes Act* prompt persons to report where they have formed a 'reasonable belief' or 'a belief on reasonable grounds':

- Under the 'Failure to Disclose' offence, any adult that forms a **reasonable belief** that a sexual offence has been committed by an adult against a child under 16 years must report it to Victoria Police.
- A mandatory reporter must report to DHHS Child Protection where they form a **belief on reasonable grounds** that a child is in need of protection from sexual or physical abuse.
- Any person who **believes on reasonable grounds** that a child is in need of protection from any form of abuse should report to DHHS Child Protection.
- Any person who **believes on reasonable grounds** that a child over 10 but under 15 years may be in need of therapeutic treatment because they are exhibiting sexually abusive behaviours, should report this belief to DHHS Child Protection.

A belief is considered to be more than a suspicion. It results in a person being more inclined to accept, rather than reject, the particular idea they are contemplating. It is important to understand that proof is not required to support your claim.

It is not the responsibility of school staff to determine or investigate whether child abuse, neglect or a criminal offence has actually occurred.

Examples of reasonable grounds for forming a belief may include:

- a child states they have been abused
- a child states they know someone who has been, or is being, abused
- someone who knows the child states that the child has been abused, is being abused, or is at risk of abuse
- you observe a child's behaviour, actions or injuries that may place them at risk of harm, or may lead you to suspect that abuse is occurring
- you are aware of persistent family violence, parental substance misuse, psychiatric illness or disability that is impacting on the child's safety, stability or development
- you observe signs or indicators of abuse, including non-accidental, unexplained injury, persistent neglect, poor care or lack of appropriate supervision
- you become aware of possible harm via your involvement in the community, external to your professional role.

School staff should make sufficient enquiries to form a belief. However, once a belief has been formed, it is not the role of school staff to conduct an investigation into child protection concerns or criminal offences. It is for DHHS Child Protection or Victoria Police to determine whether the report should be investigated.

If a child discloses abuse to you, you should only ask appropriate questions to obtain any further necessary information in order to form a belief on reasonable grounds (see examples below). It is important not to use leading questions which may influence the child's answers. You should **maintain written records** including all observations, disclosures and other details that led you to suspect the abuse.

Managing a disclosure

If a child or young person makes a disclosure to you, it is important you respond in an appropriate and supportive manner. It is also important to inform the child that there are some things you cannot keep a secret or **confidential**.

When managing a disclosure, you should:

- stay calm and not display expressions of panic or shock
- state clearly that the abuse is not the child's fault, no matter what the circumstances are
- listen to the child
- be patient and allow the child to talk at their own pace
- use the child's language and vocabulary
- not pressure the child into telling you more than they want to
- reassure the child you believe them and that disclosing the matter was the right thing to do
- avoid going over the information time and time again; you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority
- remember that you are not investigating the allegation. It is the role of the relevant authority to investigate the allegation once it is reported to them
- tell the child you are required to report to the relevant authority to help stop the abuse.

Providing welfare support for the affected student

In line with their duty of care, School staff must continue to take steps to ensure that the student feels safe and supported at School. All these actions must be planned and implemented in partnership with the Covenant College Child Safe Representative. This may include the following actions:

- Coordinating allied health and wellbeing supports and services for the affected student.
- Developing and implementing an individual management plan for the student.
- Where appropriate, establishing regular communication between staff and the student's parent / guardian / carer.
- Ensuring ongoing monitoring and follow-up of the student's health and wellbeing.

Obtaining advice or support

If you have a concern but are unsure if you should make a report to DHHS Child Protection or Victoria Police or a referral to Child FIRST, you should discuss this with the Principal, a leadership team member, or the Child Safe Representative for the College.

The Child Safe Representative (CSR) for Covenant College is available to ask questions of or to discuss queries or concerns to do with all matters relating to Child Safety in the Covenant College environment. The CSR can be contacted on the school number 03) 5278-5122.

However, even after discussions with any of the above Covenant College staff, you form and continue to *hold a belief* on reasonable grounds (even if other staff members do not agree with you) you must make a report to the relevant authorities.

In the event that you are not sure whether to make a report, it is better to err on the side of caution and make a report.

You can also seek advice and support from any of the following:

- the local [Victoria Police](#), either by calling '000' or by contacting the nearest police station
- the local [Department of Human Services, Child Protection](#) 1800-075-599
- local DHHS [Child FIRST](#) provider 1300-551-948

What Is Child Abuse?

Child abuse includes:

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

Types of abuse

- Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any other 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. Physical injury and significant harm to a child or young person may also result from the failure of a parent, carer or guardian to adequately ensure the safety of a child, exposing the child to extremely dangerous or life-threatening situations. Physical abuse also includes fabricated illness syndrome (previously known as Munchausen's syndrome by proxy) and female genital mutilation (FGM). FGM comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to the female organs for cultural or any non-therapeutic reasons.

- Sexual abuse is when any person uses their authority or power over the 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.

It is mandatory to report concerns relating to physical and sexual abuse.

