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ST THOMAS AQUINAS COLLEGE

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PP417 CHILD SAFETY AND WELLBEING RESPONSE AND REPORTING POLICY AND PROCEDURE

"Purity prepares the soul for love, and love confirms the soul in purity." --John Henry Cardinal Newman

PURPOSE

These procedures set out how St Thomas Aquinas College will respond to allegations of suspected child abuse where a student is alleged to be involved in an incident of child abuse either as a victim or as a perpetrator and the allegation:

- is made by or in relation to a student, College staff, visitors or other persons while connected to the St Thomas Aquinas College environment;
- requires compliance with mandatory reporting obligations by an St Thomas Aquinas College staff member; or
- leads a College staff member while undertaking child-connected work to form a reasonable belief that a sexual offence has been committed by an adult against a student under 16.

Fulfilling the roles and responsibilities contained in these procedures is not intended to displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse.

SCOPE

Everyone working at or volunteering at St Thomas Aquinas College is responsible for the care and protection of children and reporting information about child abuse. St Thomas Aquinas College is a College made up of a rich tapestry of students from many backgrounds and with differing ability levels and from various locales around south eastern Melbourne. This Policy will be sensitive to the diverse backgrounds and ability levels of students and parents by being available upon request with explanation from our staff, and by being the subject of many staff, student and parent information sessions. The procedure will be accessible to the College community as indicated in point 9 of the procedures (see later section).

POLICY STATEMENT

1. St Thomas Aquinas College strives to create a safe, respectful, nurturing environment where each member of the College community plays an important role in promoting student wellbeing.
2. St Thomas Aquinas College:
 - 2.1. has zero tolerance for child abuse
 - 2.2. actively works to listen to and empower children
 - 2.3. has systems to protect children from abuse, and will take all allegations and concerns very seriously and respond to them consistently in line with the College's other policies and procedures
 - 2.4. is committed to promoting physical, emotional and cultural safety for all children
 - 2.5. is committed to providing a safe environment for all children.
3. These procedures form part of St Thomas Aquinas College's commitment to child safety and wellbeing and cover all forms of child abuse, sexual assault and mandatory reporting obligations that apply to all College staff at the College.

DEFINITIONS

Child	A person below the age of 18 years unless, under the law applicable to the child, majority is attained earlier
Child abuse	<p>Child Abuse includes</p> <p>(a) any act committed against a child involving</p> <p style="padding-left: 20px;">(i) a sexual offence; or</p> <p style="padding-left: 20px;">(ii) an offence under section 498(2) of the Crimes Act 1958 (grooming);</p> <p style="padding-left: 20px;">and</p> <p>(b) the infliction, on a child, of</p> <p style="padding-left: 20px;">(i) physical violence; or</p> <p style="padding-left: 20px;">(ii) serious emotional or psychological harm; and</p> <p>(c) serious neglect of a child.</p> <p>(d) forced marriage</p> <p>(e) family violence</p>
	Work that is authorised by St Thomas Aquinas College that is performed by an adult in the St Thomas Aquinas College environment while children are present or reasonably expected to be present
Child protection	Any responsibility, measure or activity undertaken to safeguard children from harm.
Child Safety Team	<p>The St Thomas Aquinas College Child Safety and Wellbeing Team is responsible for ensuring staff, students and parents all understand their roles in ensuring the organisation is child safe. The College Child Safety and Wellbeing Team comprises:</p> <ul style="list-style-type: none"> • the College Board (i.e. the Board's nominated member) (1 person nominally the Chair) • the Principal (1 person) • the Student Welfare Officer (i.e. the Deputy Principal) <p><i>(who is also the Child Safety and Wellbeing Officer)</i></p>
Child sexual assault	Any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. This includes all sexually abusive behaviours and pornography of any kind. It includes child grooming, which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child.

DEFINITIONS (Cont...)

