



# St. Joseph's Primary School Numurkah

## Child Protection Failure to Disclose    March 2016

### **Policy Statements**

#### **Basic Beliefs:**

- “In never seeing a need without doing something about it” (Mary MacKillop).
- That our school community nurtures the development of the whole child.
- Providing programs and support that meet the individual needs of all students (social, emotional, educational, psychological, spiritual, physical and behavioural).
- At St. Josephs we believe 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 give all people, but especially children, young people and the most vulnerable, the highest respect. In this context, our school will endeavor to provide a safe, supportive and secure environment that promotes respect and care and values diversity. We acknowledge that the mental, physical, spiritual and emotional wellbeing of children and young people are essential preconditions for successful learning.
- At St. Joseph's we believe a safe environment is required to protect children and young people from harm and to prevent staff from abusing their position of authority and trust.
- We accept that the child and young person's ongoing safety and wellbeing must be the primary focus of all decision making.
- We believe School leaders and staff must be fully self-aware of, and comply with, their professional obligations and responsibilities.
- Our commitment to protecting children is embedded in our schools culture and responsibility for taking action is understood and accepted at all levels of the organisation.

#### **Definitions**

##### **Child and Young Person**

- For the purposes of this offence, a child is a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.

### **Reasonable belief**

- A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds. A 'reasonable belief' is not the same as having proof.

### **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 activity and/or exposure of the child to pornography.

### **Failure to disclose**

- All adults who form 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.**
- an adult will not be guilty of the offence if they have a reasonable excuse for not disclosing the information. A reasonable excuse includes:
  - fear for safety,
  - where the information has already been disclosed.

***Note:** It is a reasonable excuse to not disclose where a person believes on reasonable grounds that the information has already been disclosed to police and they have no further information to report; for example, where the person has already made a report under the mandatory reporting obligation specified in the Children, Youth and Families Act 2005.*

### **Organisation:**

*This policy applies to the whole school community in supporting safe environments for all children and young people.*

- It applies to all adults in the school community to ensure they understand this responsibility (distinct from that of Mandatory Reporting) in protecting the safety and wellbeing of children and young people under the age of 16 in accordance with the Crimes Act 1958 (Vic).
- This policy and its requirements will be communicated annually to all staff and the wider school community
- This policy and its requirements will be communicated to new staff during induction
- School staff will be trained in personal safety and the identification of possible sexual abuse

- Prompt and full responses to any allegations will be undertaken promptly, with well documented records retained securely and confidentially
- This policy should be read in conjunction with the other policies and procedures of St. Joseph's concerned with Child Safety and Pastoral Wellbeing:
- Charter of Sandhurst School Improvement
- Child Protection and Safety Policy
- Child Protection – Mandatory Reporting Policy
- Child Protection – Failure to Protect Policy
- Child Protection – Grooming Policy
- Child Protection – Working with Children Policy

#### **Resources:**

- Crimes Amendment (Protection of Children) Act 2014, online, [http://www.austlii.edu.au/au/legis/vic/num\\_act/caoca201436o2014417](http://www.austlii.edu.au/au/legis/vic/num_act/caoca201436o2014417)
- Children, Youth and Families Act (Vic) 2005
- DEECD and DHS 2010, Protecting the Safety and Wellbeing of Children and Young People, A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools.
- Victorian Parliamentary Inquiry into the Handling of Child Sexual Abuse by Religious and Other Non-Government Organisations, Final Report, Betrayal of Trust, November 2013.
- Integrity in the Service of the Church, online, <https://www.catholic.org.au/documents/1345-integrity-in-service-of-the-church-1>

#### **2) Support:**

Principal / Vice Principal

#### **Evaluation: Expectations and Procedures**

Child First will control procedure following the incident report

**Ratified on 15/06/2016**

**For review 2019**