

## **MANDATORY REPORTING – CHILD SEXUAL ABUSE**

### **Policy Statement**

All children have a right to feel safe and to be safe. Committees of Management, Management and all staff have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom they have contact, and to report instances that they believe involve physical abuse, sexual abuse or neglect.

Prahran Community Learning Centre Inc. (*hereafter known as PCLC*) is committed to the implementation of the Victorian Government Non School Senior Secondary Child Safe Standards. PCLC is unwavering in its stance relating to the wellbeing, safety and protection of all students. PCLC employs best practice, and has zero tolerance to ensure that all children are safe. This applies to all activities auspiced by PCLC whether or not the activities are inside or outside class times. Policies and procedures will be vigorously enforced.

### **Definition**

Child abuse:

- any act committed against a child involving a sexual offence or grooming
- the infliction, on a child, of physical violence or serious emotional or psychological harm
- serious neglect of a child

Child Safety:

- matters related to protecting all children from child abuse
- managing the risk of child abuse
- providing support to a child at risk of child abuse
- responding to incidents or allegations of child abuse

### **Purpose**

To ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

To provide a management system to ensure that all instances of child abuse and risk of child abuse is conveyed, recorded and monitored, and where required, reported to the appropriate authorities.

### **Mandatory Reporting Child Protection Concerns**

Mandatory Reporters (Registered Teachers, or Head Teachers, Registered Medical Practitioners, Registered Psychologists, Nurses, Police) must notify the Department of Human Services (DHHS) Child Protection Service, if they have formed the belief on reasonable grounds that:

- a child (under the age of 17) has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;
- a child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

This belief and the reasonable grounds for forming it should be reported to Child Protection Services as soon as practicable after forming the belief AND after each occasion on which they become aware of any further grounds for the belief.

*Mandatory Reporters must report such cases to Child Protection Service 1300 655 795*

## Reporting Criminal Child Sexual Abuse - Failure to Disclose Offence

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria **by an adult against a child under 16** must disclose that information to police. Failure to disclose the information to police is a criminal offence. The offence applies to **all adults** in Victoria, not just professionals who work with children. It applies irrespective of parents' ability or willingness to protect the child.

*Any Adult must report child abuse instances to Victoria Police Sexual Offences and Child Abuse Investigation Team (SOCIT) Moorabbin 9556 6128 (in emergency contact police on 000).*

### Exceptions:

- The victim is 16 years of age or older and does not have an intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police.
- The victim turned 16 years of age before 27 October 2014.
- You were under the age of 18 years when you formed the reasonable belief.
- The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.
- You have a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information
- You have reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.

## Failure to Protect Offence

This 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.

## Grooming Offence

The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.

The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.

Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.

The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as up-skirting and indecent behaviour in public.

## Duty of Care

In addition to the mandatory reporting obligations described above, teachers and other staff have a duty of care to protect students from harm that is reasonably foreseeable. All staff members are encouraged to report incidents of emotional abuse or neglect to their supervisors.

## Forming a Belief

Individual staff should make observations and keep notes of observations of the child's behaviour and physical injuries and the concerns that exist that have led them to form the belief that a report may be necessary.

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. For example, a 'reasonable belief' might be formed if:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused
- signs of abuse lead to a belief that the child has been physically or sexually abused.

## Reporting Procedure

PCLC is unwavering in its management of mandatory reporters and reporting.

The following are the steps to follow when:

- a mandatory reporter has formed a reasonable belief that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from such harm
- information must be disclosed to police when **any** adult has formed a reasonable belief that a sexual offence has been committed in Victoria, by an adult against a child under 16

**All PCLC staff members, regardless of title or designation are classified as Mandatory Reports and thusly MUST report accordingly.**

### When to Report (Department of Education and Training)

The following table sets out when to report a concern that a child or a young person has been abused, or is in need of protection.

Type of Reporting	By Whom	To Whom
<p><u>Mandatory Reporting - DHHS Child Protection</u></p> <p>Mandatory reporters must make a report as soon as practicable if, in the course of practising their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person is in need of protection, as a result of physical injury or sexual</p>	<p><u>Mandatory reporters</u></p> <ul style="list-style-type: none"> <li>• Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006 (Vic)</i></li> <li>• Principal Executive Officers (PEO's)/Executives of government and non-government schools</li> </ul>	<p>DHHS Child Protection</p>

<p>abuse, and the child's parents are unable or unwilling to protect the child.</p>	<ul style="list-style-type: none"> <li>• Registered medical practitioners</li> <li>• Nurses</li> <li>• All members of the police force</li> </ul>	
<p><u>Child in need of protection</u></p> <p>Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• The child has been abandoned and there is no other suitable person who is willing and able to care for the child</li> <li>• The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child</li> <li>• The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child</li> <li>• The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child</li> <li>• The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child</li> </ul>	<p>Any Person</p>	<p>DHHS Child Protection Victoria Police</p>

<ul style="list-style-type: none"> <li>The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care</li> </ul>		
<p><u>Child displaying sexually abusive behaviours and in need of therapeutic treatment</u></p> <p>Any person may make a report if they believe on reasonable grounds that a child who is 10 years of age or over, but less than 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours</p>	Any Person	DHHS Child Protection
<p><u>Significant concerns about wellbeing of a child</u></p> <p>Any person may make a report if they have significant concerns for the wellbeing of a child.</p>	Any Person	DHHS Child Protection Child FIRST
<p><u>Reasonable belief that a sexual offence has been committed by an adult against a child under 16.</u></p> <p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 must report that information to police. It is a criminal offence not to make a report, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>The victim is 16 years of age or older and does not have an</li> </ul>	Any person aged 18 or over	Victoria Police

<p>intellectual disability that limits his/her capacity to make an informed decision; and he/she does not want the information reported to the police</p> <ul style="list-style-type: none"> <li>The victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor</li> <li>The victim turned 16 years of age before 27 October 2014</li> </ul>		
<p><u>Reasonable excuses for failing to comply with the requirement include:</u></p> <ul style="list-style-type: none"> <li>a reasonable belief that the information has already been reported to police or DHHS Child Protection disclosing all of the information</li> <li>a reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm</li> </ul>	Any person aged 18 or over	Victoria Police

### Making a report

This table describes how to make a mandatory report, to report child abuse or child protection concerns

Step	Description
1.	<p><b>In case of emergency or if a child is in immediate danger contact Triple Zero (000) or the local police station.</b></p> <p>Alternatively, to report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hours 7 days, toll free)</p>

2.	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• information that has led to concerns about the child's safety (e.g. physical injuries, student behaviour)</li> <li>• source of this information (e.g. observation of behaviour, report from child or another person)</li> <li>• actions taken as a result of the concerns (e.g. consultation with PEO, report to DHHS Child Protection etc.)</li> </ul>
3.	<p>Discuss any concerns about the safety and wellbeing of students with the PEO or a member of PCLC's Leadership Team. The individual staff member should then make their own assessment about whether they should make a report about the child or young person and to whom the report should be made.</p>
4.	<p>Gather the relevant information necessary to make the report. This should include the following information:</p> <ul style="list-style-type: none"> <li>• full name, date of birth, and residential address of the child or young person</li> <li>• the details of the concerns and the reasons for those concerns</li> <li>• assessment of the immediate danger to the child. (Information may be sought about the identity and whereabouts of the alleged abuser)</li> <li>• description of the injury or behaviour observed</li> <li>• current whereabouts of the child (if known)</li> <li>• any other information you have about the family</li> <li>• specific cultural or other details that will help understand the needs of the child e.g., non-English speaking background or disability</li> <li>• individual staff member's involvement with the child and young person</li> <li>• details of any other agencies who may be involved with the child or young person (if known)</li> </ul>
5.	<p>Make a report to the relevant agency:</p> <ul style="list-style-type: none"> <li>• To report concerns that are life threatening, phone 000 or the local police station.</li> <li>• To report concerns about the immediate safety of a child within their family unit to DHHS Child Protection, call the Child Protection Crisis Line on 13 12 78 (24 hrs 7 days, toll free)</li> <li>• To report concerns to DHHS Child Protection, contact your local child protection office</li> <li>• Reports to Victoria Police should be made to Moorabbin Sexual Offences and Child Abuse Investigation Teams (SOCIT) 9556-6128.</li> </ul>
6.	<p>Make a written record of the report which includes the following information: the date and time of the report and a summary of what was reported</p>

	the name and position of the person who made the report and the person who received the report
7.	<p>Notify relevant staff and/or Department staff of a report to DHHS Child Protection or Child FIRST.</p> <p>In the case of Koorie students, the PEO, or their delegate must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.</p>

### **Investigating**

If the appropriate child protection service or the police decide to conduct an investigation, all Management, staff, contractors or volunteers must co-operate fully.

