
Related Policies

Child Protection

Child Protection (ACT): Responding to Child Protection Complaints Made Against School Employees
Complaints

Purpose

To provide direction to Principals, Teachers and other Mandated Reporters working in schools when making a report to Care and Protection Services regarding concerns for the safety, welfare or wellbeing of a Child or Young Person. The focus of the Child Protection Policy is both to prevent harm and to be responsive to the needs of children in the care of CEO schools while meeting our legislative obligations to report.

Policy

A Mandated Reporter must make a report to Care and Protection Services if the Mandated Reporter believes, on reasonable grounds, that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury. The belief must come from information obtained during the course of, or because of, the person's work (whether paid or unpaid).¹ For purposes of this policy, a Mandated Reporter is a teacher or staff member working in or with Archdiocesan schools.

A Mandated Reporter who believes or suspects that a child or young person is experiencing or has experienced sexual abuse or non-accidental physical injury must provide, as soon as practicable after forming the belief, a mandatory report. The mandatory report must include the child or young person's name and the reasons for their beliefs.² CEO policy dictates the same procedure be followed when reporting negligence and risk of harm concerns.

Mandated Reporters make reports of potential abuse by telephone to Care and Protection Services on 1300 556 728 or by e-mail on childprotection@act.gov.au. A person who gives information honestly to Care and Protection Services does not breach professional ethics and is protected from civil liability.³

Whilst Mandated Reporters are obligated to make a report to Care and Protection Services it is usual practice that the report will be made through the Principal. The Principal ensures that accurate records are kept of all reports and must ensure that the Mandated Reporter is informed of whether Care and Protection Services will action the report. Principals ensure that the Form for Notification of a Mandatory Report to Care and Protection Services ACT is sent to the Catholic Education via the Human Resource Services Office by email. A copy of this form is attached to this policy. The child or young person involved in the report to Care and Protection Services need not be disclosed on this form.

¹ S356 (1)(d) *Children and Young People Act 2008 (ACT)*.

² S356(1)(e) *Children and Young People Act 2008 (ACT)*.

³ S356 *Children and Young People Act 2008 (ACT)*.

The Mandated Reporter does not investigate or attempt to prove his or her concerns. This aspect of the process is left to Care and Protection Services who are properly trained in investigative techniques and the preservation of evidence. Likewise, the Mandated Reporter does not discuss specifics of the reported case with anyone at their School except for the Principal or as directed by the Principal.

The Principal ensures that Mandated Reporters and the wider school community are made aware of school policy and protocols for making reports to Care and Protection Services. All school employees in school should acknowledge that they have read, understood and are prepared to abide by this Child Protection policy. Employees should use the Guidelines for Professional Conduct Declaration attached to this policy to document this. Likewise, the Principal ensures that documentation of any reports made to Care and Protection Services are archived according to CEO policy until the child reaches the age of twenty-five years. These records are extremely confidential and are stored and archived in accordance with this level of confidentiality.

Mandated Reporters have a professional responsibility to safeguard the child or young person's right to privacy. Providing information to other agencies or persons about any report made to Care and Protection Services or the circumstances leading to the report being made only occurs on the advice of Care and Protection Services and/or the Director of the Catholic Education Office. A Mandated Reporter does not discuss the content of the report with other staff members other than the Principal.

The Principal, in consultation with other agencies, ensures that the school's pastoral care structures effectively support students suspected of being abused, neglected or in need of care and protection, their families and staff directly involved with the student including the Mandatory Reporter.

If a Mandated Reporter is not satisfied that the Principal has made a report to Care and Protection Services, the Mandated Reporter may make a report on his or her own behalf to Care and Protection Services. The Mandated Reporter must comply with CEO policy and inform the Principal of his or her action and provide the Principal with a copy of the Care and Protection Services notification regarding appraisal of the report.

It is CEO policy that voluntary reports are made to Care and Protection Services if:

- an employee believes or suspects that a child or young person is at risk of abuse or neglect (future harm).
- an employee believes or suspects that a child or young person is being psychologically or emotionally abused, or is being neglected, or is at risk of this type of abuse or neglect.
- The same procedure is followed for a voluntary report as for a mandatory report.

Voluntary reports would cover such aspects as a pattern of behaviour likely to result in abuse should it continue, commonly known as 'grooming.' Child sexual abuse is usually a planned process that follows a particular pattern where a child is identified and targeted. This process of 'grooming' usually begins when the perpetrator gradually prepares the child for sexual activity by using inducements, bribes, rewards or threats. Reporting observations of a person displaying these tendencies or any favouritism to a child

assists Care and Protection Services build profiles and collect data that may assist them in prosecutions at a later date. A person who gives information honestly to Care and Protection Services does not breach professional ethics and is protected from civil liability⁴

Definitions

Child is a person under 12 years of age.⁵ It is important to note that this policy also applies to young people as defined below.

