



**St James
The Apostle**

REPORTING CHILD SAFETY RELATED MISCONDUCT AND/OR CHILD ABUSE

ST JAMES THE APOSTLE PARISH, HOPPERS CROSSING NORTH

St James the Apostle Safeguarding Committee

Date of policy: September 2020

Date of last major review: November 2016

Date of next major review: September 2023

WHO CAN REPORT?

Any person (e.g. child, young person, parent, priest, employee, volunteer, parishioner) can make a report in relation to child-safety related misconduct and/or child abuse.

REPORTING OBLIGATIONS: CLERGY, EMPLOYEES AND VOLUNTEERS

All clergy, employees and volunteers have a duty of care to protect children and young people from harm and a moral, legal and ethical duty to effectively respond to and report all concerns, allegations or complaints of child-safety related misconduct and/or child abuse.

It is a requirement of the Safeguarding Children and Young People Policy that St James the Apostle clergy, employees and volunteers make a report if they have formed a reasonable belief that a child or young person has experienced abuse, is experiencing abuse or is at risk of harm (even if others do not hold a reasonable belief or do not believe a report should be made).

Not reporting child safety concerns, complaints or allegations or preventing, influencing or coercing a person from making a report is a breach of the Safeguarding Children and Young People Policy and may result in disciplinary action and/or possible legal action.

Please note:

1. It is important for all child safety concerns, allegations or complaints to be taken seriously. Too often in the past those reporting child abuse were not believed, their concerns were dismissed, and the interests and status of the alleged perpetrator (or the organisation) were given priority over the welfare of the victim.
2. Legal action cannot be taken against a person if a report is made in good faith (e.g. When there is a reasonable belief that abuse may be occurring) in compliance with the expectations set out in the safeguarding children and young people policy.
3. Victimising or harassing behaviour toward a person who has made a report is unacceptable and may result in disciplinary action.
4. Support (e.g. counselling, pastoral support) will be provided to all parties involved in relation to any child safety concerns, allegations or complaints

MANDATORY REPORTERS

Sections 162, 182 and 184 of the Children, Youth and Families Act 2005 (Vic) and s 67ZA of the Family Law Act 1975 (Cth), establish a legal obligation for certain professionals to report child abuse to statutory authorities if they have formed a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse and the child's parents are unable or unwilling to protect the child. The failure of a mandatory reporter to make a report is considered a criminal offence.

Mandatory Reporting

The legal obligations under s 162, 182 and 184 of the Children, Youth and Families Act 2005 (Vic) and s 67ZA of the Family Law Act 1975 (Cth) for certain professionals to report

In Victoria, the following professionals are mandated to report:

- Registered teachers, including early childhood teachers
- School Principals
- Registered medical practitioners
- Nurses and midwives
- Registered psychologists
- Early childhood workers
- Persons in religious ministry
- Members of the police force

WHEN TO ACT?

Reporting child abuse requires a person to form a 'reasonable' belief that a child or young person has experienced abuse, is experiencing abuse or is at risk of harm.

A reasonable belief might be formed by one or more of the following:

- A child or young person discloses abuse

A **reasonable belief** is formed if a reasonable person in the same position would have formed the same belief on the same grounds. Definitive proof or evidence that abuse has occurred, is occurring, or that a child or young person is at risk is not required and it is not appropriate to undertake an investigation

- Observing one or more physical and/or behavioural indicators of abuse
- A complaint or allegation is made about behaviour that compromises the safety, health or wellbeing of children or young people
- Witnessing behaviour that suggests that a child or young person is being harmed or at risk of abuse

- A child or young person reports that someone else is experiencing abuse (they may be referring to themselves)
- A perpetrator discloses that they are harming a child or young person
- A child or young person creates drawings or stories that involve themes or events involving abuse
- An adult discloses historical abuse that occurred when they were a child.

It is important to note that each concern, allegation or complaint that arises will vary. In some instances, we can immediately form a reasonable belief and proceed to make a report (e.g. a child has made a disclosure of abuse). In other instances, forming a reasonable belief may require careful observation and monitoring of the situation (e.g. observing possible indicators that may suggest that a child is experiencing abuse) over a period of time.

The disclosure of abuse can be a very difficult and emotionally challenging process for a child, young person or adult and needs to be handled sensitively and respectfully. See **INFORMATION SHEET: Responding to Disclosures** for useful information and guidelines for responding to disclosures in a supportive and effective manner.

