



Star of the Sea College

Star of the Sea College is a Catholic Independent Girls' school, founded by the Presentation Sisters in 1883. Since 2014, Star of the Sea College has been a member of Kildare Ministries.

At Star of the Sea College we hold the care, safety and wellbeing of our students as a central and fundamental responsibility of our College. 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*

INTRODUCTION

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 Education and Training (DET), the Catholic Education Commission of Victoria and Independent Schools Victoria, exists to protect the safety and wellbeing of children and young people.

The DET has also produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools*, both of which are referred to in the joint protocol.

All teachers, other school staff, volunteers, contractors, other service providers, 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 safety policies, protocols and practices.

PURPOSE

Ministerial Order No. 1359: *Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and school boarding premises* was made under the *Education and Training Reform Act 2006* (Vic.) and sets out the specific actions that all Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

This Policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff member, volunteer, contractor, service provider, visitor or any other person while connected to the school environment. It is designed to enable those at Star of the Sea College to comply with the Victorian Child Safe Standards, including Standard 7 of the Victorian Child Safe Standards: processes for complaints and concerns are child focused. All procedures for reporting and responding to an incident of child abuse are designed and implemented by taking into account the diverse characteristics of our school community.

Actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child is in need of protection or a criminal offence has been committed are set out in this Policy. It also provides guidance and procedures on how to make a report.



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This policy is designed to assist staff to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a 'reasonable belief' is formed
- understand the four critical actions for schools, which are:
 - Responding to an emergency
 - Reporting to Authorities
 - Contacting Parents/carers
 - Providing support
- where possible, refer to the principles of the Victorian Charter of Human Rights and Responsibilities as best practice in respecting and protecting the basic rights, freedoms and responsibilities of members of the school community
- make a report of a child or young person who may be in need of protection
- comply with the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law and their legal obligations relating to criminal child abuse and grooming under criminal law.

LEGISLATIVE AND REGULATORY REQUIREMENTS

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.), the *Education and Training Reform Act 2006* (Vic.), the *Education and Training Reform Regulations 2017* (Vic.) and the *Family Violence Protection Act 2008* (Vic.).

The *Child Wellbeing and Safety Act 2005* (Vic.) introduced the Victorian Child Safe Standards, in January 2016. Following a review of those standards, changes have been made to those standards, with effect from 1 July 2022. The new Victorian Child Safe Standards set out minimum requirements and outline the actions organisations must take to keep children and young people safe. They provide more clarity for organisations and are more consistent with the standards in place in the rest of Australia.

Child abuse reporting obligations fall under six separate pieces of legislation with differing reporting requirements:

- the *Children, Youth and Families Act 2005* (Vic.)
- the *Education and Training Reform Act 2006* (Vic.)
- the *Education and Training Reform Regulations 2017* (Vic.)
- the *Crimes Act 1958* (Vic.)
- the *Family Violence Protection Act 2008* (Vic.)
- the *Wrongs Act 1958* (Vic.).

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.

Star of the Sea College is a prescribed Information Sharing Entity (ISE) meaning that, where legislated requirements are met, it is able to share confidential information with other ISEs to promote child wellbeing or safety under the Child Information Sharing Scheme (CISS) or the Family Violence Information sharing Scheme (FVISS).



DEFINITIONS AND OBLIGATIONS

Types of child abuse and indicators of harm

Child abuse can take many forms. The perpetrator may be a parent, guardian, carer, school staff member, volunteer, another adult or even another child. The nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Therefore, the legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- sexual offences
- grooming offences under section 49M(1) of the *Crimes Act 1958* (Vic.)
- physical violence
- serious emotional or psychological harm
- serious neglect.

Sexual offences	A sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
Grooming	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. It is a sexual offence under section 49M of the <i>Crimes Act 1958</i> (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
Physical violence	Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.



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Serious emotional or psychological harm	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory name-calling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
Serious neglect	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life-threatening situation and there is a continued failure to provide a child with the basic necessities of life.
Family violence	Family violence is defined under the <i>Family Violence Protection Act 2008</i> (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the <i>Child Wellbeing and Safety Act 2005</i> (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Child abuse can have a significant effect on a child's physical, social, psychological or emotional health, development and wellbeing. The younger the child, the more vulnerable they are to abuse and the more serious the consequences are likely to be.

