

# PROTECT: Identifying and Responding to Abuse – Reporting obligations



Emmaus is a school which operates with the consent of the Catholic Archbishop of Melbourne and is owned, operated and governed by Melbourne Archdiocese Catholic Schools Ltd (MACS).

## 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.

MACS schools are entrusted with the holistic education of the child, in partnership with parents, guardians and carers, who are the primary educators of their children. MACS 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 2021–2031*, protecting children is everyone's responsibility – parents/guardians/carers, communities, governments and businesses 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 Victorian Department of Education and Training (DET), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) 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 members, volunteers, contractors, other service providers and parish priests of Catholic schools within Victoria must understand and abide by the professional, moral and legal obligations to implement child abuse 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 Emmaus 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.

This Policy assists staff at Emmaus (which includes volunteers, contractors, other service providers and religious leaders including clergy) to:

- identify the indicators of a child or young person who may be in need of protection
- understand how a suspicion or reasonable belief is formed
- 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 about a child or young person who may be in need of protection
- comply with obligations under the Victorian Reportable Conduct Scheme
- comply with mandatory reporting obligations under child protection law
- comply with legal obligations relating to criminal child abuse and grooming under criminal law.

## Legislative and regulatory requirements

Emmaus and our governing body 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.

Emmaus 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.

<b>Sexual offences</b>	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.
<b>Grooming</b>	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.
<b>Physical violence</b>	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.
<b>Serious emotional or psychological harm</b>	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.
<b>Serious neglect</b>	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.
<b>Family violence</b>	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, refer to the protocol [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## Sources of child abuse reporting obligations

### *Children, Youth and Families Act 2005 (Vic.)*

#### ***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 Emmaus 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 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.

### **[Child Wellbeing and Safety Act 2005 \(Vic.\)](#)**

#### **Reportable conduct**

The Reportable Conduct Scheme was created under the *Child Wellbeing and Safety Act 2005 (Vic.)* and requires the head of entity, the Executive Director of MACS, 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.

**Employees** can include a principal, teacher, administrative or corporate staff member, board or school council employee, contractor, volunteer, school doctor/nurse/medical professional, allied health staff member, or minister of religion or religious leader. It 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.

The Reportable Conduct Scheme imposes obligations on the head of entity (governing authority). For Emmaus the Executive Director of our governing body MACS, through our Principal, will:

- have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations are brought to the attention of the Executive Director at the earliest opportunity for investigation and response
- ensure that the CCYP is notified and given updates on the organisation's response to an allegation by contacting the MACS Safeguarding and Standards Team on 03 9267 0228 or [rcs@macs.vic.edu.au](mailto:rcs@macs.vic.edu.au)
- report to Victoria Police as soon as they become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Reportable conduct may also include historical reportable allegations. More guidance can be found in [Reportable Conduct Scheme – Historical allegations](#).

All school staff are required to notify the Principal or, if the Principal is involved in the allegation, a member of the Leadership Team, Regional General Manager or the Executive Director, if they have a reportable allegation. The Principal or a member of the Leadership Team or Regional General Manager

(as applicable) must notify the MACS Safeguarding and Standards Team of the allegation of reportable conduct as soon as possible, which in turn will immediately notify the Executive Director.

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, or Regional General Manager (as applicable) becomes aware of it. For further support and advice regarding reporting conduct at Emmaus under the Reportable Conduct Scheme, contact the MACS Safeguarding and Standards Team on 03 9267 0228 or [rsc@macs.vic.edu.au](mailto:rsc@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.

### **Crimes Act 1958 (Vic.)**

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 Emmaus 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](#).

#### ***Failure to protect***

Any staff member at Emmaus 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 Emmaus, 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: Fact Sheet](#).

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.

### **Education and Training Reform Act 2006 (Vic.) – child safety obligations**

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

- Require Emmaus 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.
- Emmaus and our governing body 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.

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

A 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](#).

### **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.

## **Required actions under this Policy**

We and our governing body have a moral, legal and mission-driven responsibility to create nurturing school environments where children and young people are respected and their voices heard, and where they are safe and feel safe.

Our governing body and every person involved in Emmaus has a responsibility to understand the important and specific role they have individually and collectively, to ensure that complaints and concerns relating to child abuse are taken seriously, and to ensure that the wellbeing and safety of all children and young people are at the forefront of all they do and every decision they make.