All information relating to a concern, allegation or complaint is to be treated with sensitivity and the upmost confidentiality. Disclosing or sharing information with those not directly responsible for responding to a concern or allegation (e.g. gossip) may have serious consequences for the safety and wellbeing of those involved and the integrity of any future investigation (e.g. evidence may be destroyed, witnesses may be threatened or the alleged perpetrator may be 'tipped off').

Unauthorised breaches of confidentiality will result in disciplinary action.

HOW DO WE REPORT A CONCERN, ALLEGATION OR COMPLAINT?

Making a child-safety related misconduct and/or child abuse report involves notifying statutory authorities and the Professional Standards Unit (PSU) of the Catholic Archdiocese of Melbourne in a timely manner (as soon as practicable after forming a reasonable belief, unless the child or young person is in imminent danger).

Immediate danger If a child or young person is in imminent danger, a report to Victoria Police must be made immediately (phone '000').

Reports to statutory authorities can be made directly and/or with the assistance of an immediate supervisor or the PSU. The PSU can provide advice, support and information to assist any person making a disclosure and/or report.

All reports are to be documented on the Child-safety Related Misconduct and/or Child Abuse Report Form and emailed to the Professional Standards Unit – psu@cam.org.au – as soon as practicable.

The Professional Standards Unit (PSU) is responsible for coordinating child-safety related misconduct and/or child abuse reports in relation to the safety and wellbeing of children and young people and liaising with statutory authorities e.g. Victoria Police, Reportable Conduct Scheme – Commission for Children and Young People. See section - PSU's role in relation to reports of alleged child abuse.

All concerns, allegations or complaints of child-safety related misconduct and/or child abuse will be taken seriously, treated with sensitivity, and acted upon consistent with the Catholic Archdiocese of Melbourne's moral, ethical and legal obligations.

In Victoria, alleged child abuse perpetrated by:

- Clergy, employees and volunteers is reported to the sexual offences and child abuse investigation team (SOCIT) within Victoria Police
- Family members (or children) is reported to Child Protection - Department of Health and Human Services (DHHS).
- A child or young person is reported to Child Protection (DHHS) and/or the SOCIT (Victoria Police) (e.g. sexually harmful behaviour, aggression, violence, online exploitation).

REPORTABLE CONDUCT SCHEME

The Catholic Archdiocese of Melbourne has a legal responsibility under the Reportable Conduct Scheme to report current and historical incidents of suspected child abuse (e.g. Physical, sexual, emotional abuse and neglect, grooming) or child-related misconduct of clergy, employees and volunteers to the Commission for Children and Young People (CCYP).

The CCYP provides independent oversight of an organisation's investigative response to allegations of child abuse and misconduct perpetrated by an employee or volunteer of an organisation. Under the scheme, reportable conduct will include allegations against clergy, workers or volunteers of child abuse and misconduct involving children and young people. See **INFORMATION SHEET: Reportable Conduct Scheme** - provides an overview of the Reportable Conduct Scheme.

Welfare concerns If a child does not appear to be experiencing abuse but there are significant concerns for their welfare (e.g. lack of food, significant relationship difficulties with their parents), a referral can be made to Child and Family Information, Referral and Support Teams (Child FIRST) located across Victoria.

Child and Family Information, Referral and Support Teams (Child FIRST) is a Victorian State Government initiative set up under the Children, Youth and Families Act 2005 (Vic) to support families when there are concerns about the wellbeing of a child. This service provides assistance to families in situations where the issues of concern have a low to medium impact on the child and where the immediate safety of the child is not comprised.

Child FIRST links families with relevant services to provide assistance with the care and wellbeing of children and young people.

Child FIRST Contact details of a local Child FIRST provider can be located through: <https://services.dhhs.vic.gov.au/referral-and-supportteams>

VICTORIA POLICE Sexual Offences and Child Abuse Investigation Team (SOCIT): http://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/cth/consol_act/fla1975114/s67za.html

CHILD PROTECTION (DHHS) REGIONS Child Protection performs a range of functions including:

- Investigating matters where it is alleged that a child or young person is at risk of harm
- Referring families to services to support them to provide a safe and supportive environment for their children (e.g. Counselling, parenting support)
- Taking action to ensure the safety of children and young people.

When making a report to Child Protection, the reporting person may choose to identify themselves or make a report anonymously. Notifying family members that a report is being made, may in some cases, place the child or young person at further risk. It is advisable not to inform family members that a report is being made to Child Protection unless Child Protection has indicated it is safe to inform the family.