PROTECTION OF CHILDREN POLICY

Child Safety Responding and Reporting

1.0 INTRODUCTION

This Protection of Children Policy – Responding to Offences Under the *Crimes Act 1958* (Vic.) (Policy) applies to St Brendan's Catholic Primary School, Lakes Entrance (the School), all Catholic schools managed and operated by Diocese of Sale Catholic Education Limited (DOSCEL) and to DOSCEL office staff.

Protecting children and young people against sexual abuse is a community-wide responsibility. The School has a moral and legal responsibility to ensure that:

- children and young people in its care are safe.
- all forms of abusive behaviours towards children and young people are prevented.

The *Crimes Act 1958* (Vic.) and the *Crimes Amendment (Protection of Children) Act 2014* (Vic.) introduce three additional criminal offences for:

- *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 and/or their parents/carers with the intent of committing child sexual abuse.

It is a clear legal duty of all adults, of or over 18 years (whether in Victoria or elsewhere), to report child sexual abuse to police. Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child must report that information to Victoria Police on 000 or the local police station as soon as it is practicable to do so. This includes reporting information about historical sexual abuse if the alleged victim was under 16 years of age on 27 October 2014, when this offence came into effect.

Staff mandated to report (e.g. school principals, registered teachers, registered psychologists, school counsellors and people in religious ministry) do so under the *Children, Youth and Families Act 2005* (Vic.), *the Crimes Act 1958* (Vic.) and the *Crimes Amendment (Protection of Children) Act 2014* (Vic.).

This obligation to respond to the *Crimes Act 1958* (Vic.) and the *Crimes Amendment (Protection of Children) Act 2014* (Vic.) also applies to all non-mandated staff and adult community members of or over the age of 18 years, not just professionals who work with children. It is separate to the mandatory reporting framework. It is subject to some exclusions, such as:

- The person reasonably believes that the information has already been disclosed to the police.
- The victim is over the age of 16 at the time that the information is received, does not have an intellectual disability and requests that the information not be disclosed.
- The information is privileged (e.g. communications between a client and their lawyer).
- The information is in the public domain.
- The person fears, on reasonable grounds, for the safety of any person (except the offender) if the information is disclosed and the failure to disclose is a reasonable response in the circumstances.

Staff, including volunteers and contractors working in the School have a duty of care to support and protect the children and young people with whom they are professionally involved. Principals, school leadership staff or any staff in a position of authority who have the power or responsibility to remove risk and who becomes aware that an adult associated with the School (such as an employee, contractor, volunteer, sport coach or visitor) poses a substantial risk of sexual abuse (including grooming) to a child under the care of the School must take all reasonable steps to remove or reduce that risk.

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

It is imperative to prevent, reduce and minimise child abuse and exploitation in all their forms. This may include removing an adult from child-connected and child-related work pending investigation. Failure to take reasonable steps to protect a child in the School from the substantial risk of sexual abuse from an adult associated with the School is a criminal offence under section 49O (1) of the *Crimes Act 1958* (Vic.).

Where appropriate, consideration is given to whether information should be requested from another prescribed Information Sharing Entity (ISE) or whether information should be voluntarily provided to an ISE under the Child Information Sharing Scheme (CISS) and Family Violence Information Sharing Scheme (FVISS), in order to improve child wellbeing or safety or help to assess or manage the risk of family violence. These schemes complement existing mandatory reporting obligations. For more information, see:

- DOSCEL Child and Family Violence Information Sharing Schemes Policy and Procedure
- Information Sharing and Family Violence Reforms: Guidance and Tools
- Child Information Sharing Scheme Ministerial Guidelines
- Family Violence Information Sharing Scheme
- Family Violence Multi-Agency Risk Assessment and Management Framework.

2.0 PURPOSE

This Policy supports the delivery of a sustainable and inclusive education that nurtures each student's potential, equips them to thrive in a dynamic world and is enriched by DOSCEL's flourishing Catholic culture. This Policy is underpinned by the DOSCEL values of *Integrity, Excellence and Inclusion*.

This Policy informs staff and the school community of their responsibilities in relation to their disclosure/reporting responsibilities and removing the risk to children and young people of suspected abuse.

The Policy acknowledges the duty the staff have towards children and young people in their care, ensuring they respect the dignity of children and young people and outlines the rights and responsibilities of the School and all staff.

This Policy informs the *Protection of Children- Child Safety and Reporting Obligations Procedures*.

3.0 CATHOLIC MISSION

The School brings to life the mission of the Catholic Church by engaging and aligning all efforts toward the achievement of DOSCEL's vision for education: *faith-inspired educational excellence for a hope filled future*.

4.0 COMMITMENT TO CHILD SAFETY

The School holds the care, safety and wellbeing of children and young people as a central and fundamental responsibility of Catholic education. This commitment is drawn from the teaching and mission of Jesus Christ.

5.0 SCOPE

This Policy fulfills the Victorian Registration and Qualification Authority's Minimum Standard for School Registration obligations, requiring the School to have policies ensuring all staff understand child protection requirements.

This Policy applies to the School as a school within DOSCEL and supports the enactment of the *Children, Youth and Families Act 2005* (Vic.), the *Crimes Act 1958* (Vic.) and the *Crimes Amendment (Protection of Children) Act 2014* (Vic.).