Whilst not mandated, making a report to DHHS Child Protection may also be needed for:

- Emotional abuse which occurs when a child or a young person is repeatedly rejected, isolated or frightened by threats or by witnessing family violence. It also includes hostility, derogatory name-calling and 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 which includes a failure to provide the child or a 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. Two types of neglect are discussed below.
- Medical 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 and/or the parent consistently leaves the child unattended, or exposed to or in the care of strangers who may harm the child.
- Family violence
- Human trafficking (including forced marriage)
- Risk-taking behaviour
- Risk to an unborn child
- A child or young person exhibiting sexually-abusive behaviours

Indicators of harm

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 teachers to the possibility of child abuse and neglect.

*For a comprehensive list of all types of child abuse and the indicators of harm, please refer to the Department of Education and Early Childhood Development 'Protecting the safety and wellbeing of children and young people' protocol, Appendix 2: Definitions of child abuse and indicators of harm

http://www.eduweb.vic.gov.au/edulibrary/public/stuman/wellbeing/Protecting_Children_Protocol_Sep_2010.pdf

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 [1800-075-599](tel:1800-075-599) or [03\)5226-4540](tel:03-5226-4540)
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DHHS Child Protection (contact numbers as above)
- therapeutic treatment – are encouraged to report their concerns to DHHS Child Protection or Child FIRST. [1300-551-948](tel:1300-551-948) (Child FIRST Barwon South Western)

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. 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 – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the Principal, a leadership staff member or the Child Safety Representative 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. (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](#).

REPORTING A BELIEF

Please refer to the following chart for a step-by-step guide to making a report to Child Protection or Child FIRST (see following page for relevant contact phone numbers for the area).

A step-by-step guide to making a report to Child Protection or Child FIRST

- Protective concerns**
 You are concerned about a child because you have:
- received a disclosure from a child about abuse or neglect
 - observed indicators of abuse or neglect
 - been made aware of possible harm via your involvement in the community external to your professional role
- At all times remember to:**
- record your observations
 - follow appropriate protocols
 - consult notes and records
 - consult with appropriate colleagues if necessary
 - consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO Child FIRST	STEP 4	MAKE A REPORT TO CHILD PROTECTION
<p>1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm* Go to Step 4</p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. Go to Step 3</p> <p>3. In all other situations Go to Step 2.</p> <p><small>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – Protecting the safety and wellbeing of children and young people</small></p>		<p>1. Consider the level of immediate danger to the child. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO and b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO</p> <p>2. If you answered yes to a) or b) Go to Step 4</p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. Go to Step 3</p>		<p>Child Wellbeing Referral</p> <p>1. Contact your local Child FIRST provider. <ul style="list-style-type: none"> See over for contact list for local Child FIRST phone numbers. </p> <p>2. Have notes ready with your observations and child and family details.</p>		<p>Mandatory/Protective Report*</p> <p>1. Contact your local Child Protection Intake provider immediately. <ul style="list-style-type: none"> See over for contact list for local Child Protection phone numbers. </p> <p>For After Hours Child Protection Emergency Services, call 131 278.</p> <p>2. Have notes ready with your observations and child and family details. <ul style="list-style-type: none"> Non-managed staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection </p>	

For further information refer to protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools

How to make a notification to Child Protection

To make a report to Child Protection contact your local Child Protection Intake provider immediately on the following number:

- DHHS Child Protection Geelong 03)5226-4540 or 1800-075-599

For further enquiries or assistance on child protection matters, contact:

- CHILD FIRST Barwon South 1300-551-948

For **After Hours Child Protection** Emergency Services, call **131 278**

Have your notes and information (as listed above) ready with your observations and child and family details.

* Please note you cannot notify DHS Child Protection online, you must ring the contact number to make a report.

* You are also able to ring DHS Child Protection if you wish to make an enquiry, not just to make a notification or report.

* There is no penalty for making a report that turns out to be unfounded

* DHS Child Protection will inform the mandated reporter of the outcome of the notification within the limits of Privacy Legislation.

Once the above procedure has taken place you must notify your Principal and the Child Safety Representative and complete a “Suspected Child Abuse Case” form. The original form shall be filed by the Principal in the secure Child Safety File register.

It should then be decided who else, if anyone, should be informed ensuring that the child and family are not notified. The need for confidentiality should be remembered at all times in the interests of the child and family. Only where the welfare of the child will be affected should the matter be discussed with anyone else. This person should be noted on the “Suspected Child Abuse Case” form.

If following a report, a family approaches the school, the Principal, the relevant Head of School and the Child Safety Representative will attend the interview. The focus of such a meeting should be the welfare of the child, not on justifying the actions of the school. Notes of the meeting shall be appended to the “Suspected Child Abuse Case” form.

Appropriate support for staff as well as the student concerned will be arranged as required through the Principal, Head of School and Child Safety Representative.