Child Abuse and Neglect may fall into the following categories:

Non accidental physical injury (physical abuse)

is a non-accidental act resulting in an injury to a child or young person by a parent, caregiver or other person who has responsibility for the child or young person. Injury can be caused by a single episode or repeated episodes of abuse. The severity of injury can range from minor bruising to death.⁶

Sexual abuse

is any sexual act or sexual threat imposed on a child or young person and may include: any form of sexual touching; sexual suggestion to children; exposure to pornographic material; exhibitionism and voyeurism or the use of pornographic videos or prostitution. Sexual abuse occurs when an adult or someone else who is bigger or older involves the child or young person in sexual activity by using their power over the child or young person by taking advantage of their trust. Child sexual abuse is usually a planned process that follows a particular pattern where a child is identified and targeted. This process is commonly known as 'grooming' where the perpetrator gradually engages the child in sexual activity by using inducements, bribes, rewards or threats. The whole process relies on secrecy. The offender puts great effort into silencing the child or young person hindering potential suspicion and protection by adults in the child or young person's life.⁷

Emotional abuse

(includes psychological abuse) if the child or young person has experienced the abuse or is experiencing abuse in a way that has caused or is causing significant harm to his or her wellbeing or development⁸

- Emotional abuses occurs if the child or young person has seen or heard the physical, sexual or psychological abuse of a person with whom the child or young person has a domestic relationship, the exposure to which has caused significant harm to the wellbeing or development of the child or young person.
- Emotional abuse occurs if the child or young person has been put at risk of seeing or hearing the abuse mentioned in the above subparagraph, the exposure to which would cause significant harm to the wellbeing or development of the child or young person.⁹

⁴ S354(2) and S 874 *Children and Young People Act 2008 (ACT)*.

⁵ S11 *Children and Young People Act 2008 (ACT)*.

⁶ The Office for Children, Youth and Support, *Keeping Children and Young People Safe*, March 2011, p3.

⁷ The Office for Children, Youth and Support, *Keeping Children and Young People Safe*, March 2011, p5.

⁸ S 342 *Children and Young People Act 2008 (ACT)*.

Neglect

of a child or a young person, means a failure to provide the child or young person with a necessity of life such as food, clothing shelter, medical and dental care and adequate supervision if the failure has caused or is causing or may cause significant harm to the wellbeing or development of the child or young person. This may occur when parents or caregivers, overwhelmed by struggles in their lives, such as substance use, domestic violence or mental illness, are emotionally or physically unavailable to their children.¹⁰ Educational neglect, due to long, unexplained absences from school, should also be reported.

Mandated Reporter

For the purposes of this policy and compliance with ACT law a mandated reporter is a teacher, including a teacher's assistant or aide if they are working in paid employment at the school. A counsellor is also a Mandated Reporter as is a person caring for a child at a childcare centre, including a childcare assistant or aide in paid employment. Finally, any person, who, in the course of their employment has contact with or provides services to children, young people and their families, is also a Mandated Reporter.¹¹

At risk of abuse or neglect

A child or young person is at risk of abuse or neglect if, on the balance of probabilities, there is significant risk of the child or young person being abused or neglected.¹²

Reasonable Grounds

A Mandated Reporter has belief on reasonable grounds that a child or young person has experienced sexual abuse or non-accidental physical injury if:

A child or young person has experienced sexual abuse or non-accidental physical injury, or

- Someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- Your own observations of the child or young person's physical condition or behaviours, or those of the parents or caregivers, lead you to reasonably believe that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.¹³

Young Person

is a person who is 12 years or older but not yet an adult.¹⁴

Procedures

1. Each school adopts this policy on how mandatory reports are made.

⁹ S 342 (d)(i)(ii) *Children and Young People Act 2008* (ACT)

¹⁰ S343 *Children and Young People Act 2008* (ACT); see also The Office for Children, Youth and Support, *Keeping Children and Young People Safe*, March 2011, p8.

¹¹ S 356(2)(f)(i),(j),(o) *Children and Young People Act 2008* (ACT).

¹² S 344 *Children and Young People Act 2008* (ACT).

¹³ The Office for Children, Youth and Support, *Keeping Children and Young People Safe*, March 2011, p14.

¹⁴ S12 *Children and Young People Act 2008* (ACT).

