

Catholic Ladies' College



Procedures for Responding to and Reporting Allegations of Child Abuse

Stage	Date	Ratified
Initiated	July 2016	July 2016
Review 1	May 2017	May 2017
Review 2	September 2018	September 2018
Review 3	2020	July 2021
Review 4	Jan 2022	Jan 2022



Catholic Ladies' College is a Mary Aikenhead Ministry in the tradition of the Sisters of Charity. We are called to develop in each member of our community a contemporary understanding and application of the charism of Mary Aikenhead and the spirituality of the Sisters of Charity, and the Mary Aikenhead Ministries' mission, vision and values of justice, love, compassion and hope.

At Catholic Ladies' College we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our school. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel ([CECV Commitment Statement to Child Safety](#)). The College has zero tolerance for child abuse and is committed to acting in the best interests of children and keeping them safe from harm.

These procedures are to be read in conjunction with the Child Safe Policy (Section 7 – Reporting and Responding)

Procedures for Responding to and Reporting Allegations of Child Abuse

The College will take appropriate, prompt action in response to **all** allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Department of Families, Fairness and Housing (Child Protection), the Commission for Children and Young People (CCYP), or the Police, depending on the allegation or disclosure made.

Catholic Ladies' College has established simple and accessible procedures for anyone to report, if appropriate, a child safety and protection concern internally to one of the College's Child Safety Officers or Child Safe Lead. Please be aware that consulting with a Child Safety Officer does not change any obligation you have under legislation to report to an external authority.

Catholic Ladies' College has developed and implemented procedures for staff and Direct Contact Volunteers for responding to allegations and disclosures of child abuse, or suspected child abuse, including procedures for support following a disclosure by a student.

Reporting procedures for Third Party Contractors, External Education Providers, Indirect Contact Volunteers, parents/carers and other community members are also included in our Child Safe Policy which is available on our public website. Age-appropriate reporting procedures for students are developed through our pastoral care program.

This section describes our work systems, practices, policies and procedures for responding to and reporting allegations of child abuse both internally and externally.

The College's policies and procedures for responding to and reporting allegations of suspected child abuse are made available to staff, students, parents/carers and the wider College community through newsletters and the College's intranet and by request.

All of the College's procedures for reporting and responding to allegations of child abuse are designed and implemented taking into account the diverse characteristics of the College community.

A summary of these procedures is made publicly available on the College's website through our Child Safe Policy and is accessible to all children, College staff and the wider community.

The College will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability
- securing and retaining records of the allegation and the College's response to it.

Documenting Your Observations and Actions

All teaching staff, non-teaching staff, Volunteers, Third Party Contractors and External Education Providers must keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse. This information may be sought at a later date if the matter is the subject of court proceedings. Your notes may



also assist you later if you're required to provide evidence to support your decisions regarding the handling of child protection incidents.

Preserving Evidence

When an incident of suspected child abuse occurs at the College, consider all of the following:

- environment: do not clean up the area, and preserve the sites where the alleged incident occurred
- clothing: take steps to ensure that the person who has allegedly committed the abuse and the child who has allegedly been abused remain in their clothing. If this is not possible, ensure the clothes are not washed, handled as little as possible and stored in a sealed bag.
- other physical items: ensure that items such as weapons, bedding and condoms are untouched
- potential witnesses: reasonable precautions must be taken to prevent discussion of the incident between those involved in the alleged incident

Reporting a Child Abuse Concern Internally

Child abuse situations can be very complex, not only from the perspective of ascertaining whether abuse has occurred but also in understanding what steps to take to protect a child. It is important to remember at all times that the safety and welfare of the child are paramount.

Therefore, if you have a concern that a child may be experiencing abuse, whether or not you have formed a belief on reasonable grounds that the abuse has occurred, you should immediately raise your concerns with one of the College's Child Safety Officers. Our Child Safety Officers will be able to assist you in clarifying your concerns and managing the next steps.

Please note that reporting the matter internally does not release you from other legal and regulatory reporting obligations you may have under the following policies:

- Obligation to Report a Sexual Offence (Failure to Disclose)
- Failure to Protect
- Mandatory Reporting
- Reportable Conduct

In addition, these reporting obligations apply even if the Principal or a Child Safety Officer advises you not to proceed with reporting suspected abuse.

Obligation to Report a Sexual Offence (Failure to Disclose)

Under section 327 of the Crimes Act 1958 (Vic) (Crimes Act), anyone aged 18 years or over must make a report to the Police if they form a reasonable belief that a sexual offence has been committed against a child under the age of 16 years, by a person aged 18 years or over. The person must disclose the information to the Police as soon as it is practicable to do so. Failure to make a report without reasonable excuse is an offence and carries a prison term.

If a report is made to the Department of Families, Fairness and Housing (Child Protection) in accordance with Mandatory Reporting requirements, an additional report to the Police will not usually be required unless further information is obtained.