Reasonable grounds for belief	<p>Belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.</p> <p>A reasonable belief is formed if a reasonable person believes that:</p> <ul style="list-style-type: none"> (a) The child is in need of protection, (b) The child has suffered or is likely to suffer “significant harm as a result of physical injury”, (c) The parents are unable or unwilling to protect the child. <p>A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation.</p> <p>A ‘reasonable belief’ is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a ‘reasonable belief’ might be formed if:</p> <ul style="list-style-type: none"> a) A child states that they have been physically or sexually abused; b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves); c) Someone who knows a child states that the child has been physically or sexually abused; d) Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or e) Signs of abuse lead to a belief that the child has been physically or sexually abused.
Student	An individual person who is formally enrolled to study at the St Thomas Aquinas College. The individual person is that who appears on the enrolment documents and who is assigned a College student ID.
Student sexual offending	Behaviour by a child aged 10 years and over which may amount to a criminal offence. Under the Crimes Act 1958 (Vic), criminal offences include: sexual assault, rape, indecent acts
The School/College	St Thomas Aquinas College

PROCEDURES

1. Responding to allegations or disclosure of child abuse
 - 1.1. Upon being informed of any allegation or disclosure of child abuse all College staff must immediately inform the Principal or another member of the College Child Safety and Wellbeing Team.
 - 1.2. College staff are not required to assess the validity of any allegations or to prove that child abuse did indeed take place before informing the Principal or another staff member of the allegations or disclosure.
 - 1.3. St Thomas Aquinas College will act promptly and sensitively when informed of an allegation or disclosure of child abuse, whether or not the allegation or disclosure is made directly by a student.
 - 1.4. Upon learning of an allegation or a disclosure of child abuse, the Principal will ensure that the College:
 - 1.4.1. responds to the allegation or disclosure of child abuse in a timely and sensitive way
 - 1.4.2. provides appropriate support to the student who has disclosed the child abuse
 - 1.4.3. provides clear information to the alleged victim about what the College will do in response to their allegations or disclosure
 - 1.4.4. provides a safe environment for the alleged victim and any other students alleged to be involved or affected
 - 1.4.5. informs the student of the obligation of the College to report the allegations or disclosure to the appropriate authorities
 - 1.4.6. immediately contact the parents/carers of the alleged victim, unless it is not appropriate in the circumstances to do so
 - 1.4.7. call for medical and/or police assistance in cases of emergency
 - 1.4.8. keep notes and records of all conversations, disclosures and of all follow-up actions or interactions
 - 1.4.9. responds appropriately and sensitively to the diversity characteristics of our College taking into account the unique characteristics of our community.
 - 1.5. Where the Principal is unable to respond to an allegation or disclosure of child abuse for any reason, or where it is deemed inappropriate for the Principal to respond, then the nominated Board member (currently the Chair of the Board) will undertake the response on behalf of the College.
2. Informing Authorities
 - 2.1. Where a report is required to be made to an appropriate authority, the Principal and the Child Safety and Wellbeing Team will manage and co-ordinate the report on behalf of St Thomas Aquinas College.
 - 2.2. In relation to cases of mandatory reporting, St Thomas Aquinas College will support the relevant staff member in making a report to the Victorian Child Protection Service ([DFFH Child Protection](#)), Department of Health & Human Services AND to Victoria Police in the case of suspected sexual abuse. The reporter is not able to transfer their obligation under this policy. The Principal and welfare team are a support only.
 - 2.3. The contact details for Child Protection are:
 - 2.3.1. South Division Intake – telephone 1300 655 795
 - 2.3.2. After Hours emergency services – telephone 13 12 78

- 2.3.3. In relation to cases of sexual abuse or sexual assault, St Thomas Aquinas College will report any incident to the Sexual Offences and Child Abuse Investigation Team (SOCIT) of the Victoria Police: Dandenong (MDC*) (03) 8769 2200
- 2.3.4. In cases of emergency, College staff should not hesitate to immediately contact the Victoria Police or Ambulance Victoria on: Telephone – 000
- 2.3.5. Staff member should report to [Child FIRST](#), Orange Door Cardinia –1800 271 170 or Commission of Children and Young People (CCYP)--(03) 8601 5281 or contact@ccyp.vic.gov.au

PROCEDURES (Cont...)

3. Reporting obligations

3.1. Voluntary Reporters

- 3.1.1. According to the Children, Youth and Families Act 2005 (VIC) a voluntary reporter may make a report if the person has a significant concern for the wellbeing of a child (under 17 years of age). In this case the reporter would follow the procedures mapped out below *except* they would identify themselves as a voluntary reporter. *Any adult* can be a voluntary reporter.

