Melbourne Archdiocese Catholic Schools

PROTECT – Identifying and Responding to Abuse – Reporting Obligations Policy

1. Introduction

Melbourne Archdiocese Catholic Schools Ltd (**MACS**) is a company limited by guarantee established in 2021 by the Archbishop of the Catholic Archdiocese of Melbourne to assume the governance and operation of MACS schools across the Archdiocese of Melbourne. MACS subsequently established Melbourne Archdiocese Catholic Specialist Schools Ltd (**MACSS**) to provide educational services to children with special needs and Melbourne Archdiocese Catholic Schools Early Years Education (**MACSEYE**) to provide early years care and education services.

The Statement of Mission in the MACS Constitution, and the constitutions of its subsidiaries, MACSS and MACSEYE, sets out the Archbishop's expectations of Catholic schooling in the Archdiocese and provides an important context and grounding for the company and the direction which the MACS Board must always observe in the pursuit of the company's objects.

The Board must ensure that all policies and procedures concerning the operations of MACS, and its subsidiaries are consistent with the Statement of Mission and company objects, as well as any directions issued by the Archbishop from time to time.

2. Background

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God, and that the inherent dignity of all should be recognised and fostered.

Under the National Framework for Protecting Australia's Children 2021–2031, protecting children is everyone's responsibility – parents /carers, communities, governments and businesses all have a role to play.

In Victoria, a joint protocol, PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools, involving the Victorian Department of Education (DE), the Catholic Education Commission of Victoria Ltd (CECV) (now Victorian Catholic Education Authority (VCEA)) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people. The DE has also 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, which are referred to in the joint protocol.

3. Purpose

The purpose of this PROTECT: Identifying and Responding to Abuse Reporting Obligations Policy (**Policy**) and associated procedures is to:

- ensure MACS Staff (which includes the MACS board directors, board committee members, MACS school staff, volunteers, contractors, other service providers, clergy and those in religious ministry) are aware of and comply with their reporting and legal obligations, including mandatory reporting and reportable conduct obligations, to protect the safety and wellbeing of children and young people
- explain the actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child needs protection, or a criminal offence has been committed – as set out in this Policy and associated procedures and
- explain training requirements.

4. Scope

This Policy applies to the MACS board in respect of all MACS schools, MACS management, MACS employees, including principals, teachers, other school staff members, volunteers, contractors, other service providers and those providing religious ministries in MACS schools.

This Policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff member, volunteer, contractor, service provider, visitor or any other person while connected to the school environment. It is designed to enable compliance with the Victorian Child Safe Standards, including Standard 7 of the Victorian Child Safe Standards: *Processes for complaints and concerns are child focused*. All procedures for reporting and responding to an incident of child abuse are designed and implemented by considering the diverse characteristics of our community.

5. Principles

MACS offices and schools are entrusted with the holistic education of the child, in partnership with parents and carers, who are the primary educators of their children. MACS Staff therefore have a duty of care to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

As a governing authority, MACS is required to ensure schools uphold their duty of care to students in all school environments and that MACS schools are places where children and young people can flourish.

MACS is committed to:

- providing a safe, respectful and inclusive environment for all students with zero tolerance for child abuse in all settings
- listening to and empowering children and young people
- keeping children and young people safe
- receiving and managing reports of suspected child abuse in a way that is culturally safe and sensitive to the diverse circumstances of children and students, as well as providing support to vulnerable children and students.
- ensuring that complainants can expect their concern or complaint to be taken seriously, to be dealt with in a way that is culturally safe, and to be responded to in a respectful, thorough and timely manner
- reporting complaints and concerns to relevant authorities where the law requires reporting, and cooperating with law enforcement and
- ensuring that recordkeeping, reporting, privacy, legislated information sharing schemes, and employment law obligations will be complied with when receiving and handling reports or concerns of suspected child abuse.

6. Reporting Obligations

MACS Staff have a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse. MACS Staff have a range of reporting and legal obligations to protect children and young people from abuse.

6.1. Four critical actions

- Staff must be aware of and comply with their legal obligations to report suspected child abuse and provide ongoing appropriate support.
- Staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse or student sexual offending. The Four Critical Actions outline who an incident, disclosure or suspicion should be reported to.
- When dealing with an incident, disclosure or suspicion of child abuse, Staff should ensure that the Principal and/or school leadership team is made aware of the concern and involved in providing ongoing appropriate support.
- If an incident or allegation involves an employee, volunteer or contractor at the school or MACS office, Staff must also follow the Reportable Conduct Policy.
- Where a Staff member has reported a concern to Department of Families, Fairness and Housing (DFFH) Child Protection but they continue to have concerns for the child after Child Protection

has closed the case, they may escalate the matter through DFFH Child Protection complaints management processes.

The Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse and Four Critical Actions for Schools: Responding to Student Sexual Offending diagrams are displayed in staffrooms and other strategic areas to ensure all Staff are aware of the actions to take as soon as they witness a child abuse incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused. Training in this Policy will occur annually.

In any dealings regarding safety, the dignity, protection and wellbeing of students involved will be maintained and respected. Appropriate confidentiality is maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

6.2. Information sharing entities

Information may be disclosed to other Information Sharing Entities (ISEs) without the knowledge or consent of any Parent, Carer or Student, where this is required or authorised by law for the purposes of information sharing under the Child Information Sharing Scheme (CISS) or the Family Violence Information Sharing Scheme (FVISS). Under the CISS, the views and wishes of the child and/or family members should be sought before sharing information where it is safe, reasonable and appropriate to do so.

Under the FVISS, the views of the child and non-violent family members should be sought where it is safe, reasonable and appropriate to do so.

All Staff have a duty of care to take reasonable steps to protect children in their care from harm that is reasonably foreseeable. In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- acting on concerns and suspicions of abuse as soon as practicable, including by raising concerns with members of the school leadership team
- seeking appropriate advice or consulting with other professional agencies
- reporting suspected child abuse to appropriate authorities
- arranging ongoing wellbeing support for the student and any other student connected to the concern or complaint and
- sharing information with other staff who will also be responsible for providing ongoing support to the student(s).

6.3. Other obligations

Fulfilling the roles and responsibilities in this Policy and associated procedures does not displace or discharge any other obligations that arise if a person reasonably believes a child is at risk of child abuse.

The *Wrongs Act 1958* (Vic) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. MACS has a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school (e.g. employees, volunteers, office holders, contractors, ministers of religion and religious leaders) while the child is under the care, supervision or authority of the school.

Reasonable precautions include (but are not limited to):

- conducting employment screening and reference checking
- providing supervision and training and
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

7. Roles and reporting responsibilities

Role	Responsibility	Reporting requirement
Mandatory reporter	Complete annual Mandatory Reporting training. Follow required reporting obligations and processes.	Provision of evidence of training to the school.
Principals	Ensure that all relevant staff complete annual training in their mandatory reporting obligations, and that the school keeps up-to-date records of this. Where a staff member is unable to perform their role in responding to and/or reporting a matter to authorities, identify an appropriate alternative person and allocate responsibility for responding to and/or reporting the matter to that person.	Training records and attendance to be kept in school
All MACS Staff, including MACS board directors, board committee members, principals, teachers, other staff members, volunteers, contractors, clergy and those involved in religious ministry	Be aware of and comply with their legal obligations to report suspected child abuse (this may include completing Mandatory Reporting training) and provide ongoing support to all students connected to the concern, complaint or allegation of child abuse. When dealing with an incident or disclosure of suspicion of child abuse, ensure that the principal and school leadership team are made aware. When a staff member who has witnessed a child abuse incident, received a disclosure or developed a suspicion of child abuse is unable to perform their role in responding to and/or reporting the matter, the staff member must inform the principal.	Principal or MACS Manager to follow the Child Safety and Wellbeing Recordkeeping Procedures for child safety records. Four Critical Actions to be followed.

8. Procedures

Procedures for mandatory reporting and responding to concerns regarding child abuse are documented separately. These include:

- Informing Staff of Reporting Obligations: PROTECT Procedure
- Police or DFFH Child Protection Interviews at Schools: PROTECT Procedure
- Responding to all Forms of Child Abuse: PROTECT Procedure
- Responding to Offences under the *Crimes Act 1958* (Vic): PROTECT Procedure
- Responding to Victoria Police and Child Protection Requests: PROTECT Procedure
- Responding to Student Sexual Offending: PROTECT Procedure.

9. Definitions

Definitions of standard terms used in this Policy can be found in the Glossary of Terms.

Child abuse

Child abuse includes:

(a) any act committed against a Child involving:

(i) a sexual offence

(ii) an offence under section 49B(2) of the *Crimes Act 1958* (grooming)

(b) the infliction, on a Child, of:

(i) physical violence

(ii) serious emotional or psychological harm

(c) serious neglect of a Child.

Child Information Sharing Scheme (CISS)

The CISS, implemented by the Victorian Government is a scheme enabling information sharing between authorised organisations to promote a child's wellbeing or safety. All Victorian children and young people from 0 to 18 years of age are covered by the CISS.

