

# Catholic Ladies' College



## Child Protection – Reporting Obligations Policy

Stage	Date	Ratified
Initiated	2016	2016
Review 1	2018	2018
Review 2	2021	
Review 3		
Review 4		

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Under the Stewardship of  
Mary Aikenhead Ministries



LOVE HOPE COMPASSION JUSTICE



## Catholic Ladies' College Ltd

(ACN 058 164 891) (ABN 44 058 164 891)

### Child Protection – Reporting Obligations Policy

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

In responding to this call Catholic Ladies' College is a Christ-centred community established to educate, in partnership with parents, women of faith, integrity, individuality and compassion, confident of their own worth as women and wholly involved in the transformation of society.

#### Introduction

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 recognised and fostered.

Catholic schools are entrusted with the holistic education of the child, in partnership with parents, guardians and caregivers, who are the primary educators of their children. Catholic school staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

Under the [National Framework for Protecting Australia's Children 2009-2020](#), protecting children is everyone's responsibility – parents, communities, governments and business all have a role to play. In Victoria, a joint protocol, [Protect: Identifying and Responding to all forms of Abuse in Victorian Schools](#), involving the Department of Families, Fairness and Housing (DFFH), Department of Education and Training (DET), the Catholic Education Commission of Victoria (CECV) and licensed children's services, exists to protect the safety and wellbeing of children and young people.

**All College Board members, teachers, non-teaching staff, contractors (including third party contractors), volunteers and any other staff hired by the College, parish priests, canonical and religious order administrators of Catholic schools** within Victoria must understand and abide by the professional, moral and legal obligations to implement child protection and child safe policies, protocols and practices.

#### Aims

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.), the Crimes Act 1958 (Vic.), the Child Wellbeing and Safety Act 2005 (Vic.) and the Education and Training Reform Act 2006 (Vic.).

The Child Wellbeing and Safety Act 2005 (Vic.) introduced the seven Victorian Child Safe Standards which aim to create a culture where protecting children from abuse is part of everyday thinking and practice. The Child Safe Standards were introduced in response to recommendations made by the [Betrayal of Trust Report](#). This policy is designed to assist staff at Catholic Ladies' College to:

- identify the indicators of a child who may be in need of protection
- understand how a 'reasonable belief' is formed
- how to make a report to DFFH Child Protection when a child is in need of protection
- comply with mandatory reporting obligations under Child Protection law
- legal obligations relating to criminal child abuse and grooming under criminal law.



Child protection reporting obligations fall under separate pieces of legislation with differing reporting requirements. These legislative obligations exist in addition to moral and duty-of-care obligations, which require school community members to protect any child under their care and supervision from foreseeable harm.

This policy sets out the actions required under the Children Youth and Families Act 2005 (Vic.) and regulatory guidance when there is a reasonable belief that a child is in need of protection, or a criminal offence has been committed. It also provides guidance and procedures on how to make a report.

### Definitions

**Child Protection** is the Victorian Government Agency, provided by the Department of Families, Fairness and Housing (DFFH). Child Protection provides child-centred, family-focused services to protect children and young people from significant harm caused by abuse or neglect within the family. 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 for voluntary involvement with a family.

### 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. 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.

### Failure to Protect

The College has a duty of care which requires the protection of all students from foreseeable risks while at school or engaging in College activities.

In addition, under section 490 of the Crimes Act 1958 (Vic) (Crimes Act) a person commits an offence if:



- by reason of the position they occupy within or in relation to the College, they have the power or responsibility **to reduce or remove a substantial risk** that a relevant child (under the age of 16 who is, or may come under the care, supervision or authority of the College) will become the victim of a sexual offence committed by a person of or over the age of 18 years who is **associated with the College**; and
- **they know that there is a substantial risk** that the person will commit a sexual offence against a relevant child; and
- **they negligently fail to reduce or remove that risk.**

Whether a person has the power or responsibility to take steps to remove or reduce the risk to the student will depend on their role at the College and the source of the risk.

In a normal school context, the Principal and members of the Senior Management would always have the necessary degree of supervision, power and authority to remove or reduce a risk posed by another adult working at the College.

However, on a day-to-day basis, and on tours, excursions, or camps, others at the College could have the requisite power and responsibility.

Examples of people who may have the power and responsibility, by reason of their position, to act could include:

- teachers
- volunteers where they are in a position of supervision, such as volunteer coaches

#### **When Action Should be Taken**

The Failure to Protect offence means that any staff member, Volunteer or Contractor who has the requisite power or responsibility must act when they know that an adult associated with the College poses a substantial risk that a student or students may become the victim of a sexual offence.

Action must be taken as soon as the risk becomes known.

“Knowledge” is more than holding a tentative belief or mere suspicion.

If a staff member, Volunteer or Contractor has a suspicion or belief that students are at risk of harm, they must take steps to follow up on that suspicion or belief by investigating further and should raise the issue with a College Child Safety Officer.

The duty to act extends to situations where the students at risk or the person in authority is outside of Victoria.

#### **Definition of a Substantial Risk**

A risk will be a substantial risk if a reasonable person would have judged the risk of a sexual offence being committed against the student as being substantial.

It is not necessary to prove that a sexual offence was committed in order for the substantial risk to exist - a person in a position of authority should not wait for a student to be harmed before acting.

A number of factors will contribute to determining if a risk is a substantial risk, including:

- the likelihood or probability that a child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

#### **Definition of a Sexual Offence**

Action must be taken where there is a substantial risk of sexual offences occurring, including:

- rape
- indecent assault
- incest
- sexual penetration
- grooming a child, or a person who has the **care, supervision or authority** of a child aged under 16, for sexual conduct with the child
- encouraging a child to engage in, or be involved in, sexual activity
- an attempted sexual offence or an assault with intent to commit a sexual offence.



### Definition of a Person Associated with the College

A person associated with the College is an adult and can be a:

- Principal
- teacher
- boarding house supervisor
- employee
- Volunteer (including parent/carer volunteers)
- Third Party Contractor

A person is not considered to be associated with the College purely because they receive services from the College. Therefore, students aged 18 years or over, parents/carers and other family members of students who are not staff members, Volunteers or Contractors are not associated with the College for the purposes of the Failure to Protect offence.

### Procedure to Reduce or Remove a Substantial Risk

Where any staff member, Volunteer or Contractor who has the requisite power or responsibility becomes aware of a risk of a sexual offence against a student or students under their care, they should immediately:

- take reasonable steps which would remove or reduce the risk to the student or students, which may include immediately removing the person from contact with the student or students
- report the matter to a College Child Safety Officer, and the Principal, as soon as practicable
- conduct an investigation unless this relates to a Mandatory Reporting situation
- make the appropriate report.
- Appropriate action to be taken may include, for example:
  - a current employee who is known to pose a risk to a student or students should be immediately removed from contact with students and reported to authorities and investigated
  - a parent who is known to pose a risk of sexual abuse to children should not be allowed to attend overnight College camps as a parent helper.

**Whenever there are concerns that a child is in immediate danger call the Police on 000.**

### Review of the Reporting Obligations Policy

The College's policies are approved by Catholic Ladies' College Board. The Reporting Obligations Policy will be reviewed every 3 years or earlier if required.