This policy applies to any concern of child abuse or reportable conduct:

- by any adult engaged by DOSCEL (including e.g. staff, volunteers, contractors and service providers)
- between students
- in the family

- in the community.

5.1. Failure to disclose

Under the *Crimes Act 1958* (Vic.), the *Crimes Amendment (Protection of Children) Act 2014* (Vic.) and *Crimes Amendment (Failure to Disclose) Act 2014* (Vic.) it is an offence for a person in authority to fail to disclose a sexual offence committed against a child under the age of 16 years when:

- the person has information sufficient to form a reasonable belief that a sexual offence has been committed in Victoria against a child, and
- without reasonable excuse, the person fails to report the information to Victoria Police as soon as practicable.

All adults must report to Victoria Police when they form a reasonable belief that a sexual offence has been committed in Victoria or elsewhere by an adult against a child under the age of 16. You may be exempt from this offence if:

- a victim aged 16 years or over has provided the information and requests confidentiality.
- you were a child when you received the information about the alleged offence
- the information would be privileged.
- the victim has disclosed the information in confidence in the course of a therapeutic relationship with you as a registered medical practitioner, counsellor or in a religious confession to a member of the clergy. A 'counsellor' is a person who is treating a person for an emotional or psychological condition.
- the information is in the public domain.
- you are a police officer acting in the course of your duty.

Further information can be found on the Department of Justice and Community Safety Victoria website.

5.2. Failure to protect

The Crimes Act 1958 (Vic.) *and the Crimes Amendment (Protection of Children) Bill 2014* (Vic.) includes an offence for failure by a person with power, authority and responsibility within an organisation, to protect a child under the age of 16 years, who is under the care or supervision of the organisation.

As soon as a staff member becomes aware of a risk of child sexual abuse, he/she will be under a duty of care to remove or reduce that risk.

A criminal offence applies where the person in authority:

- knows that there is a substantial risk of a sexual offence being committed against a child by a person over 18 years associated with the organisation, and
- negligently fails to reduce or remove that risk.

5.3. Anti-grooming

Under the *Crimes Act 1958* (Vic.), the *Crimes Amendment (Protection of Children) Act 2014* (Vic.) and the *Crimes Amendment (Grooming) Act 2014* (Vic.) the offence of grooming concerns predatory conduct undertaken to prepare a child or young person for sexual activity at a later time.

The offence applies where an adult (anyone aged 18 years or more) communicates, by words or conduct, with a child or young person under the age of 16 years, or with a person who has care, supervision or authority for the child or young person, with the intention of facilitating their involvement in sexual conduct, either with the groomer or another adult.

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

Any staff member who forms a reasonable belief that another adult is grooming a child and/or their parents/carers should report their concerns to Victoria Police by following the procedures in the PROTECT Procedures: Responding to all forms of child abuse.

6.0 POLICY OUTCOMES

6.1. The School and School staff are aware of their professional obligations and responsibilities and must report to police any reasonable belief of the risk, or act, of sexual abuse against a child or young person under the age of 16 years by another person of or over the age of 18 years.

6.2. A thorough and systematic education in personal safety, including safety in relationships, is provided for all children and young people.

6.3. Approved professional learning in providing education in personal safety is provided to all staff.

6.4. All allegations of grooming receive a prompt response and are clearly documented.

6.5. Where appropriate, information is shared with other ISEs under the CISS and FVISS.

7.0 DEFINITIONS

Child abuse includes:

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

There are many types of child abuse. For more information, see Types of child abuse and what to look for and Child Safety Definitions.

Reportable Conduct includes:

- a sexual offence committed against, with or in the presence of a child
- sexual misconduct committed against, with or in the presence of a child
- 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

by any adult engaged by DOSCEL (including e.g. staff, volunteers, contractors and service providers), between students, in the family and in the community. For further information see: School operations - Reportable and Notifiable Conduct

8.0 COMMUNICATION

This Policy is

- available on the School website to parents upon request.
- available on the staff portal and staff are annually upskilled on this Policy.
- communicated to the school community through school newsletters
- included in volunteer induction processes and training for relevant volunteers

9.0 POLICY INFORMATION

Policy Owner	Governance
Approving Authority	DOSCEL Board
Assigned Board Committee	Culture and Ethics Committee
Board Approval	12 December 2025
Risk Rating	High
Implementation	January 2026
Review Date	2027

POLICY DATABASE INFORMATION	
Supporting Documents	DOSCEL Child and Family Violence Information Sharing Schemes Policy and Procedure Child Protection and Safety Policy Duty of Care Policy Guide to Reporting Conduct under the Reportable Conduct Scheme Mandatory Reporting Policy Pastoral Care Policy Reportable Conduct Policy Protection of Children – Child Safety Reporting and Responding Procedure

APPENDIX 1 - Further information relating to the Protection of Children

For the purposes of this policy, the following information is relevant:

Child and Young Person: A child is legally defined as a person under the age of 18 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.

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.

Excuses that are not reasonable - You do not have a reasonable excuse for failing to disclose information if you are only concerned about the perceived interests of:

- the person you believe committed, or was involved in, the sexual offence
- any organisation.

Perceived interests include reputation, legal liability and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting information to police.