



PROTECT Procedure

Informing staff of reporting obligations



Purpose

To ensure that all staff are made aware of their reporting obligations and receive appropriate training to provide a child safe environment for students.

Scope

Under duty of care obligations, all staff are mandated to report child abuse when this has been disclosed to them or they have formed a reasonable belief that abuse has occurred.

Child abuse is defined in the *Child Wellbeing and Safety Act 2005* (Vic.) to include:

- sexual offences
- grooming
- physical violence
- serious emotional or psychological harm
- serious neglect.

The mandatory reporting obligation is set out in Part 4.4 of the *Children, Youth and Families Act 2005* (Vic.). Section 184 imposes an obligation on teachers, principals and other persons listed in section 182 to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

[Ministerial Order No. 1359](#) (MO 1359) sets out the specific actions that registered schools need to take to meet the [child safe standards](#). MO 1359 places accountability for managing the risk of child abuse with school governing authorities.

The [failure to disclose offence](#) requires any adult (subject to specific exemptions) who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 to report that information to police. Failure to disclose the information to police is a criminal offence.

The [failure to protect offence](#) applies where there is a substantial risk that a child under the age of 16, under the care, supervision or authority of a school, will become a victim of a sexual offence committed by an adult associated with that school. A person in a position of authority in the organisation (including schools) will commit the offence if they know of the substantial risk of abuse and have the power or responsibility to reduce or remove that risk, but negligently fail to do so.

Procedures

All teachers, mandatory reporters and all other school staff will be made aware of reporting requirements (including Reportable Conduct) and potential offences for failing to make a mandatory report by:

- addressing the school's policies and the mandatory reporting obligations at staff meetings on a regular basis (at least annually). This includes information on:
 - the Child Safety and Wellbeing policy
 - the Child Safety Code of Conduct
 - recognising indicators of child harm, including harm caused by other children and students and circumstances that increase children's vulnerability to abuse
 - responding effectively to issues of child safety and wellbeing and managing a disclosure
 - the Reportable Conduct Scheme and associated reporting procedures

- criminal offences under the *Crimes Act 1958* (Vic.) including failure to disclose, failure to protect and grooming
- mandatory reporting procedures
- information sharing and record keeping responsibilities
- how to build culturally safe environments for children and students
- how to identify and mitigate child safety and wellbeing risks in the school environment without compromising a child or student's right to privacy, access to information, social connections and learning opportunities.
- using school-wide operational and classroom practices that embed a culture of child safety
- ensuring all staff undertake mandatory reporting eLearning sessions annually and supply evidence of completion
- ensuring any new or trainee staff have an induction regarding school issues, child safety, the Child Safety Code of Conduct, reporting responsibilities and information sharing
- displaying posters of the Four Critical Actions for Schools (both all forms of child abuse and student sexual offending) in the staff room and other relevant, key locations for staff
- requiring all staff to sign the Child Safety Code of Conduct that explains the expected and unacceptable behaviours for staff at appointment
- assessing the ongoing understanding of child safety procedures, processes and expectations, and suitability of staff through discussion as part of the annual review meeting process.

Definitions

Child abuse

Child abuse is conduct that results in a child being harmed. It can take many forms and includes:

- physical abuse
- sexual abuse including grooming
- emotional and psychological abuse
- family violence
- serious neglect

Child Information Sharing Scheme (CISS)

The Child Information Sharing Scheme (CISS) is an information sharing scheme established in the *Child Wellbeing and Safety Act 2005* (Vic). It permits certain organisations, including MACS schools, to share information to support child safety and wellbeing.

Child safety

Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse ([Ministerial Order No. 1359](#)).

Department of Education (DE)

Victorian government department that leads the delivery of education and development services to children, young people and adults.

Family Violence

Family violence is behaviour towards a family member of that person that is:

- physically or sexually abusive
- emotionally or psychologically abusive
- economically abusive
- threatening
- coercive
- controlling or dominating the family member and cause that family member to feel fear for their safety and wellbeing or another person.

Family violence is also behaviour by a person towards a family member that meets the description above and causes a child to hear or witness or be exposed to the effects of that behaviour.