### **Staff awareness and training**

All teachers, mandatory reporters and all other staff at Emmaus will be made aware of and receive training in relation to their mandatory reporting obligations.

### **Responding to and reporting child abuse concerns**

The approach to responding to and reporting child abuse concerns in the joint protocol incorporates [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)

At Emmaus, a staff member must take any complaint or concern relating to child abuse seriously. They must act, and follow the Four Critical Actions, as soon as they become aware of a child abuse incident – that is, when a child is experiencing, or is at risk of experiencing, abuse. The staff member must ensure that they act promptly and thoroughly in their response.

### **Becoming aware of a child abuse incident**

There are four main ways in which a school staff member may become aware that a child is experiencing, or is at risk of experiencing, abuse:

#### **1. Witnessing an incident**



If you witness an incident where you believe a child has been subjected to, or may be at risk of, abuse, including exposure to family violence, you must first take immediate action to protect the safety of the child or children involved and then refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

## **2. Forming a suspicion or reasonable belief**

All suspicions that a child has been, is being or is at risk of being abused must be taken seriously, including suspicions that the abuse is taking or may take place outside school grounds or areas. If your suspicion develops into a reasonable belief, you must act and refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

## **3. Receiving a disclosure about or from a current student**

All disclosures must be treated seriously. You should immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

## **4. Receiving a disclosure about or from a former student**

If you receive a disclosure from a former student about historical abuse, you must act. If the former student is currently of school age and attending a Victorian school, you must immediately refer to [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#).

If the former student is no longer of school age or attending a Victorian school, you must still report the disclosure to DFFH Child Protection.

### **Notes and records**

Emmaus staff members are to keep clear and comprehensive notes relating to incidents, disclosures and allegations of child abuse using [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#).

Even if a Emmaus staff member decides not to make a report, they must still accurately document their notes relating to the incident, disclosure or allegation of child abuse using [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#).

Notes and records must be kept securely on school grounds and must not be destroyed as they may be needed at a later time.

### **Disclosures**

It is the role of Emmaus staff members to reassure and support a child or young person who makes a disclosure of abuse, and to ensure that the disclosure is taken seriously. However, school staff members should never promise to keep any disclosures confidential, as all disclosures of abuse must be reported.

The role of Emmaus staff remains the same if disclosures are made by a parent/guardian/carer or a sibling, or if disclosures involve family violence.

For strategies on how to manage a disclosure, refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

## The Four Critical Actions

There are Four Critical Actions which must be taken when responding to and reporting a child abuse incident, disclosure or suspicion:

1. Responding to an Emergency
2. Reporting to Authorities
3. Contacting Parents/Carers
4. Providing Ongoing Support.

### ***Critical Action 1: Responding to an Emergency***

This first step is only applicable if a child has just been abused or is at risk of immediate harm. If this is not the case, go straight to Critical Action 2: Reporting to Authorities.

If the child has just been abused or is at risk of immediate harm, you must take reasonable steps to protect the child, including:

- separating the alleged victim and others involved, ensuring that if the parties involved are all present at the school, they are supervised separately by a school staff member
- arranging and providing urgent medical assistance where necessary, including administering first aid or calling 000 for an ambulance
- calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.

If the child abuse incident has occurred at Emmaus staff should also ensure that reasonable steps are taken to preserve the environment, the clothing and other items, and to prevent any potential witnesses (including school staff members, volunteers and contractors) from discussing the incident until Victoria Police or relevant authorities arrive on the premises.

### ***Critical Action 2: Reporting to Authorities***

All forms and instances of suspected or alleged child abuse must be reported to the appropriate authority.

Once immediate health and safety concerns have been addressed, the Emmaus staff member must take steps to report the incident, suspicion or disclosure of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

There are different reporting procedures depending on:

- whether the source of the suspected or alleged abuse comes from within the school or within the family or community of the child
- the type of abuse.

In all cases, Emmaus staff members must report internally to the Principal or, if the Principal is involved in the allegation, the Leadership Team.

