

Mount Lilydale Mercy College

Child Protection Reporting Obligations Policy

Implementation Guidelines



PROCEDURES

Identifying abuse and indicators of harm

There are many indicators of 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 abuse and neglect.

It is mandatory to report concerns relating to physical abuse and sexual abuse. While not mandatory, 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.

Documents published by DHHS and DET provide background information and guidance on indicators of abuse, neglect and harm. Resource materials (online) and website addresses are listed in **Appendix 1** to this policy.

FORMING A BELIEF

If one or more staff suspect that a student is in need of protection, it is essential that he/she document any concerns and observations. This process of documentation may occur over a period of time and must be kept in a secure, confidential location.

A reasonable belief that a student is in need of protection is more likely formed in circumstances where:

- a student states that they been physically injured or sexually abused (self-disclosure);
- a student states that they know someone who has been abused (sometimes the student may be talking about themselves);
- a relative, friend, acquaintance or sibling of the student states that the student has been abused or is at risk of abuse;
- professional observations of the student's behaviour or development lead to a belief that the student has been abused;
- signs of physical injury or sexual abuse lead to a belief that the student has been abused;
- a staff member becomes aware of possible harm via her/his involvement in the community external to their professional life. If a staff member believes there is reasonable grounds to make a notification, she/he is advised to discuss this belief with the relevant College support people, and to continue to inform them of developments.

The support personnel at MLMC are the:

- Principal
- Deputy Principal - Pastoral Care
- College Counsellors.



The staff member is strongly advised to inform the Principal of any such belief and to continue to inform the Principal of developments as they arise. It is important to note, however, that a staff member can make a report without the prior knowledge of the Principal or other College support personnel.

NOTIFYING THE RELEVANT AUTHORITY

There are two agencies that a staff member may notify, depending on the nature of their concerns.

- **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 services 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.

A staff member who believes on reasonable grounds that a student 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

It is essential that staff who are **mandatory reporters** report their concern to DHHS Child Protection if there is a reasonable belief that the student is in need of protection from physical injury or sexual abuse. Also, if there is any suspicion that a sexual offence has been committed against a student under 16, this must be reported to the police.

Appendix 2 provides a flowchart of the reporting process via the different authorities.

Appendix 3 presents contact details for each authority.

SHARED CONCERNS AND RESPONSIBILITIES

If more than one staff member has formed a belief about the same student 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 staff member directs the other(s) not to make a report, and one professional continues to hold the belief that a student is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The staff member may continue to suspect that a student is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion.

OTHER REPORTING OBLIGATIONS AND CONSIDERATIONS

It is important to note that:

- Although it is not mandatory to report suspected incidents of emotional abuse or neglect, a staff member is encouraged to seek advice from Child FIRST when he/she has a significant concern about these matters.



- Staff members do not require the permission of parents, carers or guardians to make a report to DHHS Child Protection or Child First, nor are they required to tell parents, carers or guardians that they have done so.
- Reporting to DHHS Child Protection does not commit the staff member reporting abuse to a full judicial response.
- The identity of the reporting staff member will remain confidential unless:
 - the staff member chooses to inform the student or parents/guardians/carer of the report;
 - the staff member consents in writing to their identity being disclosed;
 - a Court or Tribunal decides that it necessary for the identity of the staff member to be disclosed to ensure the safety and wellbeing of the child;
 - a Court or Tribunal decides that, in the interests of justice, the staff member is required to provide evidence.

POST REPORT FOLLOW UP

At MLMC, a staff member who acts in accordance to this policy and makes a report to either Child FIRST or Child Protection would not be expected to remain involved in liaison and negotiations with these agencies. Rather, she/he can expect that a member of the College support personnel team (the Principal, Deputy Principal - Pastoral Care or a College Counsellor) will oversee and follow up on the agency's investigations and management of the report.

ONGOING SUPPORT

Student: In instances where a student self-discloses, the staff member will need to be sensitive to the student's possible feelings of shame, fear and/or anger, and anxiety about the consequences of making the disclosure. The student will most likely require reassurance and information about the 'next steps'.

Advice about how to handle these discussions can be found in some of the resources listed in **Appendix 1**. In addition, it is the role of the College support personnel who are privy to the disclosure and/or notification, in particular the Principal, to ensure that the student receives appropriate pastoral support.