3.2. Mandatory Reporters

- 3.2.1. A mandatory reporting obligation arises under the Children, Youth and Families Act 2005 if a mandated reporter forms the belief on reasonable grounds that, in the course of carrying out his or her duties as an employee of St Thomas Aquinas College, a child is in need of protection. A child is in need of protection if he or she 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 unlikely to protect, the child from the harm.
- 3.2.2. A mandatory reporter is required to make a report as soon as practicable after forming the belief that a child is in need of protection.
- 3.2.3. Mandatory reporters are required to make a report on each occasion they form a belief that a child may be subjected to abuse;
- 3.2.4. Mandatory reporters are required to make a report even if the Principal, sub-school leaders or any other member of the College Community does not share that belief.
- 3.2.5. Any person who is considered to be a mandated reporter must ensure a report is made in instances where another person has undertaken to make a report. If unsure whether or not another person has made a report, a mandated reporter should make a report.
- 3.2.6. Any person who believes on reasonable grounds that a child who is 10 years of age or over but under 15 years of age is in need of therapeutic treatment (as defined in section 244 of the Children, Youth and Families Act 2005) may report that belief and the reasonable grounds for it.
- 3.2.7. A belief is a belief on reasonable grounds if a reasonable person practising the profession or carrying out the duties of the office, position or employment, as the case requires, would have formed the belief on those grounds.
- 3.2.8. The principal must report to the Commissioner for Children and Young People (CCYP) within 3 business days of becoming aware of an allegation of 'reportable conduct' concerning an employee or volunteer at the school. 'Reportable conduct' includes sexual offence committed against, with or in the presence of a child; 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 causing significant emotional or psychological harm to a child; significant neglect of a child. Student-to-student abuse is not covered by the Reportable Conduct Scheme.

PROCEDURES (Cont...)

3. Reporting obligations (Cont...)

3.1. Obligations to disclose a sexual offence committed against a child

3.1.1. All St Thomas Aquinas College staff members who are adults who have information that leads them to form a reasonable belief that a sexual offence has been committed by another adult against a child under the age of 16 years must disclose that information to the police as soon as it is practicable to do so.

3.1.2. Unless the adult has a reasonable excuse for not doing so, it is an offence under the Crimes Act 1958 to fail to make such a disclosure to the police. The offence carries a maximum imprisonment term of 3 years.

3.1.3. The offence does not concern rumour or speculation about another person or a small piece of information that may be relevant. The offence is concerned about the failure of an adult to disclose information of a sufficient quality that would lead that adult to form a reasonable belief that a relevant sexual offence has been committed.

3.1.4. The circumstances in which an adult will have a reasonable excuse for failing to disclose information to the police include the following:

3.1.4.1. where the adult may reasonably fear for their safety, or the safety of the child or another person (other than the alleged offender), if the offender was to find out that the offence had been disclosed to the police and the failure to disclose the information was a reasonable response in the circumstances

3.1.4.2. where the adult believes on reasonable grounds that the information has already been disclosed to the police and the adult has no further information to add

3.1.4.3. the victim, now being over 16 years of age, requests that the information not be disclosed to the police (unless the victim has an intellectual disability and does not have the capacity to make an informed decision).

3.1.5. If any St Thomas Aquinas College staff member has concerns about whether they are required to disclose information to the police they should speak to the Principal, or any member of the Child Safety and Wellbeing Team as soon as possible so that assistance can be provided in relation to the staff member's obligations.

4. Failure to protect offence

4.1. This offence applies where there is substantial risk that a child under the age of 16 who is 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 school/organisation. A relevant organisation is one that exercises care, supervision or authority over children. A person in a position of authority in a relevant organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

Failure to Disclose Offence

The failure to disclose offence applies to you if you are an staff member, volunteer or contractor and you have information that leads you to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria.

All staff, volunteers and contractors must report the information to police as soon as possible, unless you have a 'reasonable excuse' for not reporting the information, or you are exempt from the offence.

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example you fear for your safety, or the safety of another person, or you believe the information has already been reported to the police.

PROCEDURES (Cont...)

