

CHILD PROTECTION: FAILURE TO PROTECT POLICY

20/5/2016

1.0 PREAMBLE

The dignity of the human person, who is created in the image and likeness of God, is the foundation of Catholic Social Teaching. This Catholic anthropology leads us to afford all people, but especially children, young people and the most vulnerable, the highest respect. Within this context, effective Catholic schools provide a safe, supportive and secure environment that promotes respect and care and values diversity. The mental, physical, spiritual and emotional wellbeing of children and young people are essential preconditions for successful learning. These qualities cannot be developed for individuals in isolation from the health and wellbeing of the school community as a whole.

St Augustine's Primary School is committed to the creation of a safe, just and respectful environment that supports wellness for all members of the school community. In this, there is a moral obligation and shared responsibility to protect the most vulnerable members of the community.

St Augustine's Primary School believes that, while protecting children and young people against sexual abuse is a community wide responsibility, schools have particular moral and legal responsibilities to ensure children and young people are safe in their care and to actively and intentionally work to eliminate all forms of abusive behaviours towards children. There are also particular moral and legal obligations for those in authority to prevent, reduce and minimise child abuse and exploitation in all forms.

2.0 PURPOSE

This policy applies to the whole school community in supporting safe environments for all children and young people.

Its purpose concerns the Child Youth and Families Act (CYFA) 2005, in which mandated professionals are legally compelled to make a report to the Department of Health and Human Service (DHHS) Child Protection, as soon as practicable, if in the course of practicing their profession or carrying out their duties, they form a belief on reasonable grounds that a child or young person has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unable or unwilling to protect the child.

In Victoria, mandated reporters are:

- Teachers registered to teach or who have permission to teach pursuant to the Education and Training Reform Act 2006 (Vic)
- Principals of government and non-government schools
- Registered medical practitioners
- Nurses
- All members of the police force

Note: There may be times when two or more mandated professionals, for example a teacher and a Principal, have formed a belief about the same child on the same occasion. In this situation it is sufficient that only one of the mandated professionals make a report. The other is obliged to ensure that the report has been made and that all the grounds for their own belief were included in the report made by the other person

In the case where one mandated professional directs another mandated professional not to make a report, and one professional continues to hold the belief that a child is in need of protection, then that professional is legally obliged to make a report to Child Protection.

A mandated professional who fails to report a 'belief based on reasonable grounds that a child is in need of protection' because of physical or sexual abuse is liable to be prosecuted under s. 184(1), CYFA.

Note: There are also obligations for ALL Victorian adults under the 2014 'failure to disclose' amendments to the Crimes Act separate from, and in addition to, Mandatory Reporting obligations.

Confidentiality is provided for reporters in the CYFA (ss. 190 and 191), and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

3.0 KEY PRINCIPLES

A safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.

The child and young person's ongoing safety and wellbeing must be the primary focus of all decision making. School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.

The commitment to protecting children is embedded in the organisation's culture and responsibility for taking action is understood and accepted at all levels of the organisation.

4.0 DEFINITIONS

Child

In relation to Mandatory Reporting the Child Youth and Families Act 2005 (s. 3) defines a child as a person who is under the age of 17 years or, if a protection order, a child protection order or an interim order continues in force in respect of him or her, a person who is under the age of 18 years

A child in need of therapeutic treatment is defined in the Children Youth and Families Act 2005 (s.244) as over the age of 10 and under the age of 15 and has exhibited sexually abusive behaviours.

Reasonable belief

A 'belief on reasonable grounds' is formed if a reasonable person in the same position would have formed the belief on the same grounds. (s. 184(4), CYFA)

For example, there may be reasonable grounds when:

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

Physical abuse

Physical abuse consists of any non-accidental form of injury or serious physical harm inflicted on a child or young person by any person. Physical abuse can include beating, shaking, burning and assault with implements. Physical abuse can also include female genital mutilation (FGM).

Sexual abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity, including physical activity and/or exposure of the child to pornography.

5.0 IMPLEMENTATION

This policy applies to the whole school community in supporting safe environments for all children and young people.

- This policy is communicated to staff each year, and during induction of new staff.

- Staff undertake training each year on mandatory reporting via the eLearning module. Evidence of this will be maintained each year. Evidence of this is retained each year for each staff member on file records.
- In the event that a teacher or other staff members forms a view that a child may be at risk of harm, that staff member is obliged to ensure an appropriate report is made. Staff are encouraged to advise the Principal that a report is to be made or has been made, or to seek support in making the report.
- Staff making a mandated report should keep appropriate records, including times and dates, of what had led to that report and the report itself.
- Staff making a report are also encouraged to advise the Principal that the report has been made.

6.0 RELATED DOCUMENTATION

This policy should be read in conjunction with the other policies and procedures of St Augustine's Primary School concerned with Child Safety and Pastoral Wellbeing:

- Charter of Sandhurst School Improvement
- Child Protection and Safety Policy
- Child Protection – Failure to Disclose Policy
- Child Protection – Failure to Report Policy
- Child Protection – Grooming Policy
- Child protection – Working With Children Checks Policy
- Catholic Education Sandhurst Information for Schools – Child Safe Organisations

7.0 REFERENCES

Children, Youth and Families Act (Vic) 2005

DEECD and DHS 2010, Protecting the Safety and Wellbeing of Children and Young People, A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools.

8.0 REVIEW

This policy is reviewed at St Augustine's every three years and we undertake to seek feedback from students, parents, carers, staff and volunteers.

Policy Ratified: 25/5/2016

Next Review date: 25/5/2019