Staff member: A staff member who acts in accordance with this policy can rest assured that the Principal and College support personnel who are privy to the notification will provide every support possible. Professional learning and training. All MLMC staff will have appropriate and ongoing training and professional learning to ensure that they understand their professional and legal obligations and responsibilities for reporting suspicion of abuse and neglect.

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.)

Ministerial Order 870 (State of Victoria, Department of Education and Training 2016) Related Policies

MLMC COLLEGE POLICIES

- Mandatory Reporting Policy
- Child Safety Policy
- Anti-Bullying Policy
- Pastoral Care - Students Policy

CATHOLIC EDUCATION MELBOURNE POLICIES

- Policy 2.2: Guidelines Relating to the Employment of Staff (currently under review)
- Policy 2.19: Child Protection – Reporting Obligations
- Policy 2.19a: School Guidelines –Police and DHHS Interview Protocols



Appendix 1 - Support Materials and Sites

Victoria Police

Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT)

RESOURCE SITES

Catholic Education Melbourne

Child Safe Resources CEVN website <http://cevn.cecv.catholic.edu.au/childsafety.htm>

DEPARTMENT OF EDUCATION AND EARLY CHILDHOOD DEVELOPMENT VIC

www.education.vic.gov.au

See particularly web pages that present:

- Schools Policy and Advisory Guide
- Student Critical Incident Advisory Unit

VICTORIA POLICE

www.police.vic.gov.au

See particularly web pages that present information about the Sexual Offences and Child Abuse Unit.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Children, Families and Young People

www.dhs.vic.gov.au

Every Child Every Chance

www.dhs.vic.gov.au/everychildeverychance

RESOURCE CENTRES

Centres Against Sexual Assault

www.casa.org.au

Child & Adolescent Mental Health Service

www.health.vic.gov.au/mentalhealthindex.htm

Children's Protection Society

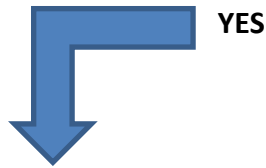
www.cps.org.au

Australian Childhood Foundation

www.childhood.org.au



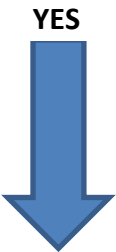
1.7 Flowchart – Responding to a possible mandatory reporting concern



You are concerned about a child because you have:

- received a disclosure from a child about physical or sexual abuse or other types of abuse or neglect
- observed indicators of physical or sexual abuse or other types of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

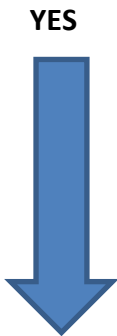
Do your concerns relate to a child in need of immediate protection, or have you formed a belief that a child is at significant risk of harm? If your concerns relate to physical or sexual abuse, then it is **mandatory** to make a report – **Yes/No**. For some other concerns it is a requirement to contact Victoria Police (e.g. suspected grooming or failure to disclose and failure to protect).



Contact your local Child Protection Intake provider to report a concern about **physical or sexual abuse**
[DHHS Child Protection](#)
 Have notes ready with your observations and child and family details.



Do you have other significant concerns that a child & their family need a referral to Child FIRST for family services?



Contact your [local Child FIRST provider](#).
 Have notes ready with your observations and child and family details.



Consider level of immediate danger to the child.

- Ask yourself:
 - Have I formed a belief that the child has suffered or is at risk of suffering significant harm?
YES/NO
 - Am I in doubt about the child's safety and the parent's ability to protect the child?
YES/NO
 If you answered yes to a) or b), contact [DHHS Child Protection](#) to make a mandatory or protective report.
- If you have significant concerns that a child and their family need a referral to Child FIRST for family services, contact [local Child FIRST provider](#).

Note:
 Non-mandated staff are also able to report their concerns, and under the *Crimes Act 1958 (Vic.)* are legally obliged to report if a reasonable belief has been formed that a sexual offence has been committed in Victoria by an adult against a child.

Appendix 3

Mandatory Reporting Child Protection and Child FIRST Contact Information

Child Protection

MLMC is located in the DHS Eastern Intake Region. The Office of Child Protection in this region is located at:

883 Whitehorse Road

Box Hill, 3128

Phone: 1300 360 391

Emergency After Hours Service

13 12 78

(Toll free for all Victorians, 24 hours, 7 days a week)

Child FIRST

MLMC is located in the Maroondah Local Government Area of Child FIRST referral services.

The contact number is 1300 369 146

