



# DOBCEL PROTECT: Reporting and Responding Obligations Policy

Reviewed: September 2020

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Next Review: 2022

## Rationale

This policy and accompanying procedures provide direction to schools owned and operated by the Diocese of Ballarat Catholic Education Limited (DOBCEL) with regard to reporting obligations of Child Safeguarding matters and must be read in conjunction with the DOBCEL School Guidelines for Police and Department of Health and Human Services (DHHS) Interview Protocols.

The DOBCEL Board is committed to:

- zero tolerance of child abuse
- listening to and empowering children and young people, and
- keeping children and young people safe.

The DOBCEL Board maintains governance oversight of DOBCEL Schools. DOBCEL maintains a management arm, Catholic Education Ballarat under the direction of the Executive Director to ensure that DOBCEL Schools are safe for children and young people, places where children and young people can flourish.

All DOBCEL staff, have a duty of care to children and young people. DOBCEL staff must take reasonable care to work for the positive wellbeing of children and young people and to avoid acts or omissions that could be reasonably foreseen to result in harm or injury to children or young people.

The DOBCEL Board has particular responsibilities for safeguarding of children and young people as required by Ministerial Order No. 870: [Child Safe Standards – Managing the risk of child abuse in schools \(MO 870\)](#). This places accountability for managing the risk of child abuse with the DOBCEL Board. Consistent with MO 870, the DOBCEL Board, requires the schools it governs to have appropriate arrangements to regulate the conduct and decisions of school staff to ensure the safety of students and the risk of child abuse is adequately considered and prioritised. This policy is designed to assist DOBCEL Schools to comply with Standard 5 of the Victorian Child Safe Standards.

These arrangements include implementing and complying with the DOBCEL Child Safe Policies and having clear and comprehensive procedures and reporting mechanisms. The objective is for the DOBCEL Board and the wider school community to be confident in the school's capacity to make and implement appropriate decisions with child safety as priority.

## Definitions

**DOBCEL Employees** for the purpose of this policy and procedure includes DOBCEL Board and management, principals, teaching and non-teaching staff, volunteers, contractors, service providers and parish priests or those in religious ministry.

**Child abuse** is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- sexual offences
- grooming offences under section 49M (1) of the *Crimes Act 1958* (Vic.)
- physical violence
- serious emotional or psychological harm
- serious neglect

**A Sexual offence** occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the *Crimes Act 1958* (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

**Grooming offences** under section 49M (1) of the *Crimes Act 1958* (Vic.) refer to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the *Crimes Act 1958* (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.

**Physical violence** occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning, or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

**Serious emotional or psychological abuse** may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without its necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

**Serious neglect** includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter, or supervision. Significant neglect causes harm to a child that is more than

trivial or temporary. Serious neglect occurs when a child is exposed to an extremely dangerous or life-threatening situation, or there is a continued failure to provide them with the basic necessities of life.

**Family violence** is defined under the Family Violence Protection Act 2008 (Vic.) to include behaviour that causes a child to hear, witness or be exposed to abusive, threatening, controlling or coercive behaviour.

**Reasonable Belief:** When school staff, or other mandated person, 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. [PROTECT: Identifying and responding to all forms of abuse in Victorian schools](#)

**A reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.

**Reportable conduct** is defined under the *Child Wellbeing and Safety Act 2005* (Vic.) to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child. Further information on types of reportable conduct can be found in [What is reportable conduct?](#)

**Failure to disclose offence** is a criminal offence that requires adults to report to Victoria Police a reasonable belief that a sexual offence has been committed against a child

**Failure to protect offence** is a criminal offence applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk.

**Mandatory Reporting** is a legal requirement under the *Children, Youth and Families Act 2005* (Vic) to protect children from harm related to physical injury and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person 17 years of age or younger. In Victorian schools, registered teachers, school principals, early childhood workers, registered psychologists, school counsellors and all people in religious ministry are mandated to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made as soon as practicable after forming the belief.