Additionally:

- where the source of the abuse comes from within Emmaus that is, the suspected or alleged abuse involves a school staff member, volunteer, allied health professional, officer/office holder, contractor or visitor at Emmaus, it must be reported to Victoria Police
- where the suspicion, belief or disclosure relates to sexual abuse or grooming, it must be reported to Victoria Police
- where the source of the abuse comes from within the family or community and is not sexual abuse or grooming, it must be reported to DFFH Child Protection.

The DFFH and DET have deliberately set a low threshold for the formation of a 'reasonable belief'. For more information, refer to the [Reasonable belief](#) section of this Policy.

[Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) requires all school staff to report all incidents, suspicions and disclosures of abuse as soon as possible to the relevant authorities.

### How to make a mandatory report

The table below describes the information to include when making a **mandatory report** about child abuse or child abuse concerns. If a child is at immediate risk of harm, contact Victoria Police immediately.

Making a Mandatory Report	
Step	Description
1. Keep notes	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• the actions taken as a result of the concerns (e.g. consultation with the principal, report to DFFH Child Protection).</li> </ul> <p>Emmas staff can use the template provided in <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> to record their notes.</p>
2. Discuss concerns	<p>Due to the complexity of child abuse incidents, disclosures and suspicions, it is recommended that concerns and observations regarding suspected physical or sexual abuse of a child are discussed with the Principal or a member of the Leadership Team and/or via the MACS Regional General Manager or MACS Student Wellbeing Information Line.</p> <p>This is not a legal requirement; however, it will help to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.</p> <p>You should then make your own assessment about whether you are required to make a report about the child or young person and to whom the report should be made.</p> <p>It is important to remember that the duty to report abuse or suspicions of abuse exists even if the Principal, member of the Leadership Team or a representative of MACS advises you not to proceed with reporting suspected abuse.</p>
3. Gather and document information	<p>Gather the relevant information necessary to make the report. This should include the following:</p> <ul style="list-style-type: none"> <li>• full name, date of birth and residential address of the child or young person</li> <li>• details of the concerns and the reasons for those concerns</li> <li>• your involvement with the child or young person</li> <li>• details of any other agencies which may be involved with the child or young person.</li> </ul> <p>This information should be collected and documented using <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>. The template is to be used to record as much information as possible to provide when you make your report to either Victoria Police or DFFH Child Protection.</p>

Making a Mandatory Report	
Step	Description
	It is critical that completing the template does not impact on reporting times – if a child is in immediate danger, Emmaus staff need to report the matter to Victoria Police immediately.
<b>4. Make the report</b>	<p><b>To report concerns which are life-threatening, phone 000 or the local police station.</b></p> <p>Where the source of the abuse comes from within Emmaus that is, the suspected or alleged abuse involves an Emmaus staff member, volunteer, allied health practitioner, officer/office holder, contractor or visitor at the school:</p> <ul style="list-style-type: none"> <li>– contact Victoria Police, which will contact DFFH Child Protection when appropriate</li> <li>– report internally to: <ul style="list-style-type: none"> <li>○ the Principal, or the Leadership Team if the Principal is involved in the allegation</li> <li>○ MACS Student Wellbeing Information Line (9267 0228).</li> </ul> </li> </ul> <p>Where the source of the suspected or alleged abuse comes from within the child’s family or community, you must:</p> <ul style="list-style-type: none"> <li>– report sexual abuse and grooming to Victoria Police</li> <li>– report the matter to <a href="#">DFFH Child Protection</a> if you consider the child to be in need of protection due to child abuse, or that they have been, are being or are at risk of being harmed due to any form of abuse, including family violence. If after hours, call the Child Protection Emergency Service on 13 12 78</li> <li>– report internally to: <ul style="list-style-type: none"> <li>○ the Principal, or a member of the Leadership Team if the Principal is unavailable</li> <li>○ MACS Student Wellbeing Information Line (9267 0228).</li> </ul> </li> </ul>
<b>5. Document written records of report</b>	<p>Make a written record of the report, including the following information:</p> <ul style="list-style-type: none"> <li>• the date and time of the report, and a summary of what was reported</li> <li>• the name and position of the person who made the report, and the person who received the report.</li> </ul> <p>The information initially recorded in <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a> and any additional information provided to either Victoria Police or DFFH Child Protection are to be stored securely and maintained indefinitely by Emmaus to ensure that records are accessible upon request by external authorities investigating the matter.</p>
<b>6. Additional steps for overseas students</b>	Where a child abuse incident, disclosure or suspicion involves an international student at the school and the school has issued a Confirmation of Appropriate Accommodation and Welfare (CAAW) letter for that student (thereby assuming responsibility for the child’s accommodation, support and general welfare), the school will also need to contact the Victorian Registration and Qualifications Authority (VRQA).