2. Reports by Mandated Persons are made to Care and Protection Services 1300 556 728 or by e-mail on childprotection@act.gov.au. Clear records as to the process taken prior to reporting are available including:
 - the time and date of the report
 - how the abuse was discovered at the School
 - the teacher's records as to the incident
 - an on-going risk management file.

3. When making a report have available all relevant information about the child or young person's situation and family structure. This includes:
 - his or her full name
 - age and birthdate
 - parents' names
 - parents' address and contact details
 - names of known siblings.

4. If there is a life threatening situation ring 000 immediately. As soon as possible after ringing, please contact Human Resource Services.

5. When making a report, the Principal is asked about:
 - the nature of the abuse or neglect
 - when the abuse or neglect is said to have occurred
 - details about how and when the School became aware of the information, including any disclosures made
 - names of others who may have witnessed the abuse/neglect
 - details of any disclosure made
 - description of any injuries seen
 - description of the behaviour of the child/ren or young person(s)
 - attitude of the carers of the child or young person to the injury / incident
 - known supports to the child, young person and family.

6. Care and Protection Services will involve the Australian Federal Police if criminal offences appear to have been committed. Please contact Human Resource Services if you are told that police will respond to a report.

7. When making a report the Principal should usually not inform parents that a report has been made. If Care and Protection Services advise not to inform parents you **must not** inform them that a report has been made. If the Principal is in any doubt discuss the situation with the Child Protection and Legal Officer at the Catholic Education Office. The identity of the Mandatory Reporter is **never** disclosed to parents.

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8. If the report concerns the conduct or negligence of an employee of the Catholic Education Office, the Director of Catholic Education, through Human Resource Services, is informed as soon as possible of the circumstances leading to the report being made.
 9. After any report is made the Director of the Catholic Education Office is informed of the report using the *Form for Notification of a Mandatory Report to Care and Protection Services (ACT)* which is sent to Human Resource Services via e-mail. The child or young person's identification details need not be recorded on the form.
 10. When a Care and Protection Services Officer or a Police Officer attends a school to interview a student in relation to a child protection matter the Principal must:
 - 10.1 Introduce yourself and provide contact details for future reference.
 - 10.2 Ask the officers to provide their identification and contact details. If you are at all uncomfortable, please call Human Resource Services. Often interviews with police officers other than Child Sexual Abuse Squads and Care and Protection can occur off the School campus.
 - 10.3 Arrange for the interview to take place discreetly and ensure that the student's privacy is respected. Do not allow a student to be interviewed without parental consent without speaking to a Human Resource Services Officer.
 - 10.4 Ensure that the officer is aware of the cultural background of the student, any relevant information about the intellectual / developmental level of the student, and any difficulties the student may have with communication.
 - 10.5 Ensure that the officer is given the opportunity to explain his or her role to the student in the presence of the Principal or the Principal's delegate.
 - 10.6 Ensure that a supportive adult, acceptable to the student, is present for the interview (unless the student does not wish a support person to be present). If the officer says a support person cannot attend, which is sometimes the case, please consult Human Resource Services.
 - 10.7 Explain the role of the support person to the student and assure the student that the support is available after the interview for ongoing support.
 - 10.8 Provide post-interview support/follow up for the student and staff as required.
 - 10.9 Check that officers have undertaken to advise the student's parents that an interview has taken place. This is done fairly soon post interview.

11. When a Care and Protection Services Officer or Police Officer attends school to remove a student from school the Principal must:
 - 11.1 Sight the identification details of the officer and request that the process not go forward until you have spoken with a Human Resource Services Officer.
 - 11.2 Check with the officer's supervisor that authorisation has been granted to remove the student.
 - 11.3 Check that the officer has or will inform the parent / guardian that the action has taken place.
 - 11.4 Inform the Director of the Catholic Education Office, through Human Resource Services, that the student is being removed.
 - 11.5 Make a written record of the actions taken.
12. When Care and Protection Services or Police request to interview a staff member(s) the Principal does not reveal the name of relevant staff members without their consent. Staff members may decline to be interviewed.
13. The Director of Catholic Education approves any request by Care and Protection Services or the Police to access school records. This is usually achieved by subpoena.

References

Children and Young People Act 2008(ACT)

<http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf>

The Office for Children, Youth and Family Support, Keeping Children and Young People Safe

<http://www.dhcs.act.gov.au/>

Forms

*Form for Notification of Mandatory Report to Care and Protection Services
Child Protection Code of Professional Standards for Catholic School and System Staffs, The Guidelines
for Professional Conduct Declaration.*

Approved By:	Service Area Leadership Team
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