## Principles

Gospel values and the principles of Catholic Social Teaching are reflected in DOBCEL policies for the care, safety and welfare of students. These values influence both DOBCEL actions and response in promoting environments that are child safe:

**Human Dignity** Our common humanity requires respect for and support of the sanctity and worth of every human life.

**Synodality** and **Solidarity** involving the breadth of the diocesan community. All members of DOBCEL school communities have a responsibility for ensuring child safety in their community. Synodality involves the active participation of all members of the Church in its processes of discernment, consultation, and co-operation at every level of decision-making and mission. Being in solidarity means recognising others as equals and actively working for their good.<sup>8</sup>

## Policy Statement

Ministerial Order No. 870: *Child Safe Standards – Managing the Risk of Child Abuse in Schools* (made under the *Education and Training Reform Act 2006 (Vic.)*) sets out the specific actions that governing authorities and Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

Under the [National Framework for Protecting Australia's Children 2009–2020](#), protecting children is everyone's responsibility – parents/carers, communities, governments, and businesses all have a role to play.

Child abuse can have a significant effect on a child's physical, social, psychological, emotional health, development, and wellbeing. The younger the child, the more vulnerable they are to abuse, and the more serious the consequences are likely to be. DOBCEL staff must be alert to and act on the possibility of child abuse or neglect.

DOBCEL respects the diverse circumstances and needs of all children, including the needs of Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds, children with disabilities, and children who are vulnerable and makes reasonable efforts for their inclusion.

DOBCEL is committed to compliance with the Victorian Child Safe Standards. This policy and accompanying procedures apply particularly to *Standard 5: Reporting and Responding to allegations of child abuse*, and stipulates processes for responding to and reporting suspected child abuse, how to respond if they suspect or are witness to a student sexually offending as well as the school-specific requirements for responding to allegations of suspected abuse.

DOBCEL Schools must have procedures for responding to allegations of child abuse that are to be implemented by DOBCEL Schools. The procedures must be:

- sensitive to the diversity of the school community
- publicly available and
- accessible to children, school staff and the wider community
- DOBCEL observes the joint protocol [\*PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools\*](#) which exists to protect the safety and wellbeing of children and young people. This protocol supports all DOBCEL school staff, which includes volunteers, contractors, other service providers and religious leaders including clergy, to act if they suspect, or are witness to student sexual offending.

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<sup>8</sup> See <https://caritas.org.nz/catholic-social-teaching/solidarity>

In addition, DET has 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 as the joint protocol. These protocols will be adopted and implemented in DOBCEL Schools.

All DOBCEL employees, volunteers, contractors, other service providers and religious clergy must abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

All DOBCEL Schools display are required to display the [\*Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse\*](#) diagram in staff rooms and other strategic areas of the school to ensure staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused.

## Reportable Conduct

For DOBCEL Schools, the head of entity (Executive Director) is required to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- ensure that the Commission for Children and Young People is notified and given updates on the organisation's response to a reportable allegation through the Manager Safeguarding and Standards.
- report to Victoria Police as soon as he/she become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

## Student Sexual Offending

DOBCEL Schools will adopt and implement the [\*Four Critical Actions for Schools: Responding to Student Sexual Offending\*](#). A school's behaviour management policy and procedures will also provide additional support for school communities.

## Related Documents

DOBCEL Child Safeguarding Reporting Obligations Procedures

## References

- [\*Children, Youth and Families Act 2005 \(Vic.\)\*](#)
- [\*Education and Training Reform Act 2006 \(Vic.\)\*](#)
- [\*Crimes Act 1958 \(Vic.\)\*](#)
- [\*Family Violence Protection Act 2008 \(Vic.\)\*](#)
- [\*Wrongs Act 1958 \(Vic.\)\*](#)
- [\*Child Wellbeing and Safety Act 2005 \(Vic.\)\*](#)
- [\*Commission for Children and Young People \(CCYP\)\*](#)
- [\*PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools\*](#)
- [\*PROTECT Identifying and responding to Student Sexual Offending\*](#)