*Reporting that is non-mandatory*

Emmaus staff members, volunteers, contractors and other service providers who are not mandatory reporters nevertheless have professional and moral (and sometimes legal) obligations to report a child

abuse incident, disclosure or suspicion. Please refer to Emmaus protocols in relation to reporting a child abuse incident, disclosure or suspicion that is not the subject of a mandatory reporting obligation.

### *How to report allegations of reportable conduct*

The table below describes the information to include when making an allegation of reportable conduct about an employee (persons engaged by the entity such as volunteers, contractors, office holders, board members, board committee members, school advisory council members and officers of a religious body) at the school. The Reportable Conduct Scheme is in addition to a Emmaus staff member’s mandatory reporting or criminal reporting obligations. Reference should also be made to the Reportable Conduct Policy if an allegation of reportable conduct is made.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to Victoria Police as the priority. However, school staff members may find they also need to make an allegation of reportable conduct for the same incident.

For further support and advice regarding reporting conduct in Emmaus under the Reportable Conduct Scheme, contact the MACS Safeguarding and Standards Team on 03 9267 0228 or [rcs@macs.vic.edu.au](mailto:rcs@macs.vic.edu.au).

Making an Allegation of Reportable Conduct	
Step	Description
<b>1. Keep notes</b>	<p>Keep comprehensive notes that are dated and include the following information:</p> <ul style="list-style-type: none"> <li>• a description of the concerns (e.g. physical injuries, student behaviour)</li> <li>• the source of those concerns (e.g. observation, report from child or another person)</li> <li>• any actions taken as a result of the concerns (e.g. consultation with the Principal, report to DFFH Child Protection).</li> </ul>
<b>2. Make the report</b>	<p>As soon as a person forms a reasonable belief that an employee (persons engaged by the entity such as volunteers, contractors, office holders, board members, board committee members, school advisory council members and officers of a religious body) at the school has engaged in reportable conduct or misconduct that may involve reportable conduct, you must report this allegation to the school’s Principal or, if the Principal is involved in the allegation, the Leadership Team or the Regional General Manager who will notify the MACS Safeguarding and Standards Team on 03 9267 0228 or <a href="mailto:rcs@macs.vic.edu.au">rcs@macs.vic.edu.au</a>.</p>

### *What should the principal of Emmaus do about a reportable allegation?*

Below are the steps that the Principal of Emmaus must take if there is a potential reportable allegation. These steps are in general order of priority, but the guidance may change depending on the circumstances. In all cases, reportable allegations must be referred to the MACS Safeguarding and Standards Team as soon as practicable on 03 9267 0228 or [rcs@macs.vic.edu.au](mailto:rcs@macs.vic.edu.au).

Reference should also be made to the Reportable Conduct Policy to ensure that all obligations are complied with in relation to reporting an allegation of reportable conduct.

What if a student or another child informs you of a reportable allegation?	What if a staff member or another adult informs you of a reportable allegation?
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1. The first step should always be to ensure the student/child is safe. If you believe a child faces immediate danger or risk of harm, contact Victoria Police on 000.