Regardless if an external examination is warranted, the PEO may decide to administer an internal investigation. It is expected that all employees, contractors and volunteers will co-operate fully.

The PEO, or their delegate shall not disclose to any other person, the identity of, or information with potential to indicate the identity of, the notifying individual (“the notifier”) without the written consent of the notifier. There may be instances where the PEO or their delegate **must** inform law enforcement officials or other such intermediaries. The PEO or their delegate shall apprise the notifier upon this occurrence.

The PEO or their delegate shall coordinate investigations with the appropriate modality, whilst liaising with relevant internal counterparts and/or law enforcement officials. PCLC or external legal representatives may be involved in the process.

### **Responding**

If it is alleged that a member of staff, contractor or a volunteer may have committed an offence or have breached the organisation’s policies or its Code of Conduct, the person concerned may be stood down (with pay, where applicable) pending an investigation. If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation’s policies or Code of Conduct) has occurred, than disciplinary action may follow, with the potential of employment dismissal or cessation of organisational involvement. The investigation outcomes may be disseminated and disclosed to relevant and appropriate external bodies or law enforcement agencies.

### **Arranging Support**

The PEO, or their delegate will arrange support for the reporting staff and the student who is the cause for concern and anyone else affected.

A wide range of people may be affected, for a lengthy period. This is to be considered when arranging support.

### **Keeping Informed of DHHS and Police Processes**

After notification to Child Protection Services, or Police, a senior official will decide whether or not further investigation is required. The notifying staff member may be advised of this decision, in which case they are to brief the PEO or their delegate as soon as practicable.



If the notifying staff member is not advised, the PEO or their delegate will contact Child Protection Services or Police, and request information about proposed actions so that PCLC may provide appropriate ongoing support to the child.

### DHHS or Police Further investigation Interviews

If further investigation is required, students or staff may be interviewed by the Police or Department of Human Services or associated support or intervention services that may visit PCLC following a notification. These interviews are to be arranged by the PEO or their delegate and will only be conducted in the presence of the PEO or their nominee.

### Resources

- Department of Justice - Failure to Disclose Offence  
<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence>
- Department of Justice - Failure to protect: a new criminal offence to protect children from sexual abuse.  
<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>
- Department of Justice – Grooming Offence  
<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/grooming+offence>
- Reporting concerns about children or young People, Department of Human Services Oct 2014. Download from <http://www.DHHS.vic.gov.au/for-service-providers/children,-youth-and-families/child-protection/how-to-make-a-report-to-child-protection>
- Protecting the safety and wellbeing of children and young people, Department of Human Services 2010,  
<http://www.education.vic.gov.au/Documents/school/principals/spag/safety/protectionofchildren.pdf>
- Factors for consideration when making a report of child abuse, Department of Human Services Nov 2014 <http://www.DHHS.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/about-child-abuse/how-to-make-a-report-to-child-protection/factors-when-considering-a-report-of-child-abuse>
- A step-by-step guide to making a report to Child Protection or Child FIRST, Department of Education and Early Childhood Development Sept 2013,  
<http://www.education.vic.gov.au/Documents/school/principals/spag/safety/makingareportchild.pdf>
- Child Safe Standards <http://www.vrqa.vic.gov.au/childsafe/Pages/default.html>
- About the Standards <http://www.vrqa.vic.gov.au/childsafe/Pages/standards.html>
- Resources <http://www.vrqa.vic.gov.au/childsafe/Pages/resources.html>
- Department of Education Victoria – Child Safe Standards  
<http://www.vrqa.vic.gov.au/childsafe/Pages/resources.html>

Document Title	Version No	Key Words	Approval Date	Author	Approved by	Amendment
Mandatory Reporting – Child Sexual Abuse	One	Mandatory Reporting	02/15	Executive Assistant and Education Officer	PEO Executive Officer	N/A
Mandatory Reporting – Child Sexual Abuse	Two	Mandatory Reporting	09/16	Compliance Manager	Principal Executive Officer	Change of policy title, enhancement and elaboration of policy and procedure