

ST PETER APOSTLE MISSION PARISH

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Child Protection – Reporting Procedure

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Central to the mission of St Peter Apostle Mission Parish is an unequivocal commitment to fostering the dignity, self-esteem and integrity of children and young people and providing them with a safe, supportive and enriching environment to develop spiritually, physically, intellectually, emotionally and socially. Under the Victorian Child Safe Standards clear policies and procedures should encourage parish clergy, staff, volunteers, contractors, families and children to report any suspected child abuse through internal and external channels and support those persons who have reported or witnessed abuse or have a child safety concern.

1. Purpose

This procedure sets out the actions required under the relevant legislation when there is a reasonable belief that a child in our parish environment is in need of protection or a criminal offence has been committed, and provides guidance and procedures regarding:

- who and in what circumstances a person is obliged to make a report;
- how a report can be made and to whom;
- ensuring that appropriate action is taken to respond to concerns about the wellbeing and/or safety of a child and to support the child and family taking into account their specific needs including those arising where an Aboriginal child, child with a disability or child from a culturally and/or linguistically diverse background is involved.

The procedure is linked to the Flow Chart – Ensuring the Safety and Wellbeing of Children in our care [insert link]

2. Definitions

Child: A person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.

Aboriginal child: A person under the age of 18 years who:

- is of Aboriginal or Torres Strait Islander descent;
- identifies as Aboriginal or Torres Strait Islander, and
- is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community.

Children from culturally and/or linguistically diverse backgrounds: A child or young person who identifies as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because their parents identification on a similar basis

Children with a disability: A disability can be any physical, sensory, neurological disability or development delay that affects a child's ability to undertake everyday activities.

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 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 incidents or allegations of child abuse.

Child neglect: The failure by a parent or caregiver to provide a child (where they are in a position to do so) with the conditions that are culturally accepted as being essential for their physical and emotional development and wellbeing.

Child physical abuse: Generally, child physical abuse refers to the non-accidental use of physical force against a child that results in harm to the child. Physically abusive behaviours including shoving, hitting, slapping, shaking, throwing, punching, kicking, biting, burning, strangling and poisoning. The fabrication or induction of an illness by a parent or carer (previously known as Munchausen syndrome by proxy) is also included in this definition of "Child physical abuse".

Child protection: Statutory services designed to protect children who are at risk of serious harm.

Child sexual abuse: Any sexual activity between a child under the age of consent (16) and an adult or older person (i.e. a person two or more years older than the victim) is child sexual abuse. Child sexual abuse can also be:

- any sexual behaviour between a child and an adult in a position of power or authority over them; the age of consent laws do not apply in such instances due to the strong imbalance of power that exists between young people and authority figures, as well as the breaching of both personal and public trust that occurs when professional boundaries are violated
- any sexual behaviour between a child and an adult family member, regardless of issues of consent, equality or coercion
- sexual activity between peers that is non-consensual or involves the use of power or coercion

- non-consensual sexual activity between minors (e.g. a 14-year old and an 11-year old), or any sexual behaviour between a child and another child or adolescent who, due to their age or stage of development, is in a position of power, trust or responsibility over the victim. Sexual activity between adolescents at a similar developmental level is not intended to be included in this definition of “Child sexual abuse”.

Mandatory Reporting: The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons include teachers, nurses, police, and medical practitioners.

Parish staff: includes, for the purposes of this procedure, parish employees, volunteers, contractors and clergy

Reasonable Belief: When an adult is concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a ‘reasonable belief’. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere 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.

3. Who is obliged to make a report?

- Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
- All parish staff should always report circumstances that cause them concern regarding child safety in the parish.

4. What circumstances should be reported?

Parish staff may come across possible breaches of the St Peter Apostle Mission Parish Child Safety Policy and Procedures, or matters that cause them concern, in any number of ways. These might include:

- A disclosure made to them by a child or by a third party about a child;
- Observing events or behaviour in a child that cause them to form a reasonable belief that a child is being harmed or abused, or at risk of being harmed or abused (whether by a family member or another person); or
- Being present and witnessing an event or incident.

Alternatively, an incident may occur during an activity parish staff are responsible for, such as:

- A child being lost;
- A child being injured;
- A Medical emergency.

Regardless of the way in which an issue arises, parish staff should always report circumstances that cause them concern and should certainly always report:

- (g) Any material breach of the Parish Child Safety Policy and Procedures;
- (h) Any incident in which a child is harmed or goes missing;
- (i) Any emergency situation including a medical emergency;
- (j) Any hazard or risk of harm to a child that is not being adequately addressed;
- (k) Any allegation of sexual misconduct
- (l) Any disclosure by a child, or a reasonable belief you have formed, that a child is being abused or is at risk of abuse of any kind;
- (m) Any allegation of violence inflicted by an adult upon a child
- (n) Any allegation in which an adult has been under the influence of drugs (illicit or misused medication) or alcohol while responsible for children;
- (o) Any incident in which a child has been harmed or injured (either physically or psychologically) or is at risk of harm or injury;
- (p) Any allegation of conduct which is or might be unlawful; and
- (q) Any conduct which would or might give rise to a mandatory report under the Children, Youth & Families Act 2005 (Vic.) (CFA) or the Crimes Act 1958.