What if a student or another child informs you of a reportable allegation?	What if a staff member or another adult informs you of a reportable allegation?
<p>2. When speaking with a child or young person, it is important to remember that if they have decided to speak to you, then there is a good chance they trust you.</p> <ul style="list-style-type: none"> <li>• Give the child or young person your full attention.</li> <li>• Listen calmly and empathically.</li> <li>• Reassure the child or young person that it is right to tell.</li> <li>• Accept the child or young person will disclose only what they are comfortable disclosing and recognise the bravery/strength of the child for talking about something that is difficult.</li> <li>• Let the child or young person take their time.</li> <li>• Let the child or young person use their own words.</li> <li>• Don't make promises you cannot keep.</li> </ul>	<p>2. Thank the individual for bringing the allegation to your attention. Offer them support and assistance as necessary. If they are a staff member, refer them to the Employee Assistance Program (EAP), where available.</p>
<p>3. Tell the child or young person what you plan to do next.</p>	<p>3. Explain to the person making the report that the school will manage the concern confidentially and, to protect all parties, they should not discuss the matter.</p>
<p>4. Take a moment to make a record of the allegations. If appropriate, use <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>. You may also make a note in your diary. If a staff member, parent/guardian/carer or other adult was present, ask them to make a record as well.</p>	
<p>5. Consider whether you need to refer the matter to Victoria Police or DFFH Child Protection. If necessary, report the matter in accordance with the actions documented in <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a>, using <a href="#">PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools</a>.</p>	
<p>6. If relevant, notify the child's parents/guardians/carers following advice in <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a> and <a href="#">Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse</a>.</p>	
<p>7. As soon as practicable, contact the MACS Safeguarding and Standards Team for advice (including guidance as to whether the alleged conduct is reportable), support and assistance to discuss the circumstances, and notify the MACS Executive Director.</p>	
<p>8. If the matter does involve a reportable allegation, the Principal, with the assistance of the MACS Safeguarding and Standards Team, will notify the CCYP with authorisation from the MACS Executive Director.</p>	
<p>9. Conduct a risk assessment (with the assistance of MACS Safeguarding and Standards Team) to determine any measures that should be put in place to manage the person against whom</p>	

### What if a student or another child informs you of a reportable allegation?

### What if a staff member or another adult informs you of a reportable allegation?

allegations have been made, and to protect the student(s)/child(ren) against whom reportable conduct may have occurred.

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If you think you have a reportable allegation, it is important that you:

- do not say or do anything to suggest to the student that you doubt them or make them feel ashamed to have revealed the allegation
- do not start investigating the allegation, including unnecessarily questioning the student or speaking with the person who is the subject of the allegation, without conducting a risk assessment; otherwise you may be putting the student, the staff member, the school or the investigation at risk.

#### *Child FIRST/The Orange Door*

If you believe that a child is not subject to abuse, including family violence, but you still hold significant concerns for their wellbeing (e.g. risk-taking behaviour, parenting difficulties, isolation from family or lack of support), **you must still act**. This may include making a referral to or seeking advice from Child FIRST/The Orange Door.

Child FIRST/The Orange Door is a family information, referral and 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 relevant services.

You should make a report to Child FIRST/The Orange Door if:

- you have a significant concern for a child's wellbeing
- your concerns are about circumstances that have a low-to-moderate impact on the child
- the child's immediate safety is not compromised
- you and the school have discussed the referral to Child FIRST/The Orange Door with the child's parents/carers, and all parties are supportive of this decision.

Where you believe that the child's parents/carers will not be supportive of the referral, or the child is partaking in any risk-taking activity that is illegal and extreme in nature or poses a high risk to the child or others, you may refer the matter to DFFH Child Protection.

If you are unsure of what action to take in response to your concerns about a child, speak to the Principal or a member of the school's Leadership Team, or contact DFFH Child Protection or Child FIRST/The Orange Door for further advice.

For more information, refer to [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#).

#### *Making additional reports*

After you have made a report, you may continue to suspect that a child is at risk and in need of protection. Any further observations should continue to be recorded and a report made on each separate occasion where a belief has been formed – on reasonable grounds – that a child is likely to be at risk and in need of protection. Additional reports should use the same format outlined above in this Policy at Critical Action 2: Reporting to Authorities.

If there is any suspicion that this relates to a sexual offence involving a person over 18 and a child under 16, then it must be reported to Victoria Police. For more information, refer to the Failure to disclose section of this Policy.

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Where an Emmaus staff member is aware that another school staff member has formed a reasonable belief about the same child on the same occasion, or based on the same indicators of abuse, and has made a report to the appropriate authority, the Emmaus staff member need not make a further report.

However, if the Emmaus staff member has formed a reasonable belief of abuse or significant risk of abuse to the child based on different observations, further indicators or additional information, a further report must be made to the appropriate authority detailing this additional information.

### ***Critical Action 3: Contacting Parents/Guardians/Carers***

Where it is suspected that a child at Emmaus has been or is at risk of being abused, it is critical that parents/carers of the child are notified as soon as practicable after a report is made to the authorities.

