

## RESPONSE

**"CHILD ABUSE AND NEGLECT  
THE TEACHER'S RESPONSE"  
HEALTH & COMMUNITY SERVICES (H&CS)  
SECOND EDITION**

by

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### INTRODUCTION

With the request of the Board of Directors to further evaluate the matter of Child Abuse and Neglect and Mandatory Reporting, I have reviewed the abovementioned book and offer the following comments.

1. As from the 18th July 1994, primary teachers, post-primary teachers and principals are mandated to report to Health & Community Services physical injury which results from abuse or neglect and sexual abuse.
2. The Children and Young Persons Act 1993 recognises that most children and young people are effectively protected and cared for within their own family. Only when parents or caregivers are unwilling or not able to protect their children from significant harm does the protection of children and young people become a state responsibility.

Comment: It is interesting that the State intervenes directly between the family and the child. Where is the responsibility of the church?

3. Child abuse and neglect is a situation wherein a parent or any other person having the care of a child inflicts or allows to be inflicted on the child physical injury or gross deprivation which causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse or sexual exploitation of the child.
4. Mandatory reporting has been legislated in all States except Western Australia.
5. In Victoria, the Children and Young Persons Act stipulates that a child is a person under 17 years of age. Therefore, mandatory reporting legislation applies to young people up to the age of their 17th birthday.

6. From 1993 to 1994, 28,000 notifications of child abuse and neglect were made to Protective Services in Victoria. In approximately 7% of those notifications investigated, protection applications were issued, thus instigating action in the Children's Court. Notifications made by teachers were more likely to be investigated than notifications made by any other group of notifiers other than the H&CS workers

7. The document identified child abuse and neglect in four categories:

physical abuse  
sexual abuse  
emotional abuse  
neglect

and offers possible physical indicators and behavioural indicators to assist the teacher to form an opinion.

8. The document suggests "a protocol exists between H&CS and the Directorate of School Education."

Question: Who is the Directorate of School Education and what is the relationship between Northside Christian College and that body?

9. Guidelines for Victorian teachers for the handling of situations of child abuse and neglect are contained in *The Schools Information Manual School Operations Section 5.7*

Question: Do we have such a manual and is it available to all staff?

10. The Catholic Education system provides its own manual *Catholic Education Office of Victoria Guidelines. Procedures in Cases of Maltreatment of Children.*

Question: What do we have as part of our documentation?

11. The document suggests that each individual teacher is mandated to report child physical and sexual abuse. Therefore, while consultation with other key staff is still encouraged, each teacher must remember that they have an individual legal obligation to notify H&CS if they believe a child is at risk of physical or sexual abuse.

12. The document encourages a developing of a network in the local community. "It is important that teachers involved in cases of child abuse and neglect are aware of and able to use appropriate services required by the child and his or her family. It may be valuable to develop a local resource network for your school, to make access to these services easy as possible. Suggestions are: H&CS Protective Services Worker, Community Policing Squad Member, Local Government Health and Family Services Coordinator and Local Family Catholic Family Welfare Bureau Councillor."

Note: It is interesting to note that the Christian church, as far as a Protestant representation, is not mentioned in the document.

13. A comment on the role of community agencies is made on page 12 of the document. "These agencies include community centres, family support services, local government services and other local welfare agencies. Such agencies are staffed by professionals who can provide advice and practical help to families as required."

Question: How do we view the professional activities of our Pastoral Staff in these matters? Should we be encouraging lay counsellors in this area of ministry or providing some alternative for them to be recognised as "professional".

14. The H&CS has statutory responsibility for responding to situations of child abuse and neglect in Victoria. It is the only agency authorised to accept notification of suspected child abuse, carry out investigations and take action in the Children's Court in relation to children and young people up to the age of 17 years. They also provide an after hours protection service.
15. What does the mandatory reporting legislation say? Who will be mandated? The legislation nominates a range of professionals who will be required to report to H&CS when they form a belief that a child is at risk of harm due to physical or sexual abuse. Nurses, doctors and police were mandated on the 4th November 1993 and teachers on the 18th July 1994. The other professional groups affected by the legislation include social workers, psychologists, youth workers, pre-school teachers, child care workers, owners and operators of child care centres and parole and probation officers. It is planned that these groups will be mandated over the next few years. The legislation has been introduced in stages to allow for the education of each professional group as they become mandated.