This obligation applies to anyone aged 18 years or over, including all non-teaching staff, Volunteers, and students aged 18 and over. The legislation also applies to teaching staff if not already covered by the mandatory reporting obligation.

What to report

The information that led the person aged 18 or over to form a reasonable belief that a sexual offence has been committed by an adult (a person aged 18 years or over) against a child under 16 must be reported to the Police.

Scope of the Failure to Disclose Offence

For the purposes of the Failure to Disclose offence, it does not matter whether the child, the perpetrator of the offence, or the person who has information about a sexual offence against the child are themselves in Victoria or not, as long as the offence itself was committed in Victoria.



For example:

- the criminal offence of grooming a child could occur "in Victoria" if a person who is in Victoria grooms a child who is located elsewhere, or if a child who is in Victoria is groomed by a perpetrator who is located elsewhere
- a sexual offence against a child could occur in Victoria, but an adult could form a reasonable belief about it when they are themselves located elsewhere (for example, by receiving a disclosure while they are on an interstate camp or excursion).

Definition of a Sexual Offence

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape
- indecent assault
- incest
- sexual penetration
- an adult communicating, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority of the child (e.g. the child's parents) with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult (grooming a child or grooming an adult with care, supervision or authority of a child)
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

Definition of a Reasonable Belief

The Crimes Act sets out what constitutes a "sexual offence". This includes:

- rape
- indecent assault
- incest
- sexual penetration
- an adult communicating, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority of the child (e.g. the child's parents) with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult (grooming a child or grooming an adult with care, supervision or authority of a child)
- encouraging a child to engage in, or be involved in, sexual activity.

A "sexual offence" includes an attempted sexual offence.

Reasonable Excuse for Not Reporting to Police

You will not need to report to the Police if you have a reasonable excuse for not doing so. Under the Crimes Act, a reasonable excuse includes:

- fear for safety: you fear on reasonable grounds for the safety of any person (other than the offender), and do not disclose due to those circumstances
- victim requests confidentiality: a victim, who is now aged 16 or over, told you about the sexual offence (directly or indirectly) and the victim requested that the information not be disclosed. This excuse does not apply if the victim has an intellectual disability and does not have the capacity to make an informed decision about confidentiality
- information already disclosed: you believe on reasonable grounds that the information has already been disclosed to the Police (for example if you or someone else has made a Mandatory Report to Child Protection) and you have no further information to add.

Unacceptable reasons for not reporting include if you are concerned about the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence
- any organisation (such as the College).

How to Make a Report to the Police

To report to the Police that a child is in immediate risk of being sexually abused, please call Triple Zero (000).

Alternatively, you can contact your local police station.



Exceptions

If you fail to disclose a sexual offence against a child to the Police, you will **not** be held liable where your reason for not reporting is that:

- you fear on reasonable grounds for the safety of any person (other than the offender), and a failure to report is reasonable
- the victim told you about the sexual offence (directly or indirectly), the victim was over 16 years old when they told you about the sexual offence, and the victim requested that the information not be disclosed (unless the victim has an intellectual disability and does not have the capacity to make an informed decision about this)
- you believe on reasonable grounds that the information has already been disclosed to the Police by another person (such as by Child Protection, in response to a Mandatory Report) and you have no further information.

Unacceptable reasons for not reporting include if you are concerned with the interests (including the reputation, legal liability or financial status) of:

- the person involved in the sexual offence
- any organisation (such as the College).

Making a report made under the Children, Youth and Families Act 2005 (Vic) Mandatory Reporting obligations may constitute a 'reasonable excuse' if you believe that you have no further information to provide to the Police.

Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to Child Protection Record Keeping on PolicyConnect.

Relevant Legislation

- *Children, Youth and Families Act 2005 (Vic.)*
- *Child Wellbeing and Safety Act 2005 (Vic.)*
- *Worker Screening Act 2020 (Vic.)*
- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Equal Opportunity Act 2010 (Vic.)*
- *Privacy Act 1988 (Cth)*
- *Crimes Act 1958 (Vic.)* – Three new criminal offences have been introduced under this Act:
 - a) **Failure to disclose offence:** Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
 - b) **Failure to protect offence:** The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.
 - i) **Grooming offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

1. Related Policies

12.1 Catholic Education Commission of Victoria Ltd (CECV) guidelines

- [CECV Guidelines on the Employment of Staff in Catholic Schools](#)



- [CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)
- [CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)
- [CECV NDIS/External Providers: Guidelines for Schools](#)
- [CECV Positive Behaviour Guidelines](#)

12.2 School Policies

- Child Safe Code of Conduct
- Child Protection – Reporting Obligations
- Child Protection – Staff Training
- Student Duty of Care Policies
- Occupational Health and Safety Policies
- Complaints Handling Policy
- Recruitment, Selection and Induction Procedures

[Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse.](#)