



DIOCESE OF SALE CATHOLIC EDUCATION LTD.

MANDATORY REPORTING POLICY

1.0 INTRODUCTION

This Mandatory Reporting Policy applies to Diocese of Sale Catholic Education Limited ('**DOSCEL**'), including all primary and secondary Catholic schools it manages and operates in the Diocese of Sale in the State of Victoria ('**Schools**') and the Catholic Education Office, Diocese of Sale ('**CEOSale**').

2.0 PURPOSE

This policy provides clarity to ensure all DOSCEL employees are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and, in particular, when mandatory reporting is required.

3.0 PRINCIPLES

- 3.1 The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Catholic Education.
- 3.2 A safe environment is required to protect children and young people from harm and to prevent employees from abusing their position of authority and trust.
- 3.3 Employees need to be informed of matters related to child sexual abuse and be fully self-aware of their professional obligations and responsibilities.
- 3.4 All children and young people have the right to a thorough and systematic education in personal safety, including safety in relationships.
- 3.5 Abuse of children or young people by persons in positions of trust or authority is a serious matter. All allegations must receive a response and be dealt with promptly.
- 3.6 After a disclosure, any ongoing harm to the child or young person and the employee is minimised by:
 - adherence to agreed procedures
 - provision of appropriate social and emotional support and pastoral care and
 - appropriate confidentiality.
- 3.7 The child or young person's ongoing safety and wellbeing should be the primary focus of decision making.
- 3.8 Mandatory reporters must make a report to the Department of Health and Human Services ('**DHHS**') (Child Protection) as soon as practicable if, in the due course of practising their profession or carrying out their duties they form a reasonable belief that a child or young person is in need of protection as a result of:
 - physical injury or sexual abuse, and
 - the child or young person's parents are unable or unwilling to protect the child or young person from that abuse.

4.0 DEFINITIONS

For the purposes of this policy, the following definitions apply:

Child and Young Person: A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.

Confidential: Being entrusted with private and restricted information that must be treated as such, both in written and verbal form.

Duty of Care: Employees, including volunteers and contractors working in Catholic schools, have a duty of care to support and protect the children and young people with whom they are professionally involved.

When employees form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some employees this obligation is legally mandated.

Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care
- fails to report when mandated.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons in DOSCEL include registered teachers, school principals, school counsellors, registered psychologists and people in religious ministry.

Reasonable belief: A 'reasonable belief' is not the same as having proof. 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 when:

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

5.0 PROCESSES AND PROCEDURES

If a reasonable belief has been formed that a child or young person has been, is being, or is at risk of being abused, this must be reported.

A mandatory reporter who fails to comply with these reporting obligations may have committed a criminal offence.

5.1 Failure to Disclose

All adults, not just professionals who work with children or young people, have a legal obligation to report to Victoria Police where they form a reasonable belief that a child or young person is at risk of being abused.

5.2 Failure to Protect

Any employee in a position of authority who becomes aware that an adult associated with DOSCEL (employee, contractor, volunteer or visitor) poses a risk of abuse to a child or young person under the care, authority or supervision of DOSCEL, must take all reasonable steps to remove or reduce that risk.

If an employee in a position of authority fails to take reasonable steps in these circumstances this may amount to a criminal offence.

5.3 Child in need of protection

Any person can make a report to DHHS if they believe, on reasonable grounds, that a child or young person is in need of protection for any of the following reasons:

- The child or young person has suffered or is likely to suffer significant harm as a result of:
 - physical injury and their parents are unable or unwilling to protect the child or young person
 - sexual abuse and their parents are unable or unwilling to protect the child or young person
 - emotional or psychological harm and their parents are unable or unwilling to protect the child or young person.
- The child or young person has been abandoned and there is no other suitable person who is willing and able to care for the child or young person.
- The child or young person's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child or young person.
- The child or young person's physical development or health has been, or is likely to be, significantly harmed and the parents are unable or unwilling to protect the child or young person.

DOSCEL requires all employees, who form a reasonable belief that a child or young person is in need of protection, to report their concerns to the principal or member of the school leadership team.

5.4 Child in need of therapeutic treatment

Any person who forms a reasonable belief that a child or young person (over ten but under 15 years of age) has been exhibiting sexually abusive behaviours, and may be in need of therapeutic treatment, should make a report to DHHS Child protection.

Sexually abusive behaviours can be exhibited when a child or young person uses their power, authority or status to engage another person in sexual activity that is

unwanted, or where the other party is incapable of giving informed consent. For example:

- other children, or young people who are younger
- other children or young people who have cognitive impairments.

In the case of student sexual offending, DOSCEL requires employees to also report to Victoria Police.

In the case of school employees these concerns must also be discussed with the principal or member of the school leadership team.

5.5 Significant concerns for the wellbeing of a child or young person

Any employee who has a significant concern for the wellbeing of a child or young person should report these concerns to DHHS Child Protection or refer the child and their family to DHHS Child FIRST and family services.

A significant concern for the wellbeing of a child or young person may arise where any of the following factors may have a significant adverse impact on a child or young person's care, welfare and development. For example:

- significant parenting problems
- family conflict or family breakdown
- pressure due to a family member's physical/mental illness, substance abuse, or disability
- vulnerability due to youth, isolation or lack of support
- significant social or economic disadvantage.

In the case of school employees these concerns must also be discussed with the principal or member of the school leadership team.

6.0 EXPECTED OUTCOMES

- 6.1** Mandatory reporters will comply with the mandatory reporting requirements.
- 6.2** DOSCEL employees are expected to be self-aware of their professional obligations and responsibilities and report to police any reasonable believe of the risk, or act, of sexual abuse against a child or young person.
- 6.3** A thorough and systematic education in personal safety, including safety in relationships, will be provided for all children and young people.
- 6.4** Approved professional learning in providing education in mandatory reporting will be provided to all employees.

7.0 REFERENCES

- [Crimes Act 1958](#) (Vic.)
- [Crimes Amendment \(Protection of Children\) Act 2014](#) (Vic.)
- [Children, Youth and Families Act 2005](#) (Vic.)

8.0 RELATED POLICIES

- DOSCEL Pastoral Care Policy
- DOSCEL Child Protection and Safety Policy
- DOSCEL Protection of Children – Anti-Grooming Policy
- DOSCEL Protection of Children – Failure to Protect Policy
- DOSCEL Protection of Children – Failure to Disclose Policy
- DOSCEL Guide to Reporting Conduct under the Reportable Conduct Scheme

9.0 REVIEW

Implementation Date: December 2019

Review Date: December 2021