



**St James
The Apostle**

St James the Apostle Parish

Hoppers Crossing North

Child Protection – Reporting Obligations Policy

November 2016

Date of policy: November 2016
Date of last major review: February 2016
Date of next major review: November 2019

1. Introduction

St James the Apostle Parish (“the parish”) considers the abuse and exploitation of vulnerable persons as totally unacceptable. All concerns and reports of abuse must be acted upon immediately.

Child abuse can take many forms. The abuser may be a parent, carer, staff member, volunteer, another adult or even another child. Unfortunately, the nature of child abuse is complex. The abuse may occur over time and potential risk indicators are often difficult to detect. Even our legal obligations for reporting allegations of child abuse can vary depending on the circumstances of the incident.

The parish will take appropriate, prompt action in response to all allegations or disclosures of abuse, neglect, inappropriate behaviour or concerns about child safety by reporting all matters to the Victorian Child Protection Service, the Commission for Children and Young People, or the Police, depending on the allegation or disclosure made.

The parish will respond to all allegations of child abuse in an appropriate manner including:

- informing the appropriate authorities and fully cooperating with any resulting investigation;
- protecting any child connected to the allegation until it is resolved and providing ongoing support to those affected;
- taking particular measures in response to an allegation that concerns a culturally diverse child or a child with a disability; and
- securing and retaining records of the allegation and the parish’s response to it.

If a staff member, ministry coordinator, clergy, religious or volunteer has formed a belief that a vulnerable person is being, or is at risk of being, harmed in any way, and/or if they have significant concerns for the general wellbeing of a vulnerable person, they should report their concerns to the parish priest and/or the Child Safety Officer immediately.

2. Legislative Requirements:

- **Mandatory Reporting: Children, Youth and Family Act (2005)** - Where the staff member, clergy, religious, ministry coordinator or volunteer is designated as a mandatory reporter under the Children, Youth and Family Act (2005), then they are legally required to report the matter to the Department of Health and Human Services (DHHS) if the vulnerable person is under the age of 17 years.
- **Failure to Disclose: Crimes Amendment (Protection of Children) Act 2014** - Any adult in the parish who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 must disclose that information to the police. Failure to disclose the information to police is a criminal offence, except in limited circumstances. The offence applies to all adults in Victoria, not just parishioners or volunteers who work with children.
- **Failure to Protect: Crimes Amendment (Protection of Children) Act 2014** - Anyone in a position of authority within the parish who becomes aware that an adult associated with the parish (such as an employee, contractor, parishioner, volunteer or visitor) poses a risk of sexual abuse to a child under the care, authority or supervision of the parish, must take all reasonable steps to remove or reduce that risk. Failure to do so may amount to a criminal offence.

Grooming Offence: Crimes Amendment (Protection of Children) Act 2014 Any adult within the parish who becomes aware or suspects that a child or young

- person under the age of 16 is being groomed by an adult must report this to the police. Grooming occurs when communication or conduct (in person or online) is linked to the intention of facilitating the involvement of a child under 16 years of age in a sexual offence with an adult.
- **Reportable Conduct: Child Wellbeing and Safety Act 2005 (Vic)**
The *Child Wellbeing and Safety Act 2005 (Vic)* requires the parish to investigate and report to the Commission for Children and Young People (Commission) allegations of 'employee' reportable conduct or misconduct that may involve reportable conduct. The Commission's website provides additional guidance and materials which will assist the parish to understand and meet its obligations under the Act. An 'employee' is defined as a person aged 18 years or over who is:
 - employed by the parish
 - engaged by the parish to provide services (such as a volunteer or contractor),
 - the Parish Priest
 - or any other visiting clergy or religious.

Reportable conduct is defined in the Act to include:

- a 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 that causes significant emotional or psychological harm to a child;
- or
- significant neglect of a child.

3. **Procedures for responding to and reporting allegations of child abuse both internally and externally:**

Whilst all matters within the parish relating to risk of harm and the general wellbeing of vulnerable persons must be made known to the Parish Priest and/or Child Safety Officer, it is imperative that **all matters that are of a criminal nature are reported to the police.**

If a matter relates to the misconduct of or concern about a priest but is non-criminal in nature, this should be reported to the Vicar General.

When reports are made to the Parish Priest and/or Child Safety Officer, they will listen to the allegations or concerns and decide what action to take. 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.

Even if the Parish Priest and/or Child Safety Officer does not believe that a mandatory report or report to police is warranted, this does not discharge the person of their obligation to do so if they have formed a reasonable belief that abuse may have occurred or is likely to occur. If that person's concerns continue, even after consultation with the Parish Priest and/or Child Safety Officer, that person is still legally obliged to make a mandatory report of their concerns.

If, after reporting to the parish priest and/or Child Safety Officer, a paid staff member, volunteer or parishioner is not satisfied with the Parish Priest's/Child Safety Officer's response to a report, the person may then refer the matter to the Vicar-General of the Archdiocese of Melbourne 03 9926 5677 or vicargeneral@cam.org.au

The Reportable Conduct obligation covered in this policy is separate and distinct from the:

- Mandatory Reporting obligation under the *Children, Youth and Families Act 2005* (Vic);
- Obligation to Report a Sexual Offence obligation under the *Crimes Act 1958* (Vic);

The threshold for reporting allegations of reportable conduct is much lower than these other reporting obligations.

Any allegations of criminal conduct, including physical violence, significant emotional or psychological abuse, sexual offences and significant neglect must be reported to the Victorian Police as the first priority

4. Record-Keeping

Where parish staff, employee, volunteer, contractor, parish priest or religious associated with the parish forms the belief on reasonable grounds that a child or young person is in need of protection, written and dated notes of their observations and concerns should be recorded to assist in a referral/report of child abuse.

All verbal and written communications regarding child protection matters (including notes of observations, student disclosures, meetings and telephone calls) must be properly documented. The documented records should include dates and times and enough detail to record key conversations, especially those relating to the student's disclosure. The records of child protection will be stored securely.

It is critical that the parish maintains accurate and comprehensive records of these policies, procedures, work systems and strategies should the courts ever call on such evidence in relation to a claim against the parish for damages in respect of child abuse. The parish maintains records of these reportable allegations, written reports and reportable conduct investigation findings indefinitely.

*Any staff member, volunteer or parishioner who would like any guidance about how to report a breach of the St James the Apostle's Code of Conduct or a matter of concern may contact the **Office of Professional Conduct, Ethics and Investigation** on 03 9267 0221 or after hours on 0417 774 504.*

5. Policy Authorisation:

Policy Owner: Parish Priest and Parish Pastoral Council, St James the Apostle
Parish, Hoppers Crossing North

Policy Approval Date: November 2016

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