Comment: It is important that we understand the definition of "social worker", "youth worker", "child care workers", particularly when it comes to our youth and children's ministries at Northside Christian Centre, as well as the responsibilities within the ministry of Northside Christian College.

16. The legislation states that teachers must notify H&CS when they form a belief on reasonable grounds that a child is in the need of protection from physical injury which results from abuse or neglect or sexual abuse. The legislation does not make it mandatory for teachers or any professional to notify emotional abuse or neglect. However, these abuse types are likely to come to the attention of teachers and notification should be made to H&CS if a teacher believes that a child is being emotionally abused or neglected. The legislation does not preclude any person from notifying any type of abuse.
17. Mandated professionals are only required to make a notification if they form the belief that they are carrying out the duties of their office. For example, a teacher does not need to make notification about a neighbour's child.

18. The teacher must form a belief on reasonable grounds that the case of abuse exists. When that belief has been formed, the legislation states that the teacher must make a report to H&CS as soon as practicable. That is, he must notify H&CS of his concern as soon as possible. There is opportunity for the teacher to seek assistance to help him form his belief and assistance to make the notification. However, this should not cause undue delay in making a notification.
19. To assist the teacher in forming a belief, he may wish to discuss his concerns with the principal or other relevant school based personnel such as school support staff, student welfare counsellor or, where appropriate, a parish priest or local Catholic Family Welfare Bureau Counsellor.

Comment: It is interesting that no identity is made for those of the Protestant faith. What would we need to do to establish this inclusion?

20. There is no need for a teacher to report cases retrospectively unless they formed a belief on reasonable grounds that the child was in need of protection from physical injury resulting from abuse or neglect or sexual abuse before the 18th July 1994 and whose belief is confirmed by further reasonable grounds after that date. This provision does not require professionals to report abuse from a distant past
21. There is a penalty for not reporting, although mandatory reporting legislation is not intended to be punitive. If a professional blatantly disregards the legislation, then the process of responding to that professional will be an educative one prior to legal proceedings being instigated. The mandatory reporting legislation prescribes the fine of \$1000 for failure to report.

Question: Who would pay this - the individual or the school? Or, in the case of other personnel, the church?

22. An interesting comment on page 21 of the document says, "Mandatory reporting overrides professional ethics, etiquette or conduct."

Question: What about biblical ethics?

23. Those school staff who have a responsibility for counselling students should inform a student of their legal responsibilities to report abuse as a precursor to any counselling sessions.
24. On page 22 of the document, "You would need to make a decision about whether you informed the family, remembering that you are not obliged to do so." This would indicate that the possibility still exists that the teacher, pastor, counsellor, can report the information to the family if he chooses to do so.

Question: Even after he has done that, what is his legal responsibility to report it to the H&CS?

25. Can I Handle Concerns by Myself? Their answer is: "Provided that it does not increase the risk to the child, concerns about a child's well being can be shared with the family in a sensitive and tactful manner." It would appear that the possibility does exist for the church to work within this legislation.
26. It would be interesting to understand what constitutes a professional in the matter of children's ministries, whether educational or church based. The Children and Young Persons Act provides clear guidelines for protective workers, stating "that the welfare of the child is of paramount consideration. The aim is to ensure that the child is able to be protected within their own family in the first instance."

Comment: Do we have a copy of the Children and Young Persons Act and do we understand it?

27. Other helpful comments are given in the book as to dealing with the child and one's own personal emotional response to the situation and for the school to continue to provide a supportive environment to the child or young person and his or her family.

Comment: Again, this would appear that we would have the right within this legislation to work with the family.

28. Final comment: It will be essential, I think, that we get some advice to ascertain whether or not the observations and comments made in this report are actually legally acceptable within a court of law under the Children and Young Persons (Further Amendment) Act 1993.