Family Violence Information Sharing Scheme (FVISS)

Implemented by the Victorian government under the *Family Violence Protection Act 2008*. The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk and supports effective assessment and management of family violence risk. It permits certain organisations, including MACS schools, to share information to support child safety and wellbeing.

Grooming

Grooming is when a person engages in predatory conduct to prepare a child for sexual abuse at a later time. Grooming can include communicating and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer. It can include:

- giving gifts or special attention to a child or their parent or carer
- controlling a child through threats, manipulation, force or use of authority
- using electronic communication to try to lower the child's inhibitions or heighten their curiosity regarding sex.

Melbourne Archdiocese Catholic Specialist Schools Ltd (MACSS)

Melbourne Archdiocese Catholic Specialist Schools Ltd, a wholly owned subsidiary of MACS established to conduct and operate specialist schools.

Mandatory reporters

Mandatory reporters are certain classes of professionals who are legally required to report a reasonable belief of child physical or sexual abuse to child protection authorities.

In Victorian schools, this includes registered teachers, school principals, early childhood workers, nurses, registered psychologists, school counsellors and all people in religious ministry.

Mandatory reporting

All mandatory reporters must make a report to Victoria Police and/or the Department of Families, Fairness and Housing as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that a child has suffered or is likely to suffer significant harm, as a result of physical abuse and/or sexual abuse; and the child's parents have not protected, and are unable or unwilling to protect the child from harm of that type.

The school principal, registered teachers and early childhood teachers, school counsellors, religious clergy, registered medical practitioners, registered psychologists and nurses are considered mandatory reporters. It is a criminal offence for a mandatory reporter to fail to comply with this obligation.

Mature minor

A mature minor is an individual in a MACS school who is assessed by the principal of that school to be a mature minor.

Physical violence committed against, with or in the presence of a child

The Child Wellbeing and Safety Act 2005 (Vic) states that physical violence committed against, with, or in the presence of a child is a type of reportable conduct.

In this context:

- Physical violence may include:
 - actual physical violence – this is where the staff member uses physical force against, with or in the presence of a child without a lawful reason, which has the ability to cause injury or harm to the child. It can include hitting, punching, kicking, pushing or throwing something that strikes a child or another person.
 - apprehended physical violence – this is where the staff member engages in conduct or behaviour against, with, or in the presence of a child that is capable of causing a child to

think that physical force is about to be used against them or another person. This could include words, gestures, or actions.

The conduct must be intentional or reckless i.e. the person did not think about the likely consequences of their behaviour for a child.

Principal

Individual appointed by MACS as principal in a MACS school.

Procedure

A step-by-step or detailed instruction for the implementation of MACS policy that is mandatory across MACS and MACS schools.

Process

A process is a method of implementation of a MACS framework, policy or procedure.

Reasonable belief

A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they:

- observed the conduct themselves
- heard directly from a child that the conduct occurred
- received information from another credible source that the conduct occurred (including another person who witnessed the reportable conduct or misconduct).

Reportable allegation

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.

Reportable conduct

Reportable conduct for the purposes of the Reportable Conduct Scheme is:

- a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded
- sexual misconduct, committed against, with or in the presence of, a child
- physical violence committed against, with or in the presence of, a child
- any behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child as defined in the *Child Wellbeing and Safety Act 2005* (Vic).

Risk

Risk is defined as the effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the likelihood or chance of something happening, and the consequence or outcome of an event affecting the objectives.

In the context of child safety and wellbeing, risk can include the chance that child abuse or harm to child may occur in connection with a MACS school. These risks may include any one or more of the following:

- situational risk – this refers to the specific characteristics of the activity and the environment where it occurs
- propensity risk – this refers to the profile of all adults that engage with children in MACS schools
- institutional risk – this refers to the characteristics of the MACS school, such as its culture, attitudes, policies and procedures, and skills and resources
- vulnerability risk – these are factors that can increase a child's exposure to the risk of being abused, the impact of the child abuse if it occurs, or an increase in the reluctance for the child to report abuse. Children who are more likely to be exposed to vulnerability include:

- children from Aboriginal backgrounds
- children with disability.

Risk management

The coordinated activities to direct and control an organisation regarding risk.

School Advisory Council

Supports the principal of a MACS school by providing a forum for discussion and discernment where parent voice and community perspective can help inform decision-making.

School environment

Means any of the following physical, online or virtual places used during or outside school/service hours:

- a campus of the school
- online or virtual school/service environments made available or authorised by MACS or a MACS school for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services)
- other locations provided by the school or through a third-party provider for a child or student to use including, but not limited to, locations used for camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) ([Ministerial Order No. 1359](#)).

School staff

Means an individual working in a school/service environment who is:

- directly engaged or employed by a school governing authority
- a contracted service provider engaged by MACS (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform child-related work for a MACS school
- a minister of religion, a religious leader or an employee or officer of a religious body associated with MACS ([Ministerial Order No. 1359](#)).

Serious emotional or psychological harm

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.

Serious neglect

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.

Sexual offences

- Sexual offences against children are criminal offences under the Crimes Act 1958 (Vic) or an equivalent piece of legislation in another state or territory, or another country. They include:
- grooming a child under the age of 16 years of age
- sexual activity with or in the presence of a child
- sexual touching of a child
- sexual penetration of a child under 16 years of age
- sexual penetration of a child under the age of 17 years of age who is under the care, supervision or authority of an adult; and

- possessing, producing or distributing child abuse material.

Student

Student means a person who is enrolled at or attends a MACS school or a student at a school boarding premises.

Volunteer

A person who performs work without remuneration.

Support

MACS Legal and Professional Standards Unit seeks to provide schools with support and advice on legal matters.

- Phone: 9267 0228
- Email: legal@macs.vic.edu.au

MACS Student Wellbeing Information and Support Service (SWISS) seeks to address matters that impact the wellbeing and educational outcomes of young people arising using a solution-focused framework, and empower and enhance the capacity, competence and confidence of staff to address matters related to the wellbeing of young people.

- Phone: 9267 0228
- Email: swb@macs.vic.edu.au

Related policies and documents

Supporting documents

PROTECT: Identifying and Responding to Abuse – Reporting Obligations Policy

PROTECT Procedure: Police or DFFH Child Protection interviews at school

PROTECT Procedure: Responding to all forms of child abuse

PROTECT Procedure: Responding to offences under the *Crimes Act 1958* (Vic.)

PROTECT Procedure: Responding to police and Child Protection requests for further information

PROTECT Procedure: Responding to student sexual offending

Student Interview Template: Police or DFFH Child Protection interviews at school

Related MACS policies and documents

Child Safety Code of Conduct

Child Safety and Wellbeing Policy

Child Safety and Wellbeing Record Keeping Policy

Complaints Handling Policy

ICT Acceptable Usage Policy

Duty of Care Policy for MACS Schools

Pastoral Care Policy for MACS Schools

Recruitment Policy – Schools

Reportable Conduct Policy

Supervision Policy

Resources

[Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)

[Child Information Sharing Scheme](#)

[Child Information Sharing and Family Violence Reforms on the CEVN website](#)

[DET Mature Minors and Decision Making \(2020\)](#)

[Family Violence Information Sharing Scheme](#)

[Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)

[Four Critical Actions for Schools: Responding to Student Sexual Offending](#)

[National Framework for Protecting Australia’s Children 2021–2031](#)
[Policy and Advisory Library \(PAL\): Police and Child Protection Interviews](#)
[PROTECT on the CEVN Website](#)
[PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
[PROTECT: Identifying and Responding to Student Sexual Offending](#)
[PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)
[PROTECT: Responding to Student Sexual Offending: Principal Checklist](#)
[PROTECT: Responding to Student Sexual Offending: A Template for all Victorian Schools](#)

Legislation and standards

Child Wellbeing and Safety Act 2005 (Vic.)
Children, Youth and Families Act 2005 (Vic.)
Crimes Act 1958 (Vic.)
Education and Training Reform Act 2006 (Vic.)
Education and Training Reform Regulations 2017 (Vic.)
Family Violence Protection Act 2008 (Vic.)
Information Privacy Act 2000 (Vic.)
Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises
Victorian Institute of Teaching Act 2001 (Vic.)
Working with Children Act 2006 (Vic.)
Wrongs Act 1958 (Vic.).

Policy information table – school facing procedure

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