Points to remember when collating information to make a report

Teachers and Principals should:

- only gather enough information to form the belief
- use open ended questions when talking to the student

Teachers and Principals should not:

- conduct their own investigation
- ask leading questions that suggest the abuse took place
- interview witnesses
- take statements
- collect evidence
- conduct a physical examination

School staff should keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken

and further considerations that determine the need for help. Notes should also reflect who the staff member has been in contact with.

Information required when making a report to Child Protection

The following information is required to make the report:

- name of family and children
- addresses, language spoken and student's date of birth
- factual and specific reasons for concern
- the reporter's involvement with the family
- any other people or agencies involved
- concerns about a child protection worker's safety in visiting the family
- best time to find the parents/guardians at home
- information as to whether or not the family knows the report is being made

*Inability to provide *all* of this information should *not* delay the making of the report. Further information can be provided after the initial report is made.

Other points to remember are:

- You do not have to prove that abuse has taken place. You only need reasonable grounds for your belief.
- You do not need permission from parents or caregivers to make a notification; nor do they need to be informed that a notification is being made.
- If you make a notification in good faith, you cannot be held legally liable, regardless of the outcome of the notification.

Information Sharing and Privacy Laws

It is legally allowable for school staff to share certain information about a student with other relevant staff members. This does not constitute breach of **privacy laws**. The consent of the child's parents is not required for such information to be shared. Staff need to have **sufficient information to support the student** at school.

Information sharing between school staff and authorities

Requests for information may be made by authorities in the following instances:

- An authorised DHHS officer who has received a protective intervention report about a child may seek information relevant to the protection or development of the child from specified 'information holders'. Information holders include teachers, Principals, registered psychologists and all employees of DET.
- Victoria Police may seek information from school staff as part of investigating an allegation that a child is the victim of a sexual offence. This may include requests for staff to provide documents, witness statements or to attend interviews.
- If an officer from DHHS or Victoria Police makes a request for information, a school staff member can provide this information, but is not legally obliged to do so. However, it is important for staff to bear in mind that the information requested may be of assistance to DHHS or Victoria Police in taking action to protect the child.
- It is important to check the authority / credentials of the person identifying him / herself as an officer from the DHHS or Victoria Police prior to providing the information.
- If Government school staff receive a request for information from an authorised DHHS or Victoria Police officer, they can contact the DET Legal Division for advice and assistance.

Protection and confidentiality for reporters

If a report is made in good faith (s.189, CYFA), then;

- it does not constitute unprofessional conduct or a breach of professional ethics
- the reporter cannot be held legally liable
- it does not constitute a breach of s.141 of the Health Services Act or s.120A of the Mental Health Act

A reporter who makes a report in accordance with the legislation is not liable for the eventual outcome of any investigation.

Confidentiality is provided for reporters in the CYFA (ss.190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

The identity of a reporter must remain confidential, unless:

- the reporter chooses to inform the child or family of the report
- the reporter consents in writing to their identity as the reporter being disclosed
- a court or tribunal decides that it needs this information in order to ensure the safety and wellbeing of the child
- a court or tribunal decides that in the interests of justice the evidence needs to be given.

USEFUL RESOURCES AND FURTHER INFORMATION GUIDE

Children, Youth and Families Act (2005)

[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/\\$FILE/05-096a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/edfb620cf7503d1aca256da4001b08af/15A4CD9FB84C7196CA2570D00022769A/$FILE/05-096a.pdf)

‘Protecting the safety and wellbeing of children and young people’, and access professional learning resources at:
<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

DHHS Child Protection website: <http://www.dhs.vic.gov.au/for-individuals/children-families-and-young-people/child-protection>

Crimes Act 1958 (Vic.)

[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt6.nsf/b1612aeaf0625227ca257619000d0882/a57e26dfdab404dcca257975000569fb/\\$FILE/58-6231aa229A%20authorised.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/LTObject_Store/LTObjSt6.nsf/b1612aeaf0625227ca257619000d0882/a57e26dfdab404dcca257975000569fb/$FILE/58-6231aa229A%20authorised.pdf)

Betrayal of Trust Report <http://www.parliament.vic.gov.au/fcdc/article/1788>

COVENANT COLLEGE
SUSPECTED CHILD ABUSE CASE

This section to be completed by the Reporting Teacher/Head or School/Principal/Child Safety Representative, once the report has been given to Child Protection.

Name of Officer report given to.....

NAME OF SUSPECTED VICTIM:

AGE:

CLASS:

ADDRESS:

.....

PHONE:

REPORT

Information that should be included in the report:

1. Your reason for believing that the injury or behaviour is the result of abuse.

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.....

2. Your assessment of immediate danger to the child or children.

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3. The time, date and whereabouts of the suspected offence

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4. Your description of the injury or behaviour observed.

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5. The current whereabouts of the child.

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6. Any other relevant information.

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.....
.....

7. Your relationship to the child.....

OTHER WRITTEN EVIDENCE ATTACHED YES [] NO []

NOTIFIER'S SIGNATURE:

Office Use: Notification to DHS: date.....time.....Contact person.....