



# Reporting and Responding Allegations of Child Abuse

Marcellin College is a community where Jesus is known and loved and the dignity of each person is respected. Consistent with our values and vision, Marcellin is committed to providing a child safe environment. Our Child Protection and Safety policies provide key elements of our approach to protecting the children in our care. Our Child Safety Code of Conduct has a focus in safeguarding our students against physical, sexual, psychological, verbal, and emotional abuse or neglect. It is intended to complement child protection legislation and is supported by our College policies and professional standards.

## **Preamble**

Mandatory reporting is a legal requirement under the *Children, Youth and Families Act 2005* (Vic.) (Act) to protect children from harm relating to physical injury and sexual abuse.

Marcellin College defines a child as any student enrolled at the College, irrespective of their age.

## **Principles**

1. Protection for 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.
2. Marcellin College is entrusted with the holistic education of the young person in partnership with his parents, guardians and/or caregivers, who are the primary educators of their children. Our staff have a duty of care to our students by taking reasonable action to avoid acts or omissions which they can foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of all students.
3. Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing. The younger or more vulnerable a child is, the more serious the consequences are likely to be.

## **Policy**

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

- protection from physical harm or sexual abuse;
- protection from harm that is not believed to involve physical harm or sexual abuse;
- protection from the predatory conduct of grooming; or
- therapeutic treatment (ie counselling, medical assistance, etc),

must report their concerns to a Child Protection Officer (CPO) of the College in the first instance. If a CPO is unavailable and a reasonable belief is formed that the young man is in immediate danger the Police should be called on 000.

## **Guidelines**

1. Teachers at Marcellin College are mandated by law to report child physical or sexual abuse to a CPO who may, in turn, contact the Department of Health and Human Services (DHHS) Child Protection, when they have formed a reasonable belief that such offences against young people are taking place, irrespective of whether the young person is enrolled at Marcellin College.
2. When staff 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 a CPO. This process of considering all relevant information and observations is known as forming a 'reasonable belief'.

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

For example, a reasonable belief might be formed if:

- a child states that they have been physically or sexually abused;
  - a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
  - someone who knows a child states that the child has been physically or sexually abused;
  - a child or young person exhibits sexually-abusive or age-inappropriate behaviours;
  - professional observations of a child's behaviour or development leads a staff member to form a belief that a child has been physically or sexually abused or is likely to be abused; or
  - signs of abuse lead to a belief that a child has been physically or sexually abused.
3. When a reasonable belief is formed by a member of staff that a child's parents are unwilling or unable to protect the child from physical, emotional, psychological, developmental harm or sexual abuse the staff member must report that belief to a CPO as soon as possible.
  4. A subsequent report must be made on each occasion on which the staff member who made the initial report becomes aware of further reasonable grounds for the belief.
  5. There are many indicators of child abuse and neglect. It is mandatory to report concerns relating to:
    - physical abuse; and
    - sexual abuse.

While not mandated, making a report to a CPO may also be needed for:

- emotional abuse;
  - neglect;
  - medical neglect;
  - family violence;
  - human trafficking (including forced marriage);
  - sexual exploitation (including pornography and prostitution);
  - female genital mutilation-taking behaviour;
  - risk to an unborn child; or
  - a child or young person exhibiting sexually-abusive behaviours.
6. Any staff member at Marcellin College who forms a reasonable belief that a sexual offence has been committed must disclose that information to a CPO who may, in turn call the police. The obligation is to disclose that information to the CPO as soon as it is practicable to do so.
  7. If the Principal or authorised delegate, becomes aware that an adult associated with Marcellin College (such as an employee, contractor, volunteer, sport coach or visitor) poses a risk of sexual abuse to a child who is in the care or supervision of the organisation, the College will take all reasonable steps to ameliorate that risk.
  8. Grooming is predatory conduct designed to prepare or 'groom' a child for future sexual activity. It is a criminal offence and must be reported to a CPO who may, in turn after forming a reasonable belief contact the police.
  9. Grooming can be conducted in person or online, for example via interaction through social media, web forums, text messages 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 16 years of age.
  10. Teachers and staff members are not required to seek evidence or proof of their belief that a student has been subjected to, or is at risk of sexual or physical abuse, or is being groomed by an adult for future sexual activity. The police and CPOs will conduct any investigations required. When contacted, DHHS Child Protection will decide if an investigation is warranted.

#### **Procedures**

1. In order to decide if a report should be made to a CPO and/or the police, staff should follow the process outlined below:
  - a) in consultation with a CPO, record and maintain confidential notes of their concerns and observations and/or discussions with the student which led to them forming a reasonable belief that the student was at risk;
  - b) the CPO will review the information with the Principal or delegate. This may involve liaising with the Student Counsellors and the student's House Coordinator to determine if a report to DHHS Child Protection/police or Child First is required.
2. If a disagreement arises as to whether a report should be made, the parties will convene with the Principal as soon as is practical and seek advice from Marist Schools Australia (MSA) and/or Catholic Education Melbourne (CEM).
3. If it is alleged, or a reasonable belief is formed, that a member of the College staff is involved in the abuse of a student, or in grooming activities, the Principal will be informed immediately, and the Principal will inform MSA and/or CEM.
4. Following a report, a Case Management Team will be established to assist the student as, and when, the need arises. The Case Management Team will normally consist of:
  - a) College Counsellor;
  - b) Student's Pastoral Leader;
  - c) Student's House Coordinator; and
  - d) Heads of School.
5. If the student is an Indigenous student, the Principal must notify CEM to ensure the regional Indigenous support officer can arrange appropriate support for the student.
6. If an interview is required with DHHS Child Protection or police, a member of the Case Management Team will be present at all interviews to support the student as appropriate.
7. Any actions taken by the Case Management Team in support of the student must be documented and added to the student's secure confidential file. This will include a record of any interviews with the student held by the school or external personnel.
8. The staff member will be supported by the College Leadership Team at the time of the report, and following the report being made to ensure the wellbeing of all parties involved.
9. It is essential that staff members do not promise confidentiality where reasonable belief is formed that a breach of the Child Protection and Safety Policy has occurred. To do so may place the staff member in a difficult situation regarding the best course of action to take to help the student. If a student asks for confidentiality, prior to or after a disclosure of any sort, the best response is to indicate:
  - a) concern for the student's safety or well-being;
  - b) the need to seek the advice of a counsellor, Head of School or Deputy Principal to work out what might be the best way to get the student the help they need;
  - c) if the student then refuses to discuss the issue with the staff member, and the staff member's knowledge of the student leads them to be concerned for the well-being of that student, the staff member must contact a CPO.

**Flow Chart**

