Introduction
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 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 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.

Policy Intention
Borinya, Wangaratta Community Partnership 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.

Borinya, Wangaratta Community Partnership believes that protecting children against sexual abuse is a community wide responsibility. Schools have particular moral and legal responsibilities to ensure children 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.

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

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 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.
**Key Principles**

- A safe environment is required to protect children from harm and to prevent staff from abusing their position of authority and trust.
- The child'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.

**Definitions of Terms**

**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 or injury or serious physical harm inflicted on a child 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

**Implementation of the Policy**

This policy applies to the whole school community in supporting safe environments for all children. (See Borinya Mandatory Reporting Procedures.)

**Related Documentation**

This policy should be read in conjunction with the other policies and procedures of Borinya, Wangaratta Community Partnership concerned with Child Safety and Pastoral Wellbeing:

- Charter of Sandhurst School Improvement (CoSSI)
- Care, Safety and Wellbeing Policy
- Child Safety Policy
- Child Protection – Failure to Protect Policy
- Child Protection – Failure to Disclose Policy
- Child Protection – Grooming Policy
- Child Protection – Working With Children Policy
- Child Protection – Mandatory Reporting Procedures
- Catholic Education Sandhurst Information for Schools – Child Safe Organisations

**References**

- Children, Youth and Families Act (Vic) 2005

• *Managing The Risk of Child Abuse in Schools Ministerial Order No. 870*

**Policy Authorisation**

Borinya Board of Management have ratified this policy on June 22, 2016

**Review of this Policy**

This policy is to be reviewed at least every three years.

**Review Date:** June 22, 2016