5. How to report sexual and other abuse and other matters to whom.

- (a) If Parish staff are not sure whether to report a matter concerning child safety, contact the Parish Priest, the Parish Child Safety Officer, the Archdiocese Office of Professional Conduct, Ethics on 9926 5677 or after hours on 0407 694 900 or the Victoria Police. The process of reporting and dealing with any concerns will vary depending on the type of conduct and who is responsible for the conduct.
- (b) Report details of any incident or matter of concern on the Confidential Incident Recording Form. [Catholic Archdiocese of Melbourne: Church in Melbourne, Australia > Professional Standards > Sample Forms](#)
- (c) Nothing in this procedure restricts the right of any person to report any matter to the police or other authorities if they have formed a reasonable belief about the safety and well being of a child.
- (d) Report Sexual misconduct/abuse by parish staff or others or conduct that is or may be criminal to:
 - i. Victoria Police (000);
 - ii. Department of Health and Human Services (DHHS) if mandatory reporting obligations pursuant to CYF Act apply,
 - iii. The Vicar General on (03) 9926 5677 or vicar.general@cam.org.au if matter relates to the parish priest.
 - iv. Except for (iv) the parish priest
 - v. Parent or guardians only if so advised by Victoria Police

- (e) Report all other matters arising within the parish to:
 - i. The parish priest (unless the matter relates to the parish priest), in which case report to the Vicar-General on (03) 9926 5677 or vicar.general@cam.org.au.
- (f) Report emergencies such as a medical emergency, a missing child, or any other emergency situation:
 - i. To the appropriate authority (police, fire or ambulance) – dial 000
 - ii. As soon as possible thereafter, the child's parent /guardian must be notified and a report made (within 24 hours) to the Archdiocese HR Office on 03 9926 5677 or human.resources@cam.org.au

6. What happens when a report is made?

When a report is made in accordance with clause 5 (d) and (e) the person receiving the report shall:

- (a) Listen carefully to the report to ensure it is understood;
- (b) Consider whether it is appropriate or necessary to advise others within the Catholic Archdiocese of Melbourne or to inform the relevant authorities
- (c) Determine what action will be taken (if any);
- (d) Document all action taken; and
- (e) Maintain the confidentiality of all parties (including the person making the report, and any person to whom the report relates) at all times to the extent this is possible. In some cases it may be necessary to inform relevant authorities or others within the Catholic Archdiocese of Melbourne or the person to whom the report relates. Depending on the nature of the allegation it may be necessary to:
 - i. Inform the police, if the behaviour is criminal;
 - ii. Consider whether a mandatory report must be made to the DHHS under the CYF Act;
 - iii. Make or refer a report to the Independent Commissioner
 - iv. Inform the parents/guardians as advised by the authority reported to (if so advised).

7. Secure storage of reports and records relating to child safety

All records made of child safety complaints, disclosures or breaches of the Child Safety Code of Conduct should be delivered to the Parish Child Safety Officer or Parish Priest in an envelope marked confidential. The Child Safety Officer/Parish Priest will securely store the records in the Parish Office in accordance with security and privacy requirements (ie in a secure office and locked file). The record will be kept indefinitely.

8. Dealing with disclosures by children or a reasonable belief that abuse is or may be occurring in the Parish or during a parish activity

- (a) If a child makes a disclosure to Parish staff that sexual, physical or psychological abuse is occurring, or Parish staff form an reasonable belief that a child is being harmed, or is at risk of being harmed, the parish staff should immediately report the matter to the Victoria Police who will advise them of the next steps to take.

- (b) Be aware that the child may be feeling ashamed, guilty and scared, and may be worried about the consequences of telling someone about the abuse. Stay calm and listen carefully to the child. Tell them you believe them and that they did the right thing by telling you. Do not make promises you cannot keep such as promising that you will not tell anyone else.
- (c) To assist the child, it may be necessary to provide some psychological support and/or counselling or to ensure that such counselling is available to the child.

Relevant Legislation

- Crimes Act 1958 (Vic.) – Three new criminal offences have been introduced under this Act.
 - (a) **Failure to disclose offence**: Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.
 - (b) **Failure to protect offence**: The offence will apply where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk, but negligently fail to reduce or remove it.
 - (c) **Grooming offence**: This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails and can be targeted to children or their carers.