There can be physical or behavioural indicators of child abuse and neglect, or a combination of both. While the presence of a single indicator, or even several indicators, does not necessarily prove that abuse or neglect has occurred, the repeated occurrence of either a physical or behavioural indicator, or the occurrence of several indicators together, should alert school staff to the possibility of child abuse or neglect.

Child sexual abuse is more commonly perpetrated by someone who is known to and trusted by the child, and is also often someone highly trusted within their families, communities, schools and/or other institutions, such as the Church.

For further definitions of all types of child abuse, a comprehensive list of the indicators of harm and advice on identifying perpetrators of child sexual abuse, see below section on *Identifying Signs of Child Abuse* and refer to the protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*.



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SOURCES OF CHILD ABUSE REPORTING OBLIGATIONS

Understanding Obligations

a. **Wrongs Act 1958 (Vic.) and duty of care**

Organisational duty of care

The *Wrongs Act 1958* (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. This is colloquially referred to as an ‘organisational duty of care’.

We and our governing body owe a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school while the child is under the care, supervision or authority of the school.

Individuals associated with the school can include employees, volunteers, office holders, contractors, ministers of religion and religious leaders.

Reasonable precautions that a school could take are not defined in the *Wrongs Act 1958* (Vic.) but, as examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- conducting employment screening and reference checking
- providing supervision and training
- implementing systems to provide early warning of possible offences
- performing random and unannounced inspections to deter misconduct
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

School staff duty of care

School staff members have a duty to take reasonable steps to protect children under their care and supervision from harm that is reasonably foreseeable (this applies to ALL school staff). The question of what constitutes “reasonable steps” will depend on the individual circumstances of each case.

The staff member may breach their duty of care towards a student if they fail to act in the way a reasonable or diligent professional would have acted in the same situation.

For more information on the scope of staff duty of care obligations and examples of reasonable steps they can take in relation to suspected child abuse, refer to the protocol [*PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools.*](#)

In relation to suspected child abuse, reasonable steps may include (but are not limited to): acting on concerns and suspicions of abuse as soon as practicable seeking appropriate advice or consulting with other professionals or agencies when the school staff member is unsure of what steps to take reporting the suspected child abuse to appropriate authorities such as Victoria Police and the Department of Families, Fairness and Housing (DFFH) arranging counselling and/or other appropriate welfare support for the child providing ongoing support to the child (this may include attending DFFS Child Protection Case Planning



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meetings, and convening regular Student Support Group meetings) sharing information with other school based staff who will also be responsible for monitoring and providing ongoing support to the child.

The Four Critical Actions outlines steps to take and services to refer to depending on your assessment of the child's situation. The staff member must follow the Four Critical Actions, including reporting to Victoria Police or DFFH Child Protection, or referring to other services like Child FIRST, to ensure that they fulfil their duty of care obligations. Duty of care also extends to students who are: aged 17 years and over. In circumstances where the staff member suspects that the student is subject to abuse, they should still follow the Four Critical Actions.

Although DFFH Child Protection generally work with children under 17, they can still be contacted with concerns relating to students 17 and over for referral and advice. Other services, such as The Orange Door, can provide services and support to adolescents. Staff members have a duty of care towards all students involved in student sexual behaviour, including students exhibiting concerning/ harmful behaviours, students impacted by such behaviours and any other students in the school who may have witnessed and/or been affected by the sexual behaviour.

b. Mandatory Reporting

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic.) to protect children from harm relating to physical injury and sexual abuse. A child, for the purpose of the relevant parts of this Act, is any person who is under the age of 17 years. In Victorian schools, registered teachers, school principals, early childhood workers, registered psychologists, school counsellors and all people in religious ministry are mandated to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made as soon as practicable after forming the belief.

If, in the course of carrying out their duties, a mandatory reporter forms a reasonable belief that a child is in need of protection because the child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and that the child's parents/guardians/carers are unwilling or unable to protect the child, they must report that belief to the Department of Families, Fairness and Housing (DFFH) Child Protection and/or Victoria Police, including the information prescribed in *PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools*, as soon as possible after forming the belief.

A subsequent report must be made on each occasion on which the mandatory reporter becomes aware of further reasonable grounds for the belief and even if the reporter knows that another report has been made concerning the same child and suspected abuse.

The threshold for reporting child abuse incidents, disclosures, concerns or suspicions has been set deliberately low by the joint protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*. This protocol focuses on *Four Critical Actions* that all our school staff must take if they form a suspicion or reasonable belief that child abuse has occurred, or that a child is at risk of suffering abuse.

Reasonable belief

Where staff members are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. If a staff member has witnessed potentially abusive behaviour, has a suspicion or has received a disclosure of child abuse, they must determine whether these observations or receipt of such information have caused the staff member to form a reasonable belief.

A reasonable belief or a belief on reasonable grounds is not the same as having proof, but is more than rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed



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the belief on the same grounds.

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused, or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which must be reported.

c. Criminal Offences

In response to the *Betrayal of Trust* report, three criminal offences were introduced under the *Crimes Act 1958* (Vic.):

- **failure to disclose offence**, which requires adults to report to Victoria Police a reasonable belief that a sexual offence has been committed against a child by another adult
- **failure to protect offence**, which applies to people in positions of authority within organisations, who knew of a risk of child sexual abuse by someone in the organisation and failed to reduce or remove the risk
- **grooming offence**, which targets communication with a child or their parents/guardians/carers with the intent of committing child sexual abuse.

Failure to disclose

Any staff member at 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 Victoria Police.

Failure to disclose the information to Victoria Police is a criminal offence under section 327 of the *Crimes Act 1958* (Vic.) and applies to all adults (18 years and over) in Victoria, not just professionals who work with children.

The obligation is to disclose that information to Victoria Police as soon as it is practicable to do so, except in limited circumstances such as where the information has already been reported to DFFH Child Protection.

For further information about the failure to disclose offence, see the Department of Justice and Community Safety's '*Failure to disclose offence*' webpage and *Betrayal of Trust: Fact Sheet*.

A person will not be found guilty of the offence if they have a reasonable excuse for not disclosing the information such as:



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- a reasonable fear for their own or another person's safety
- a reasonable belief that the information has already been disclosed to Victoria Police or DFFH Child Protection and the person has no new information to add to the disclosure.

Additional exemptions apply where:

- the victim is aged 16 years or over and requests confidentiality
- the person is a child when they formed a reasonable belief
- the information would be privileged
- the information is a confidential communication disclosed to a counsellor or a registered medical practitioner (e.g. in a school context, this exemption may apply to a psychologist or a social worker who engages in a counselling relationship with the victim of a sexual offence)
- the information is in the public domain
- police officers are acting in the course of their duty.

Failure to protect

Any staff member at in a position of authority who has the power or responsibility to remove risk, and becomes aware that an adult associated with the school (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child under 16 who is in the care or supervision of the school, must take all reasonable steps to reduce or remove that risk. At Star of the Sea College, this will include the Principal and Leadership Team.

Failure to take reasonable steps to protect a child in the school from the risk of sexual abuse from an adult associated with the school is a criminal offence under section 490(1) of the *Crimes Act 1958* (Vic.).

For further information about the failure to protect offence, see the Department of Justice and Community Safety's '[Failure to protect](#)' webpage and [Betrayal of Trust: Fact Sheet](#).

Grooming

The offence of grooming prohibits predatory conduct designed to prepare or 'groom' a child for future sexual activity and is contained in section 49M(1) of the *Crimes Act 1958* (Vic.). The offence applies to communication with children under 16 years.

Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails. The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

For further information about the grooming offence, see the Department of Justice and Community Safety's '[Grooming offence](#)' webpage and [Betrayal of Trust: Factsheet](#).

For more information about managing and responding to the risk of abuse, see the DET's '[Student Sexual Offending and Problem Sexual Behaviour](#)' and '[Risk Management – Schools](#)' webpages.



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d. Ministerial Order No 1359: Child Safe Standards

All Victorian schools must comply with Ministerial Order No 1359 - Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises in order to be registered, and remain registered with the Victorian Registration and Qualifications Authority (VRQA).

The Order specifies how every Victorian school must:

- embed a culture of ‘no tolerance’ for child abuse
- comply with the prescribed eleven minimum Child Safe Standards.

In meeting the requirements of the Order, schools must be inclusive of the needs of all children, particularly students who are vulnerable due to age, family circumstances, abilities, or indigenous, cultural or linguistic background.

e. Child safety obligations under the *Education and Training Reform Act 2006* (Vic.)

From a child safety perspective, the key functions of the *Education and Training Reform Act 2006* (Vic.) are to:

- require Star of the Sea College to notify the Victorian Institute of Teaching (VIT) of action taken against a registered teacher or early childhood teacher in response to allegations of serious misconduct or if the school becomes aware that the teacher is currently charged with, or convicted or found guilty of, certain offences including sexual offences
- ensure compliance with the Victorian Child Safe Standards as a requirement of registration for all Victorian schools.

Star of the Sea College must ensure that the care, safety and welfare of all students attending the school are in accordance with all applicable Victorian and Commonwealth laws, and that all staff employed at the school are advised of their obligations to child safety.

f. Reportable Conduct Scheme

The Reportable Conduct Scheme was created under the Child Wellbeing and Safety Act 2005 (Vic) and requires the head of entity (Principal or College Board Chair), to notify the Commission for Children and Young People (CCYP) if an allegation of reportable conduct (a reportable allegation) is made against one of its employees (including a Principal, teacher, corporate staff member or school council or Board employee, contractor, volunteer, counsellor, allied health staff member, minister of religion or religious leader). This may also include former employees.

Reportable conduct is defined under the *Child Wellbeing and Safety Act 2005* (Vic.) to mean a sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child, behaviour causing significant emotional or psychological harm to a child, or significant neglect of a child.

A **reportable allegation** means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person’s employment. Reportable conduct may also include historical reportable allegations.



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The Reportable Conduct Scheme imposes obligations on the head of entity to:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations are brought to the attention of the CECV/MACS Employee Relations unit at the earliest opportunity for investigation and response
- ensure that the CCYP is notified and given updates on the school's response to an allegation
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

All school staff are required to notify the Principal or, if the Principal is involved in the allegation, a member of the Leadership Team, if they have a reportable allegation. The Principal or a member of the Leadership Team must notify the MACS Safeguarding and Standards Team of the allegation of reportable conduct as soon as possible. Kildare Ministries may also be notified. The Principal will contact the CCYP.

The Reportable Conduct Scheme does not change mandatory reporting or other reporting obligations, including internal reporting and reporting criminal behaviour to Victoria Police. Reportable conduct reporting should be done in addition to these other reporting obligations.

All allegations of reportable conduct must be referred to the MACS Safeguarding and Standards Team as soon as a Principal or a member of the Leadership Team becomes aware of it - ph 03 9267 0228 or rcs@macs.vic.edu.au.

The *Child Wellbeing and Safety Act 2005* (Vic.) also enables a school, as a prescribed Information Sharing Entity (ISE) to share confidential information with other ISEs to promote child wellbeing or safety, where legislated requirements are met.

g. Victorian Charter of Human Rights and Responsibilities

While Victorian Catholic schools are not bound by the *Charter of Human Rights and Responsibilities Act 2006* (Vic.), the following principle should be noted:

School staff are required to respond to suspected child abuse with proper consideration for human rights and, when making decisions and taking actions in response to suspected child abuse, to act compatibly with human rights. This means that school staff should take into account the right to protection without discrimination, the right to protection from torture and cruel, inhuman or degrading treatment, and the right to privacy when responding to suspected child abuse.



IDENTIFYING SIGNS OF CHILD ABUSE

School staff members play a critical role in protecting children from child abuse. In some cases the staff member may be the best-placed, or only adult in a child's life who is in a position to identify and respond to signs that a child is being abused, or is at risk of abuse school community member (including a school staff member) may be a perpetrator of child abuse.

There are different types of abuse:

- physical child abuse
- child sexual abuse
- grooming
- family violence
- emotional child abuse
- neglect .

When identifying child abuse, it is critical to remember that:

- some instances of child abuse will fall across multiple categories (i.e. family violence may involve physical, sexual and/or emotional child abuse)
- the trauma associated with child abuse can significantly impact upon the wellbeing and development of a child
- all concerns about the safety and wellbeing of a child, or the conduct of a staff member, contractor or volunteer must be acted upon as soon as possible.

If physical and/or behavioural indicators lead a staff member to suspect that a student has or is being abused, or is at risk of abuse, regardless of the type of abuse, the staff member must respond as soon as practicable by following the Four Critical Actions.

Physical Indicators of physical Child abuse include, but are not limited to:

- bruises or welts on facial areas and other areas of the body, e.g. back, bottom, legs, arms and inner thighs
- bruises or welts in unusual configurations, or those that look like the object used to make the injury, e.g. fingerprints, handprints, buckles, iron or teeth
- burns from boiling water, oil or flames or burns that show the shape of the object used to make them, e.g. iron, grill, cigarette
- fractures of the skull, jaw, nose and limbs (especially those not consistent with the explanation offered, or the type of injury possible at the child's age of development)
- cuts and grazes to the mouth, lips, gums, eye area, ears and external genitalia
- bald patches where hair has been pulled out
- multiple injuries, old and new
- effects of poisoning
- internal injuries.

Behavioral Indicators of physical child abuse include but are not limited to:

- disclosure of an injury inflicted by someone else (parent, carer or guardian), or an inconsistent or unlikely explanation or inability to remember the cause of injury
 - unusual fear of physical contact with adults
 - aggressive behaviour
 - disproportionate reaction to events
 - wearing clothes unsuitable for weather conditions to hide injuries
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- wariness or fear of a parent, carer or guardian
 - reluctance to go home
 - no reaction or little emotion displayed when being hurt or threatened
 - habitual absences from school without reasonable explanation
 - overly compliant, shy, withdrawn, passive and uncommunicative
 - unusually nervous, hyperactive, aggressive, disruptive and destructive to self and/or others
 - poor sleeping patterns, fear of the dark or nightmares and regressive behaviour, e.g. bed-wetting
 - drug or alcohol misuse, suicidal thoughts or self-harm

Child Sexual Abuse

Child sexual abuse:

- is when a person uses power or authority over a child to involve them in sexual activity
- can include a wide range of sexual activity and can include exposing a child to pornography
- does not always involve physical contact or force.

A staff member must follow the Four Critical Actions if they suspect that:

- a student has been or is being sexually abused, or is at risk of sexual abuse
- a school staff member, contractor or volunteer may be engaging, or are at risk of engaging in sexual behaviour with a child/children.

Unwanted sexual behaviour toward a student by a child 10 years or over can constitute a sexual offence and is referred to as student-to-student sexual offending.

Child sexual abuse may not always include physical sexual contact and can also include non-contact offences, for example:

- talking to a student in a sexually explicit way
- sending sexual messages or emails to a student
- exposing a sexual body part to a student
- forcing a student to watch a sexual act (including showing pornography to the student)
- having a student pose or perform in a sexual manner (including child sexual exploitation).

Child sexual abuse does not always involve force. In some circumstances a student may be manipulated into believing that they have brought the abuse on themselves, or that the abuse is an expression of love, through a process of grooming.

All incidents, suspicions and disclosures of student sexual offending must be responded to by following the Four Critical Actions. Further specific information is available in [Protect: Identifying and Responding to all forms of abuse in Victorian Schools](#), pages 17-21.

Grooming

Grooming is when a person engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer. If a staff member suspects that a child is being groomed, they must follow the Four Critical Actions.

Family Violence

Family violence can include physical violence or threats, verbal abuse, emotional and physical abuse, sexual abuse and financial and social abuse. If a staff member suspects that a student is exposed to family violence (including witnessing family violence), or is at risk of family violence they must follow the Four Critical Actions.



