Child Abuse and Neglect

Mandatory Reporting Procedures (in brief)

Alleged Misconduct of School Personnel

Since July 1994, it has been mandatory for teachers, principals, counsellors and psychologists, among other prescribed professionals, to report physical or sexual abuse to the Department of Human Services. This legal requirement arises from a 1993 amendment to the Children and Young Persons Act 1989 (Vic.).

The Department of Human Services child protection workers are authorised under the Community Services Act 1970 (Vic.) to:

- accept notification and reports of suspected child abuse and neglect;
- conduct investigations of specified concerns;
- take action if necessary through the Children's Court to protect children.

Abuse is categorised into four categories: Physical, Sexual, Emotional and Neglect. The Child Protection Unit of the Department of Human Services has produced a series of publications that describes these categories and that provides advice and procedures for managing suspected cases. Many of these publications are available online – refer to the website of the Department of Human Services: www.dhs.vic.gov.au

The Catholic Education Office Melbourne has promulgated a policy on mandatory reporting, entitled Mandatory Reporting: Guidelines and Procedures for Mandatory Reporting of Child Physical and Sexual Abuse (CEOM Policy 2.19, 1999). The policy complements and incorporates procedures and guidelines laid down by the Department of Human Services, and should act as a key reference for Catholic schools.

Mandatory Reporting Procedures (in brief)

Teachers are often in a position to observe or become aware that a child may have been abused or neglected. It is not often that signs of abuse are detected at once. If a teacher has a suspicion, then that teacher should keep notes about the child, writing such things as the indicators of abuse, the date and anything that the child or another person says. At the same time it is highly recommended that the teacher speak with the principal about the matter. The principal should organise support for the teacher at this time if required. The Catholic Education Office may be of assistance to the teacher in establishing whether there are reasonable grounds for forming a belief that physical or sexual abuse may have occurred.

If the teacher forms the belief on reasonable grounds that the child is in need of protection of the law, then contact with the Protective Services Unit (referred to as Protective Services) of the Department of Human Services is necessary. If the alleged abuse is of a physical or sexual nature, then it is MANDATORY for the
teacher to report the matter to the Protective Services Unit and to cooperate with Protection Services by supplying the grounds on which the belief is held. The principal needs to be fully informed at all times. Communication with Protective Services may be facilitated through the principal. School protocol should strictly follow the procedures that direct schools in these communications.

There may be occasions when Protective Services needs to interview a child while at school, especially if abusive behaviour is suspected of a parent/guardian or caregiver. Parents are not contacted if under suspicion by Protective Services. It is the principal’s responsibility to facilitate such an interview. Protective Services officers are mandated to attend to these matters. When officers from Protective Services attend the school, the principal should establish their credentials by requesting official identification.

If the child is at primary school, then the principal or a delegate of the principal should be present during the interview. The principal or delegate should be present to assist the child to cope with the interview and to support the child. That person should take notes about what has been said by the child in response to what has been asked or discussed. No interview should take place without the agreement or presence of the parent/guardian, unless the interview concerns suspected abuse or neglect by the parent/guardian.

A young person should be advised by the principal of the right to have an adult present during the interview. If this student seeks advice as to the need for a staff member’s presence, then that student should be advised to have a staff member present. The staff member will be a support to the student and an observer but not an active participant in the interview. Again it is advisable to take notes of what has been said.

If the abuse includes possible criminal offences, then the police investigate these matters. The matters are referred to the police by the Department of Human Services.

The mandatory reporting is only required of a teacher, while carrying out professional duties, when the belief is formed on reasonable grounds that a child is being abused. It will be the duty of the Department of Human Services to investigate if there is evidence that abuse has occurred.

If the investigation does not find sufficient evidence of alleged abuse, under this legislation and under common law, an individual who reported the matter to Protective Services cannot be sued if the report is made in good faith.

Confidentiality is very important for all concerned. The identity of a person making a notification is confidential throughout the entire process, including any court action and Freedom of Information requests.

When a teacher or principal is present during an interview with a child, that person should realise that he/she may be required to give evidence about the interview in any court proceedings. Therefore the teacher or principal should make some personal notes regarding the interview.

When the Catholic Education Office has had an abuse case referred to it, a pastoral care officer, after consultation with the appropriate authority, will initiate contact with the school principal and as soon as practical will visit the school and offer any support and assistance that the principal may need.
Alleged Misconduct of School Personnel

If the alleged abuser of the child is a member of staff, the principal must immediately suspend on pay that person from all duties, pending an official inquiry. Protocol of the Catholic Education Office for dealing with alleged abuse needs to be followed, as well as the mandatory reporting procedures. In such instances a key reference is the policy of the Catholic Education Office Melbourne, *Procedures for the Management of Allegations of Misconduct Against Lay Employees in Catholic Schools and Catholic Education Offices* (CEOM Policy 2.20, 1999).

If the alleged offender is the principal then the matter should be brought to the attention of the responsible school authority (i.e. parish priest or canonical administrator of the school) and the Catholic Education Office.

If the alleged offender is a member of the diocesan clergy of the Archdiocese of Melbourne, then the protocol for the Archdiocese of Melbourne needs to be followed, as well as the mandatory reporting procedures. Notification of both the Catholic Education Office Melbourne and the Independent Commissioner (9221 6190) is necessary.

If the alleged offender is a member of the diocesan clergy of the dioceses of Ballarat, Sandhurst or Sale, or a member of a religious order, the protocol of the Australian Catholic Bishops Conference and the Conference of Leaders of Religious Institutes (*Towards Healing*) needs to be followed, as well as mandatory reporting procedures. Notification of both the relevant Catholic Education Office – Ballarat (53377135), Sandhurst (57624177) or Sale (56235644) – and *Towards Healing* contact (1800 816 030) is necessary.

See also: