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# Standard Five – Responding to Allegations of Child Abuse

## Introduction

St Augustine's Primary School maintains a formal process for reporting and responding to child safety complaints, disclosures or breaches of the Child Safety Code of Conduct. This process is embedded within the School's Child Safety Management System and is regularly communicated to all Staff Members, Clergy, Casual Relief Teachers, Volunteers & Contractors.

The school complies with legal obligations that relate to managing the risk of child abuse in accordance with the [Victorian Children, Youth & Families Act 2005](#), the [Victorian Crimes Act 1958](#) and recommendation from the [Betrayal of Trust Report 2014](#).

## Reporting Requirements

[Section 182 of the Victorian Children, Youth & Families Act 2005](#) requires mandatory reporters, (teachers, principals, doctors, nurses and police officers) who 'form a belief on reasonable grounds' that a student or young person is in need of protection from physical injury or sexual abuse, to report their concerns to Department of Health and Human Services (DHHS) Child Protection.

All St Augustine's Primary School staff members who 'form a belief on reasonable grounds' that a student or young person:

- Is in need of protection, should report their concerns immediately to the Principal, Child Safety Officer or a Member of the Leadership Team before contacting the DHHS Child Protection or Victoria Police.
- Is displaying sexually abusive behaviours and is in need of therapeutic treatment should report their concerns immediately to the Principal, Child Safety Officer or a Members of the Leadership Team before contacting DHHS Child Protection.

If staff members have significant concerns for the wellbeing of a student or young person they should report their concerns immediately to the Principal, Child Safety Officer or a Members of the Leadership Team before contacting DHHS Child Protection or Child FIRST.

In any case where the staff member, clergy, CRT, volunteer, or Contractor has concerns about a student or young person's general well-being, they should also discuss their concerns with the Principal, the school's Child Safety Officer or a member of the Leadership Team.

The school maintains a Child Protection Reporting Procedure that clearly prescribes requirements for reporting child safety complaints, suspected abuse and disclosures or breaches of the Child Safety Code of Conduct.

### **Child Safety Officer**

St Augustine's Primary School has appointed a Child Safety Officer responsible for taking immediate action & providing support in the event of a child safety complaint, suspected abuse, disclosures or breaches of the Child Safety Code of Conduct. The School's Child Safety Officer, in consultation with members of the Leadership Team is responsible for managing the entire process in close consultation with all affected parties.

The School's Child Safety Officer will immediately investigate all suspected Child Abuse claims and will ensure:

- They contact 000 if a child is in immediate danger.
- Support of the child, parent and person who report the suspected abuse.
- Provide support to any accused staff member or volunteer.
- Initiate internal processes to ensure the safety of the child.
- Clarify the nature of the complaint and commence disciplinary processes if required.
- Decide, in accordance with legal requirements and duty of care whether the matter should/must be reported to the Police or Child Protection Services.

# Child Protection Reporting Procedure

## **Introduction**

St Augustine's Primary School Staff Members have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

The school's Child Protection Reporting Procedure assists Staff Members, Clergy, CRT, Volunteers, Contractors, parents and caregivers to:

- Identify the indicators of a child or young person who may be in need of protection
- Understand how a 'reasonable belief' is formed
- Make a report of a child or young person who may be in need of protection
- Comply with mandatory reporting obligations under child protection laws as well as their legal obligations, relating to criminal child abuse and grooming under criminal law.

## **Mandatory Reporting**

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. A child, student or young person for the purpose of the relevant parts of the Act, is any person 17 years of age or younger.

Staff Members mandated under this Act (teaching staff & principals) who form a 'reasonable belief' that a child, student or young person is in need of protection from physical, emotional, psychological, developmental harm or sexual abuse, and that the child's parents are unwilling or unable to protect the child, must report that belief to DHHS Child Protection and the 'grounds' for it, as soon as possible after forming the belief. A subsequent report must be made on each occasion in which the Mandatory Reporter becomes aware of further reasonable grounds for the belief.

## **Forming a Reasonable Belief**

When a Staff Member is 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.

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 student or young person states that they have been physically or sexually abused
- A student or young person 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 student or young person has been physically or sexually abused
- A student or young person exhibits sexually-abusive or age-inappropriate behaviours
- Professional observations of the student or young person's behaviour or development leads a professional to form a belief that the student has been physically or sexually abused or is likely to be abused
- Signs of abuse lead to a belief that the student or young person has been physically or sexually abused.

### **Types of Abuse and Indicators of Harm**

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

There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert staff members to the possibility of child abuse and neglect. While any indicators of possible child abuse or neglect are concerning, it is important to know which indicators must be reported.

It is mandatory to report concerns relating to:

- Physical abuse
- Sexual abuse

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

- Emotional abuse
- Neglect
- Medical neglect
- Family violence
- Human trafficking (including forced marriage)
- Sexual exploitation (including pornography and prostitution)
- Risk-taking behaviour
- Female genital mutilation
- Risk to an unborn child
- A student or young person exhibiting sexually-abusive behaviours.

## Reporting Child Protection Concerns

Any Staff Member who 'believes on reasonable grounds' that a student or young person is in need of:

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

All Staff Members are encouraged to report any Child Protection concerns to the Principal, the School's Child Safety Officer or a Member of the Leadership Team prior to reporting to the DHHS or Child FIRST. This aims to support the Staff Members making the report.

Mandatory reporters must report their concern to DHHS Child Protection if there is a reasonable belief that a child or young person is in need of protection from physical injury or sexual abuse. Refer to: [A step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#). It is essential to document the concerns and observations which contributed to the suspicion that a child is in need of protection. This information may be gathered over a period of time and should be treated confidentially and held securely.

It is recommended – not, however, a requirement – that concerns and observations regarding suspected physical injury or sexual abuse of a child are discussed with the principal or a senior school staff member and to ensure support is provided to all involved in matters of this nature. The confidentiality of these discussions must be maintained.

If more than one mandated reporter has formed a belief about the same student or young person on the same occasion, it is sufficient for one professional to make a report. The other is obliged to ensure the report has been made and that all grounds for their own belief were included in the report made by the other staff member [Section 182 \(4\) of the Victorian Children, Youth & Families Act 2005](#)

If one mandated reporter directs another mandated reporter not to make a report, and the one professional continues to hold the belief that a student or young person is in need of protection, then that professional is legally obliged to make a report to Child Protection.

The mandatory reporter may continue to suspect that a student or young person 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 student or young person is likely to be at risk and in need of protection. If there is any suspicion that this relates to a sexual offence involving an adult and a child under 16 then it must be reported to the police. Refer to [Department of Justice and Regulations – Failure to disclose offence](#) and the [Betrayal of Trust: Fact Sheet 2014](#).