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Emotional Child Abuse

Emotional child abuse occurs when a child is repeatedly rejected, isolated or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person, to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health. If a staff member suspects that a child is or is likely to, suffer emotional or psychological harm, they must follow the Four Critical Actions.

Neglect

Serious neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health or physical development of the student is significantly impaired or placed at serious risk. If a staff member suspects that a student is experiencing serious neglect, they must follow the Four Critical Actions. If the staff member is concerned that a student may be experiencing neglect that is not “serious”, they should speak to a School counsellor or the Pastoral Leader about their concerns, who will refer to external agencies.

Forming a 'Reasonable Belief'

If the staff member witnesses, suspects, or receives a disclosure of child abuse including exposure to family violence, the staff member will need to determine whether they have formed a ‘reasonable belief’ or a ‘belief on reasonable grounds’ that a child has been or is being abused or is at risk of being abused. A reasonable belief is a deliberately low threshold:

- so that people are encouraged to report suspected abuse to the relevant authorities and agencies, enabling authorities to investigate the allegations and take further action to prevent or stop any further abuse
- which does not require proof, but does require something more than a mere rumour or speculation
- and is met if a reasonable person in the same position would have formed the belief on the same grounds.

Forming a belief on reasonable grounds may include:

- a child stating that they have been abused
- any person telling the staff member they believe someone has been abused (sometimes the child may be talking about themselves)
- physical indicators of abuse such as non-accidental or unexplained injuries; persistent neglect, or inadequate care and supervision lead the staff member to believe that the child has been abused
- behavioural indicators of abuse lead the staff member to believe that the child has been abused
- other signs such as family violence, parental substance misuse, psychiatric illness or intellectual disability that is impacting on the child’s safety, stability or development.

Types of Child Abuse and Indicators of Harm

Child abuse can have a significant effect on a child’s physical or emotional health, development and wellbeing. The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

There are many indicators of child 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 child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators **must** be reported.



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It is **mandatory** to report concerns relating to:

- physical abuse
- child sexual abuse.

While not mandated, making a report to DFFH Child Protection may also be needed for:

- emotional abuse
- neglect
- medical neglect
- family violence
- human trafficking (including forced marriage)
- extreme risk-taking behaviour
- risk to an unborn child
- a child or young person exhibiting sexually-abusive behaviours.

For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm are in the link: [PROTECT: Identifying and responding to all forms of abuse in Victoria](#)

Reporting Child Protection Concerns

All school staff who believe on reasonable grounds that a child or young person is in need of:

- protection from physical harm or sexual abuse – **must** report their concerns to DFFH Child Protection
- protection from harm that is not believed to involve physical harm or sexual abuse – are encouraged to report their concerns to DFFH Child Protection
- therapeutic treatment – are encouraged to report their concerns to DFFH Child Protection or Child FIRST.

A template, “Child Safety Reporting Obligations Proforma” for recording information relating to child sexual abuse is to be used for any documentation relating to reporting obligations.



When to Make a Mandatory Report

Type of Reporting	By Whom	To Whom
<p>Mandatory Reporting - DFFH Child Protection</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 abuse, and the child's parents are unable or unwilling to protect the child.</p>	<p>Mandatory reporters</p> <ul style="list-style-type: none"> ● Teachers registered to teach or who have permission to teach pursuant to the <i>Education and Training Reform Act 2006</i> (Vic.) ● Principals of government and non-government schools ● Registered medical practitioners ● Nurses ● School counsellors ● Registered psychologists ● People in religious ministry ● All members of the police force. 	<p>Contact DFFH Child Protection</p>