Emmaus must always seek advice from Victoria Police or DFFH Child Protection to ensure that it is appropriate to contact the parents/carers.

In circumstances of family violence, staff of Emmaus should:

- take care not to inadvertently alert the alleged perpetrator by notifying parents/carers as it could increase risk of harm to the child, other family members or school staff
- seek advice from DFFH Child Protection or Child FIRST/The Orange Door before alerting parents/carers about safe strategies for communicating with a parent/carer who is experiencing family violence and on recommending family violence support services.

Advice from **Victoria Police or DFFH Child Protection** will depend on a number of factors, including whether:

- the parents/guardians/carers of the child are alleged to have engaged in the abuse (including in circumstances of suspected family violence)
- a disclosure to the parents/guardians/carers may result in further abuse to the child
- the child is a mature minor (at least 17 years of age and assessed to be sufficiently mature and intelligent to make decisions for themselves) and has requested that their parents/guardians/carers not be notified – the school should insist that another responsible adult is notified in lieu of the parents/carers
- the notification of parents/guardians/carers would adversely affect an investigation of the matter by external authorities.

Where the suspicion of abuse or risk of abuse has not yet warranted a reasonable belief, parents/guardians/carers should also be notified promptly after the school has carefully considered the factors listed above.

In some circumstances, a child may have returned to the care of their parent/guardian/carer before advice has been received from Victoria Police or DFFH Child Protection. In these circumstances, staff members of Emmaus should not share any information with the parent/guardian/carer that may place the child or any other person at risk, or where the child is a mature minor.

For detailed guidance on how to have this conversation with a parent, guardian or carer, refer to [\*PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools\*](#).

### ***Critical Action 4: Providing Ongoing Support***

Emmaus staff members who witness a child abuse incident, receive a disclosure or develop a suspicion of child abuse (including exposure to family violence) have a critical role to play in supporting students impacted by the child abuse matter to ensure that they feel supported and safe at the school. Schools also play a critical role in building students' resilience and protective factors, which can reduce the long-term impacts of child abuse by providing them with the opportunity to be supported and heard by a school staff member they trust.

Support provided to students at Emmaus includes:

- regularly communicating with the student or students and their parents/guardians/carers where appropriate
- convening a Student Support Group of school wellbeing staff and teachers to plan, support and monitor affected students
- developing Student Support Plans for students impacted by the incident to ensure appropriate levels of care and support are provided depending on their involvement.

You should contact the MACS Regional General Manager for a description of the range of school-based support services that may be available, including SAFEMinds and referrals to family violence services, Centres Against Sexual Assault (CASA) or headspace.

Where external authorities are investigating a report of abuse or risk of abuse, it is the role of the Principal of Emmaus to ensure that students are supported throughout interviews at the school. For more information on this topic, refer to [School Guidelines: Police and DFFH Interview Protocols](#).

Emmaus and our governing body have a duty to provide support to school staff members who have witnessed an incident or disclosure, or who have made a report to external authorities about a reasonable belief of child abuse. It is important that we remember that staff members may have also experienced child abuse (including family violence) or be experiencing family violence and abuse in their own lives. Emmaus staff members requiring wellbeing support can contact the school’s EAP provider.

Information to support MACS schools in understanding their obligation to employees and to provide suggestions of how to assist employees experiencing family and domestic violence may be found in the Catholic Education Commission of Victoria [Family and Domestic Violence: A Guide to Supporting Staff](#).

Emmaus should conduct a review of the reporting process four to six weeks after a report has been made to identify if any follow-up support actions are needed. Refer to [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#) for more information.

### Potential consequences of making a report

This table describes the potential consequences of making a report.

