DIOCESE OF BALLARAT CATHOLIC EDUCATION LIMITED

[PROTECT] DOBCEL Identifying and Responding to Abuse: Reporting Obligations Policy

Rationale

This policy and accompanying procedures provide direction to schools owned and operated by the Diocese of Ballarat Catholic Education Limited (DOBCEL) regarding reporting obligations of child safeguarding matters and must be read in conjunction with the DOBCEL Identifying and Responding to Abuse [PROTECT] Reporting Obligations Procedures, DOBCEL [PROTECT] Reportable Conduct Policy, DOBCEL [PROTECT] Identifying and Responding to Student Sexual Offending and the DOBCEL Guidelines for Police and Department of Family Fairness and Housing (DFFH) Interview Protocols.

The DOBCEL Board is committed to:

- zero tolerance of child abuse
- listening to and empowering children and young people, and
- keeping children and young people safe.

The DOBCEL Board maintains governance oversight of DOBCEL schools. DOBCEL maintains a management arm to ensure that its schools are safe for children and young people so that they can flourish.

The DOBCEL Board has particular responsibilities for the safeguarding of children and young people as required by Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises. This ministerial order places accountability for managing the risk of child abuse with the DOBCEL Board. Consistent with MO No. 1359, the Board requires schools governed by DOBCEL to have appropriate arrangements to regulate the conduct and decisions of school staff for the benefit of their students. These arrangements include implementing and complying with DOBCEL's child safe policies and having clear and comprehensive procedures and reporting mechanisms. The objective for the DOBCEL Board and the wider school community is to be confident in each school's capacity to make and implement appropriate decisions, with child safety being imperative.

DOBCEL is committed to supporting its schools to take a proactive role in the care, wellbeing and protection of children and young people.

Definitions

DOBCEL Employees: for the purpose of this policy and procedure, includes DOBCEL Board and management, principals, teaching and non-teaching staff, volunteers, contractors, service providers and parish priests or those in religious ministry

Child abuse

Child abuse includes:

a) any act committed against a child involving:
   1. a sexual offence
   2. grooming offences under section 49M(1) of the Crimes Act 1958

b) the infliction, on a child, of:
   1. physical violence

2. serious emotional or psychological harm

c) the serious neglect of a child including exposure to family violence and its

effects Source: Child Wellbeing and Safety Act 2005

Child abuse (emotional): Emotional child abuse occurs when a child is repeatedly rejected, isolated, or frightened by threats. It also includes hostility, derogatory name-calling and put-downs, and persistent coldness from a person to the extent that the child suffers, or is likely to suffer, emotional or psychological harm to their physical or developmental health.

Child abuse (physical): Physical child abuse is any non-accidental infliction of physical violence on a child by any person. It can be inflicted in many ways, including beating, shaking or burning and assault with implements and female genital mutilation.

Child abuse (sexual): Child sexual abuse is when a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity. Sexual offences are governed by the Crimes Act 1958 (Vic.) A Sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the *Crimes Act 1958* (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.

Grooming offences: under section 49M (1) of the *Crimes Act 1958 (Vic.)* it is defined as predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity at a later time. Grooming can include communicating or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer. It is a sexual offence under section 49M of the *Crimes Act 1958 (Vic.)* carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult

Neglect: Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing shelter or supervision. The law differentiates between three different levels of neglect:

- 'Minor' neglect is low-level neglect that is trivial or temporary
- 'Significant' neglect is medium-level neglect that causes harm to a child that is more than trivial or temporary
- 'Serious' neglect is the highest level of neglect. It involves the continued failure to provide a child with the basic necessities of life and can also occur if an adult fails to adequately ensure that safety of a child exposed to extremely dangerous or life-threatening situations.

Family violence: is defined under the Family Violence Protection Act 2008 (Vic.) to include behaviour that causes a child to hear, witness or be exposed to abusive, threatening, controlling or coercive behaviour.

Reasonable Belief: When school staff, or other mandated person, 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 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. PROTECT: Identifying and responding to all forms of abuse in Victorian schools

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 is defined as:

- A sexual offence, sexual misconduct or physical violence committed against, with or in the presence of a child
- Behaviour causing significant emotional or psychological harm to a child
- Significant neglect of a child, or misconduct involving any of the above.

Source: Child Wellbeing and Safety Act 2005 (Vic)

Failure to disclose offence: is a criminal offence that requires adults to report to Victoria Police a reasonable belief that a sexual offence has been committed against a child

Failure to protect offence: is a criminal offence 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

Mandatory Reporting: Mandatory reporting is the legal requirement for certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.
In Victoria, under the Children, Youth and Families Act 2005, mandatory reporters must make a report to child protection, if:

- in the course of practicing their profession or carrying out duties of their office, position or employment they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

Source: Department of Families, Fairness and Housing (DFFH)
Mandatory Reporting is a legal requirement under the *Children, Youth and Families Act 2005 (Vic)* to protect children from harm related to physical injury and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person 17 years of age or younger. In Victorian schools, registered teachers, school principals, early childhood workers, registered psychologists, school counsellors and all people in religious ministry are mandated to report a reasonable belief of child physical or sexual abuse to child protection authorities. The report must be made as soon as practicable after forming the belief.