When a Report May Be Required, Though Not Mandated

Type of Reporting	By Whom	To Whom
<p>Child in Need of Protection</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"> • The child has been abandoned and there is no other suitable person who is willing and able to care for the child. • 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. • 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. • 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. • The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child. • 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. 	Any person	<p>Contact DFFH Child Protection and Victoria Police if it is clear a crime has been committed.</p>
<p>Child in Need of Therapeutic Treatment</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 under 15 years of age, is in need of therapeutic treatment because he or she has exhibited sexually-abusive behaviours. Contact Child First if there is no significant concern about the immediate safety of the child.</p>	Any person	<p>Contact DFFH Child Protection or Child First</p>
<p>Significant Concerns About Wellbeing of a Child</p> <p>School staff can seek advice from or make referral to DFFH Child Protection or Child First if they have a significant concern for the wellbeing of a child and where the immediate safety of the child is not compromised.</p> <p>The staff member should share relevant information with Child First to help them complete their assessment of the referral</p>	Any person	<p>Contact DFFH Child Protection or Child First</p>



When to Report Criminal Offences

This 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>Reasonable belief that a sexual offence has been committed by an adult against a child under 16</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.</p> <p>You will not be guilty of an offence if you do not report in the following circumstances:</p> <ul style="list-style-type: none">• 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 has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner or counsellor.• The victim turned 16 years of age before 27 October 2014. <p>Reasonable excuses for failing to comply with the requirement include:</p> <ul style="list-style-type: none">• A reasonable belief that the information has already been reported to police or DFFH Child Protection disclosing all of the information• A reasonable fear that the disclosure will place someone (other than the alleged perpetrator) at risk of harm.	Any person aged 18 or over	Victoria Police



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How to Make a Report for Mandatory Reporting and Criminal Offences

The following information provides practical guidance in relation to record keeping for both mandatory reporting and criminal offences.

Making a Report

In case of emergency or if a child is in life-threatening danger contact (000) or the local police station.

Alternatively, to report concerns about the immediate safety of a child within their family unit to DFFH Child Protection, call the local Child Protection Intake Provider (see [DFFH Child Protection contacts](#)). If after hours call the **Child Protection Crisis Line on 13 12 78**.

The table below describes the information to include when making a mandatory report about child abuse or child protection concerns.

Step	Description
1	Keep comprehensive notes that are dated and include the following information: <ul style="list-style-type: none">• a description of the concerns (e.g. physical injuries, student behaviour)• the source of those concerns (e.g. observation, report from child or another person)• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DFFH Child Protection etc.).
2	Discuss any concerns about the safety and wellbeing of students with the Principal, a member of the Leadership Team or the Student Counsellor. 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.
3	Gather the relevant information necessary to make the report. This should include the following information: <ul style="list-style-type: none">• full name, date of birth and residential address of the child or young person• the details of the concerns and the reasons for those concerns• the individual staff member's involvement with the child or young person• details of any other agencies which may be involved with the child or young person.



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Step	Description
4	<p>Make a report to the relevant agency:</p> <ul style="list-style-type: none">● To report concerns which are life-threatening phone 000 or the local police station.● To find the nearest Victoria Police Sexual Offences and Child Abuse Investigation Team contact your local police station. Visit the Victoria Police website for local contact numbers.● To report concerns about the immediate safety of a child within their family unit to DFFH Child Protection,<ul style="list-style-type: none">● Call your local Child Protection Intake provider immediately, Child Protection● For After Hours Child Protection Emergency Services, call 13 12 78.● To report concerns to DFFH Child Protection, contact your local child protection office. <p>** Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection.</p>
5	<p>Make a written record of the report including the following information:</p> <ul style="list-style-type: none">● the date and time of the report and a summary of what was reported● the name and position of the person who made the report and the person who received the report.
6	<p>Notify relevant school staff and/or MACS staff of a report to DFFH Child Protection or Child FIRST.</p> <ul style="list-style-type: none">● School staff should advise the Principal or a member of the Leadership Team if they have made a report.● School staff can seek further assistance by contacting MACS.
7	<p>In the case of Aboriginal or Torres Strait Islander students, the Principal must notify the Diocese or Regional Office (as appropriate) to ensure the regional Indigenous Support Officer can arrange appropriate support for the student.</p>



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Potential Consequence of Making a Report

