



St John's College

CHILD PROTECTION and MANDATORY REPORTING

1. INTRODUCTION

St John's College has the vital responsibility of prevention and reporting of child abuse and neglect.

Staff at St John's College have a duty of care to protect and preserve the safety, health and wellbeing of all students in their care and staff must always act in the best interests of the child or young person. If a staff member has any concerns regarding the health, safety or wellbeing of a child or young person it is important to take immediate action.

This policy outlines procedures and processes associated with:

Mandatory reporting of child abuse to the Department of Health & Human Services (DHHS)

Reporting of child sexual offences to the Police.

St John's staff are encouraged to discuss any other wellbeing concerns about students with an appropriate staff member: Homeroom teacher, Directors of Students, Director of Learning, Director of Operations or Principal

2. PURPOSE

To protect children and young people from abuse and neglect by ensuring:

All St John's College staff members understand their mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse under the Children's & Young Persons Act 2005 (CYPA).

All members of the St John's College community* aged 18 years and over understand their reporting obligations when they have formed a reasonable belief that a sexual offence has been committed by an adult against a child under 16, in accordance with the *Crimes Act 1958 (Vic)*.

Individuals are able to identify and be aware of the indicators of abuse.

Individuals know who to contact when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm

**St John's College Community in this context includes staff, Board members, volunteers, parents and guardians and all students over the age of 18.*

3. PRINCIPLES

- 3.1 The values and ethos as set out in the St John's College Vision, Mission and Values form the foundation for the school's child safe standards policies.
- 3.2 The College and those that work in it and its wider community together have a duty of care to protect children from harm through abuse or neglect.
- 3.3 The College is committed to implementing clear procedures for reporting and recording reports of suspected child abuse and grooming.
- 3.4 The College will create a supportive culture in which children, staff, volunteers and families feel confident and comfortable in discussing any allegations of abuse, grooming or child safety concerns.

4 Aims of the policy

- 4.1 To comply with the school's reporting obligations under child protection law and criminal law and to fulfil its duty of care.
- 4.2 To enable school staff to protect the safety and wellbeing of students by being able to:
 - a. identify indicators that a child or young person may be in need of protection
 - b. make a report about a child or young person who may be in need of protection.

5 Legal and regulatory basis for compliance

- 5.1 Duty of Care
- 5.2 Children, Youth and Families Act 2005 (Vic.)
- 5.3 Crimes Act 1958 (amended) (Vic.).

6 Key definitions

- 6.1 'Child Protection' is the statutory child protection service provided by the Department of Human Services¹, which is able to intervene to protect children and young people at risk of significant harm.
- 6.2 'Child and Family Information, Referral and Support Teams' (Child FIRST) is a Victorian Government initiative to provide support and help for vulnerable families, children and

¹ <http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection> (Accessed 22 July 2017)

babies. Anyone may make a referral to Child First if they have a significant concern for a child's wellbeing.

6.3 'Failure to Disclose': in addition to mandatory reporting obligations under the Children, Youth and Families Act 2005 (Vic.), the Crimes Act 1958 (amended) (Vic.) imposes a legal obligation upon all adults to report to Victoria Police [in addition to Child Protection²] where they form a reasonable belief that a sexual offence has been committed by an adult against a child.

6.4 'Failure to Protect': The Crimes Act 1958 (amended) (Vic.) provides that people in positions of authority, such as principals, must take action to protect children where they know that a person associated with their organisation poses a substantial risk of sexually abusing children.

6.5 'Grooming': Crimes Act 1958 (amended) (Vic.), under the 'Failure to Disclose' offence and duty of care, any person who suspects a child is being groomed by an adult must report their concerns to Victoria Police.

7 Scope

7.1 The policy applies to members of the governing board, the principal, all school staff, volunteers, contracted service providers and ministers of religion working in the school environment.

7.2 The policy applies to allegations or disclosures of child abuse made by or in relation to a child, school staff, visitors, or other persons while connected to a school environment.

8. Roles and Responsibilities

8.1 'Mandated notifiers' are legally required to report child physical and sexual abuse. Mandated notifiers are:

- a. registered principals and teachers (including pre-service and visiting teachers)
- b. registered medical practitioners and psychiatrists
- c. registered nurses including school nurses
- d. members of the police force.

It is mandatory for registered Principals and registered teachers in Victoria to notify Child Protection as soon as practicable on each occasion they form the belief on reasonable grounds that a child has been physically or sexually abused or if they form the belief that a child is in need of protection.

² By law, if someone has already made a report to Child Protection, they are not required to make a second report to Victoria Police. However it is a Vic DET policy requirement that Victorian Government school staff report their concerns to both Child Protection and Victoria Police. This school policy should make the school's requirements clear.

Mandated reporters are required to make a report even if the Principal does not share their and they are to ensure that a report has been made in instances where another mandated reporter has to make the report.

Non-mandated people (e.g. educational support staff, non-teaching staff), who believe on reasonable grounds, that a child is in need of protection, must report their concerns to Child Protection.

- 8.2 Any adult (i.e. all members of the school community) who forms a reasonable belief that an adult (over the age of 18) has committed a sexual offence (including grooming) against a child under 16 must report that information to Victoria police, unless the reporting adult has already made a report to Child Protection. This responsibility does not change mandatory reporting obligations (Failure to Disclose offence).
- 8.3 Any person in a position of authority³ within or associated with the school (will include the chair of the governing board, board members, principal, senior staff and may also include residential house staff, business managers, religious leaders) has a specific duty to protect children against the risk of a sexual assault. If they know of a substantial risk another adult associated with the school may commit a sex offence against a child under 16 within the school's care, they must take reasonable steps to remove or reduce the risk of child sexual assault and must report the matter to Victoria Police (Failure to Protect offence).
- 8.4 In addition to an employee's legal responsibility to report concerns as set out above, all employees must also comply inform the Principal or authorized delegate that a report has been made.

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³ Not just mandated reporters.