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).

Family Violence

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 the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the *Child Wellbeing and Safety Act 2005* (Vic), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.

Family Violence Information Sharing Scheme (FVISS)

Implemented by the Victorian government under the *Family Violence Protection Act 2008* (Vic). 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.

Grooming

Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity later. 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.

Mandatory reporters

Mandatory reporters listed under the *Children, Youth and Families Act 2005* (Vic) include:

- VIT Registered teachers (including principals and early childhood teachers
- school staff who have been granted permission to teach by VIT
- registered medical practitioners, nurses and midwives
- people in religious ministry
- youth justice workers
- out-of-home-care workers (excluding voluntary and kinship carers)
- school counsellors including staff who provide direct support to students for mental, emotional and psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, and chaplains.

Mandatory reporting

Mandatory reporting is the legal requirement under the *Children, Youth and Families Act 2005* (Vic) to protect children from harm relating to physical and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person under the age of 17 years (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).

Physical violence

Physical violence occurs when a child suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.

Reasonable belief

A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than 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.

A reasonable belief might be formed if:

- a child states that they have been physically or sexually abused
- any person tells you that they believe someone has been abused; this may include a child who is talking about themselves
- you observe physical or behavioural indicators of abuse, as described in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools
- a child or young person exhibits sexually abusive or age-inappropriate behaviour(s)
- professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.

While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which must be reported.

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).

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

For the purposes of this policy, 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.

Student

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

Student sexual offending

Student sexual offending means sexual behaviour by a student 10 years and over which may amount to a sexual offence. A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching.

Under Victorian law:

- children between 12 to 15 can only consent to sexual activity with another child no more than 2 years older (therefore sexual contact by a student with a child outside of this age range may be student sexual offending)
- for a person to consent to sexual activity, they must have the capacity to understand the context and possible consequences of the act. Therefore, sexual contact by a student involving a person with a cognitive impairment or affected by alcohol or other drugs may be student sexual offending.

Volunteer

A person who performs work without remuneration or reward for MACS.

10. Support

MACS Child Safety Team provides support to schools on child safety and wellbeing

Phone: (03) 9267 0228

Email: childsafety@macs.vic.edu.au

MACS Legal 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

Reportable Conduct supports schools with implementation of the Reportable Conduct Scheme and related matters.
Phone: 9267 0288

11. Related policies and documents

Supporting documents

Informing Staff of Reporting Obligations: PROTECT Procedure
Police or DFFH Child Protection Interviews at Schools: PROTECT Procedure
Responding to all Forms of Child Abuse: PROTECT Procedure
Responding to Offences under the Crimes Act 1958 (Vic)PROTECT Procedure
Responding to Victoria Police and Child Protection Requests: PROTECT Procedure
Responding to Student Sexual Offending: PROTECT Procedure
Police or DFFH Child Protection Interviews at Schools: Student Interview Template

Related MACS policies and documents

Code of Conduct for MACS Staff
Child Safety Code of Conduct
Child Safety and Wellbeing Policy
Child Safety and Wellbeing Record Keeping Procedures
Child Safety Recruitment Procedures
Complaints Handling Policy
ICT Acceptable Use Policy
Duty of Care Policy for MACS Schools
Pastoral Care Policy for MACS Schools
Reportable Conduct Policy
Supervision Policy

Resources

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

12. Legislation and standards

Charter of Human Rights and Responsibilities Act 2006 (Vic)
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)
Privacy Act 1988 (Cth)
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

Responsible executive	Director, Child Safety and Risk
Policy owner	General Manager, Child Safety
Approving authority	MACS Board
Assigned board committee	Child Safety and Risk Management Board Committee
Approval date	26 June 2025
Risk rating	Extreme
Review by	June 2027
Publication	MACS office intranet, CEVN, School website

POLICY DATABASE INFORMATION	
Assigned framework	Child Safety and Wellbeing
Supporting documents	See list of supporting documents and related policies above
Superseded documents	Protect – Identifying and Responding to Abuse – Reporting Obligations Policy – v5.0 – 2024 Protect – Identifying and Responding to Abuse – Reporting Obligations Policy – v4.0 – 2023 Protect – Identifying and Responding to Abuse – Reporting Obligations Policy – v3.0 – 2022 Protect – Identifying and Responding to Abuse – Reporting Obligations Policy – v2.0 – 2022 Protect – Identifying and Responding to Abuse – Reporting Obligations – v1.0 – 2021