Potential Consequences	Description
Confidentiality	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> the reporter chooses to inform the child, young person or parent of the report the reporter consents in writing to their identity being disclosed a court or tribunal decides that it necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.
Professional Protection	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter the reporter cannot be held legally liable in respect of the report.
Interviews	<ul style="list-style-type: none"> DFFH Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent's knowledge or consent Interviewing children and young people at school should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner DFFH Child Protection and/or Victoria Police will notify the Principal or a member of the leadership team of their intention to interview the child or young person on the school premises When DFFH Child Protection practitioners/Victoria Police officers come to the school premises, the principal or a member of the leadership team should request to see identification before permitting them to have access to the child or young person When a child or young person is being interviewed by DFFH Child Protection and/or Victoria Police, school staff must arrange to have a supportive adult present with the child or young person.
Support for the child or young person	<p>The roles and responsibilities of staff members in supporting children who are involved with DFFH Child Protection may include the following:</p> <ul style="list-style-type: none"> acting as a support person for the child or young person attending DFFH Child Protection case-planning meetings observing and monitoring the child's behaviour liaising with professionals.



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Requests for information	<p>DFFH Child Protection and/or Child FIRST and/or Victoria Police may request information about the child or family for the purpose of investigating a report and assessing the risk to the child or young person.</p> <p>In certain circumstances, DFFH Child Protection can also direct school staff and Department staff to provide information or documents about the protection or development of the child. Such directions should be in writing and only be made by authorised persons within DFFH Child Protection.</p>
Witness Summons	<p>If DFFH Child Protection makes a Protection Application in the Children’s Court of Victoria, any party to the application may issue a Witness Summons to produce documents and/or to give evidence in the proceedings.</p>



Appendix 1: Related Resources

Catholic Education Commission of Victoria

- [Catholic Schools Operational Guide](#) (CEVN website)
- [PROTECT: Identifying and responding to all forms of abuse in Victorian Schools.](#)
- [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)
- [Four Critical Actions for Schools](#)

Department of Education and Training

- [Duty of care](#)
- [Police and Child Protection Interviews](#)
- [Responding to Student Sexual Assault](#)
- [Requests for Information about Students](#)
- [Subpoenas, Summonses](#) and other Legal Documents
- [Flowchart: A step-by-step guide to making a report to Child Protection or Child FIRST](#)
- [Mandatory Reporting eLearning Module.](#)

Department of Families, Fairness and Housing

- [Child Protection](#)
- [Child FIRST.](#)

Victoria Police

- [Victoria Police Sexual Offences and Child Abuse Investigation Teams \(SOCIT\).](#)

Department of Justice and Community Safety

- [Failure to disclose offence](#)
- [Failure to protect offence](#)
- [Grooming offence.](#)

Further Information

MACS operates the ***Student Wellbeing Information Line (9am – 5pm daily) 03 9267 0228***. The *Student Wellbeing Information Line* seeks to:

- address matters that impact on the wellbeing and educational outcomes of young people arising in Catholic school communities across the Archdiocese of Melbourne using a solution focused- framework
 - act as a conduit between the school and the family to promote effective communication and resolution of enquiries.
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Responsible Officer	Principal
Approved By	Board
Approved and Commenced	2017
Reviewed and revised	June 2022
Review By	June 2024
Relevant Legislation	<p>Children, Youth and Families Act 2005 (Vic.) Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic.) Crimes Act 1958 (Vic.) Education and Training Reform Act 2006 (Vic.) Equal Opportunity Act 2010 (Vic.) Ministerial Order No 1359-Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises Privacy Act 1958 (Cth.) Victorian Institute of Teaching Act 2001 (Vic.) Worker Screening Act 2020 (Vic.)</p>
Related Policies & Procedures	<p>PROTECT Identifying and responding to all forms of abuse in Victorian Schools Child Safety Reporting Obligations Proforma Child Safety Code of Conduct Policy Child Safety and Wellbeing Policy Critical Incident Procedures Grievance Procedures ICT Staff Policy ICT Student Policy Respectful Relationships Policy Student Wellbeing Policy Volunteer’s Policy</p>
Version	6
Amendments to Version	Updated Ministerial Order 1359