Potential consequence	Description
<b>Confidentiality</b>	<p>The identity of a reporter must remain confidential unless:</p> <ul style="list-style-type: none"> <li>• the reporter chooses to inform the child, young person or parent of the report</li> <li>• the reporter consents in writing to their identity being disclosed</li> <li>• a court or tribunal decides that it is necessary for the identity of the reporter to be disclosed, to ensure the safety and wellbeing of the child</li> <li>• a court or tribunal decides that, in the interests of justice, the reporter is required to provide evidence.</li> </ul>
<b>Professional protection</b>	<p>If a report is made in good faith:</p> <ul style="list-style-type: none"> <li>• it does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter</li> <li>• the reporter cannot be held legally liable in respect of the report.</li> </ul>

Potential consequence	Description
<b>Interviews</b>	<p>DFFH Child Protection and/or Victoria Police may conduct interviews of children and young people at the school without their parent/guardian/carer’s knowledge or consent.</p> <ul style="list-style-type: none"> <li>• Interviewing children and young people at Emmaus should only occur in exceptional circumstances and if it is in the best interests of the child to proceed in this manner.</li> <li>• 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.</li> <li>• When DFFH Child Protection workers/police officers come to Emmaus 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.</li> <li>• When a child or young person is being interviewed by DFFH Child Protection and/or Victoria Police, Emmaus staff must arrange to have a supportive adult present with the child or young person.</li> </ul> <p>For more information on these requests and school responsibilities, see MACS <a href="#">School Guidelines: Police and DFFH Interview Protocols</a>.</p>
<b>Support for the child or young person</b>	<p>The roles and responsibilities of the principal or other school staff in supporting children who are involved with DFFH Child Protection may include the following:</p> <ul style="list-style-type: none"> <li>• acting as a support person for the child or young person</li> <li>• attending DFFH Child Protection case-planning meetings</li> <li>• observing and monitoring the child’s behaviour</li> <li>• liaising with professionals.</li> </ul>
<b>Requests for information</b>	<p>DFFH Child Protection and/or Child FIRST/The Orange Door 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 Emmaus 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. Refer to <a href="#">PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools</a>.</p>
<b>Witness summons</b>	<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. See MACS <a href="#">School Guidelines: Police and DFFH Interview Protocols</a>.</p>

## Principal's obligation to ensure compliance

Where a staff member witnesses a child abuse incident, receives a disclosure or develops a suspicion of child abuse (including exposure to family violence), they must inform the principal of Emmaus as soon as possible.

If, for some reason, the staff member who has witnessed a child abuse incident, received a disclosure or developed a suspicion of child abuse is unable to perform their role in responding to and/or reporting the matter, the staff member must inform the principal of Emmaus. The principal will then identify an appropriate alternative person and will allocate responsibility for responding to and/or reporting the matter to that person.

The principal of Emmaus must put in place steps to monitor overall compliance of Emmaus with this Policy.

## Other obligations relating to concerns regarding child abuse

If a staff member has an obligation under this Policy to fulfill a particular role or responsibility, this does not displace or discharge any other obligations that may exist where a person reasonably believes that a child is at risk of child abuse.

## Responding to complaints or concerns

Emmaus may receive complaints or concerns about Emmaus staff management of a child abuse incident. These complaints or concerns may be voiced by parents/guardians/carers or others within the school community.

Emmaus should follow its internal complaints-handling procedure and process to ensure that all complaints, concerns or feedback on school policies, procedures or processes are effectively captured and appropriately managed.

It is important that, as a first step, Emmaus ensures that the complaint does not raise concerns that child abuse or a risk of child abuse has gone unreported.

If this is the case, Emmaus staff should follow [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) to ensure that any new information received through a complaint or concern from a member of the school community is reported to authorities where required.

## Policy Information

<b>Responsible director</b>	Director, Learning and Regional Services
<b>Policy owner</b>	General Manager, Student Wellbeing
<b>Approving authority</b>	MACS Board
<b>Assigned board committee</b>	Child Safety and Risk Management Board Committee
<b>Approval date</b>	14 September 2022
<b>Risk Rating</b>	Extreme
<b>Date of next review</b>	April 2023

POLICY DATABASE INFORMATION	
<b>Assigned Framework</b>	Child Safety
<b>Related documents</b>	Four Critical Actions for Schools – Responding to Incidents, Disclosures and Suspicions of Child Abuse Procedure for Ensuring that Staff Are Informed about Mandatory Reporting Obligations Internal Process for Mandatory Reporting – template MACS Reporting Criteria – Failure to Disclose Guidelines

<b>Superseded documents</b>	PROTECT: Identifying and Responding to Abuse – Reporting Obligations – v2.0 - 2022 PROTECT: Identifying and Responding to Abuse – Reporting Obligations – v1.0 - 2021
<b>New policy</b>	