5. Protection of children connected to alleged child abuse
 - 5.1. St Thomas Aquinas College will provide ongoing support within the College environment for children who are involved in allegations of child abuse and who may be vulnerable. This support may involve, as the circumstances require:
 - 5.1.1. developing a case plan for vulnerable children;
 - 5.1.2. working with the child's family, parents or guardians, where appropriate, to ensure the safety and welfare of the child while in the College environment;
 - 5.1.3. appointing a support staff member or members, such as the School Welfare Officer, to oversee the student's safety and welfare and to observe and monitor the child's behaviour and assess their ongoing needs;
 - 5.1.4. take such action as is considered necessary to protect any child connected to the alleged child abuse until the allegation is resolved, which may include removing the alleged perpetrator from the College environment or from having further contact with the child; and
 - 5.1.5. ensuring that the College has accurate and relevant information about the values and child-rearing practices of the cultural group to which the child belongs so that it understands and can act within the child's cultural context.
6. Keeping records of the incident
 - 6.1. Staff members should make a clear and sequential record of any disclosure or allegation of child abuse made to them. These records are to be retained and provided to the Principal/Deputy Principal.
 - 6.2. All documentation and evidence received and collated by St Thomas Aquinas College in relation to an allegation of child abuse, sexual assault or mandatory report will be securely stored in files under the supervision of the Principal.
 - 6.3. The Principal will also make a confidential record of the following information:
 - 6.3.1. the date of disclosure or when the College is first advised of the allegation of child abuse or sexual assault
 - 6.3.2. the name of the person making the allegation or to whom the disclosure was made
 - 6.3.3. details of the allegations of child abuse including the identity of the alleged abuser/s and other persons involved (such as witnesses)
 - 6.3.4. details of the mandatory report to Child Protection
 - 6.3.5. the procedures followed by the College in responding to the disclosure or allegations and its response.
 - 6.4. Nothing in this policy should be read as prohibiting staff from making records in relation to an allegation or disclosure of child abuse. In certain cases the College's records and communications may be subject to legal professional privilege and therefore not subject to disclosure to others.
 - 6.5. All personal information collected, held and stored by St Thomas Aquinas College will be managed in accordance with the Privacy Act 1988 (Cth) and the Australian Privacy Principles (APPs).
 - 6.6. Data on issues relating to Child Abuse are to be held in file for 25 years.

PROCEDURES (Cont...)

7. Breach of this procedure

- 7.1. Any breach of this Procedure will be considered by the Principal (or relevant delegate), and will be dealt with on a case by case basis.
- 7.2. A failure by mandated staff members to report a reasonable belief that a child is in need of protection may result in the person being prosecuted and a court imposing a fine under the Children, Youth and Families Act 2005.

8. Fulfilling Roles and Responsibilities

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

9. Publicising this Policy

This Policy will be made publicly available by:

- Publishing it on the College's intranet site
- Publishing updates in College's Newsletters throughout the year (as relevant)
- Distributing copies during the initial Parent Information Evening
- Using Staff Meetings to keep staff informed/educated
- Using Student Assemblies to educate students in the process
- Committing to using whatever means possible to update and inform the College Community

The information presented will be made accessible by pitching it to the relevant audience (eg creating materials for Year 7 students) and wherever possible providing translations and other resources to assist all members of the community to access the material.

RELATED DOCUMENTS

There are a variety of Policies to which this Policy relates.

- Learning Support Policy and Procedure
- Incident Policy and Procedure
- Student Handbook
- Duty of Care Policy and Procedures

LEGISLATIVE CONTEXT

- Education, Training and Reform Act (2006)
- Betrayal of Trust report
- Ministerial Order 870
- Children, Youth and Families Act (2005)
- Crimes Act (1958)
- Victorian Institute of Teaching Act (2001)

ROLES AND RESPONSIBILITIES

The Principal has ultimate responsibility for managing the response of St Thomas Aquinas College to any allegations or disclosures of child abuse and for monitoring overall College compliance with this procedure.

The Principal and members of the College Child Safety and Wellbeing Team are the key persons to whom allegations or disclosures of child abuse should be reported. They are also responsible for responding appropriately to a child who makes or is affected by an allegation of child abuse.

The Principal's contact details are:

Fr Andrew Cranshaw	Principal	St Thomas Aquinas College 1 Tynong Road Tynong VIC 3813
Telephone	+613 5629 2500	
Email	principal@stac.vic.edu.au	

In the absence of the Principal, the Student Welfare Officer becomes responsible for managing The College's response.

The Student Welfare Officer's (Deputy Principal's) contact details are:

Mr	Child Safety and Wellbeing Officer St Thomas Aquinas College 1 Tynong Road Tynong VIC 3813
Telephone	+613 5629 2500
Email	deputy.principal@stac.vic.edu.au

Where a report needs to be made to the Board directly, please contact the College and ask for contact details for the Principal of St Thomas Aquinas College.

The Child Safety and Wellbeing Team

The members of the College Child Safety and Wellbeing Team are the persons holding the following positions:

- Designated Member of the College Board (Father Elias)
- The Principal

- The Child Safety and Wellbeing Officer/s

MONITORING AND EVALUATION

The Principal will be responsible for ensuring that this policy and procedure is monitored and evaluated throughout the College.

VERSION

Authorised by	St Thomas Aquinas College Board
Effective date	June 2021
Version	2.2
Review date	June 2023