Principles

Gospel values and the principles of Catholic Social Teaching are reflected in DOBCEL policies for the care, safety and welfare of students. These values influence both DOBCEL actions and response in promoting environments that are child safe:

Human Dignity Our common humanity requires respect for and support of the sanctity and worth of every human life.

Synodality and **Solidarity** involving the breadth of the diocesan community. All members of DOBCEL school communities have a responsibility for ensuring child safety in their community. Synodality involves the active participation of all members of the Church in its processes of discernment, consultation, and co-operation at every level of decision-making and mission. Being in solidarity means recognising others as equals and actively working for their good.[8]

[8] See https://caritas.org.nz/catholic-social-teaching/solidarity

Policy Statement

Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises (made under the *Education and Training Reform Act 2006 (*Vic.) sets out the specific actions that governing authorities and Victorian schools must take to meet the requirements in the Child Safe Standards for registration.

Child abuse can have a significant effect on a child's physical, social, psychological, emotional health, development, and wellbeing. The younger the child, the more vulnerable they are to abuse, and the more serious the consequences are likely to be. DOBCEL staff must be alert to and act on the possibility of child abuse or neglect.

DOBCEL respects the diverse circumstances and needs of all children, in particular the needs of Aboriginal and Torres Strait Islander children. Children and young people with disability, students from culturally and linguistically diverse backgrounds, students who are unable to live at home, international students, and lesbian, gay, bisexual, trans and gender diverse, intersex and queer (LGBTIQA+) students are also a child safe priority.

DOBCEL is committed to compliance with the Victorian Child Safe Standards. DOBCEL Schools must have procedures for responding to allegations of child abuse that are to be implemented by DOBCEL Schools. The procedures must be:

- Sensitive to the diversity of the school community
- Publicly available and
- Accessible to children, school staff and the wider community
- DOBCEL observes the joint protocol *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools* which exists to protect the safety and wellbeing of children and young people. This protocol supports all DOBCEL school staff, which includes volunteers, contractors, other service providers and religious leaders including clergy, to act if they suspect, or are witness to student sexualoffending.

In addition, DET has produced *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* and *Protect: Responding to Suspected Child Abuse: A Template for all Victorian Schools* , both of which are referred to as the joint protocol. These protocols are adopted and implemented in DOBCEL Schools.

All DOBCEL employees, volunteers, contractors, other service providers and clergy must abide by the professional, moral and legal obligations to implement child protection and child safety policies, protocols and practices.

All DOBCEL Schools are required to display the *Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse* diagram in staff rooms and other strategic areas of the school to ensure staff are aware of the actions to take as soon as they witness a child protection incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused.

Reportable Conduct

For DOBCEL Schools, the head of entity (Executive Director) is required to:

- Have in place systems to prevent reportable conduct and, if reportable conduct is alleged, to ensure allegations can be brought to the attention of appropriate persons for investigation and response
- Ensure that the Commission for Children and Young People is notified and given updates on the organisation's response to a reportable allegation through the Manager Safeguarding and Standards.
- Report to Victoria Police as soon as he/she become aware that a reportable allegation may involve suspected child abuse or criminal conduct.

Student Sexual Offending

DOBCEL Schools will adopt and implement the Four Critical Actions for Schools: Responding to Student Sexual Offending. A school's behaviour management policy and procedures will also provide additional support for school communities.

Related Documents

DOBCEL Identifying and Responding to Abuse: [PROTECT] Reporting Obligations Procedures and the DOBCEL Guidelines for Police and Department of Family Fairness and Housing (DFFH) Interview Protocols
DOBCEL [PROTECT] Reporting Obligations Policy
DOBCEL [PROTECT] Identifying and Responding to Student Sexual Offending

References

- *Children, Youth and Families Act 2005 (Vic.)*
- *Education and Training Reform Act 2006 (Vic.)*
- *Crimes Act 1958 (Vic.)*
- *Family Violence Protection Act 2008 (Vic.)*
- *Wrongs Act 1958 (Vic.).*
- *Child Wellbeing and Safety Act 2005 (Vic.)*
- *Commission for Children and Young People (CCYP)*
- *PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools*
- *PROTECT Identifying and responding to Student Sexual Offending*

Approving authority	DOBCEL Board
Approval Date	December 2025
Review Date	December 2027