



**MARIAN
COLLEGE**

MANDATORY REPORTING POLICY

Marian College (the College), inspired by the Brigidine Sisters and Gospel teachings, fosters a nurturing environment focused on strength and kindness. Our Vision Statement guides us as an educational community, emphasising faith, love, service, achievement, and forward-thinking.

The College is owned by the Trustees of Kildare Ministries and is operated and governed by Kildare Education Ministries (KEM).

Purpose

The College commits itself to the protection, safety, and wellbeing of all young people in our care.

This Policy provides the framework for:

- Ensuring that mandatory reports are made in a timely and efficient manner • The creation of a positive and robust child safety culture.
- The promotion and open discussion of child safety issues within the College; and
- Compliance with all laws, regulations and standards relevant to child safety and protection in Victoria, most especially Ministerial Order 870 – Implementing the Child Safe Standards – Managing the risk of child abuse in schools and school boarding premises ('Ministerial Order 1359') and the National Principles for Child Safe Organisations.

Policy

Everyone employed or volunteering at our College has a responsibility to understand the important and specific role they play individually and collectively to ensure a child safe culture in which the wellbeing and safety of all students is at the forefront of all they do and every decision we make.

This policy applies to all College staff, volunteers and contractors whether or not they work in direct contact with students. It also applies to school council members where indicated.

The policy applies to all physical and online school environments used by students during or outside of College hours, including other locations provided by our school for a student's use (for example, a school camp) and those provided through third-party providers.

Policy Commitments

All students enrolled at our College have the right to feel safe and be safe. The safety and wellbeing of children in our care will always be our first priority and we do not and will not tolerate child abuse. We aim to create a child-safe and child-friendly environment where children are free to enjoy life to the full without any concern for their safety. There is particular attention paid to the most vulnerable children, including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds, children with a disability, children who are unable to live at home and LGBTIQ+ students.

The College has zero tolerance for child abuse and is committed to acting in the best interests of all children and keeping them safe from harm. The College regards its child safety and wellbeing responsibilities with the utmost importance. It is committed to providing the necessary resources to ensure compliance with all relevant child safety and protection laws and regulations and to always uphold a child safe and wellbeing culture both in the physical and online environment.

Implications

- All staff are briefed annually about their legal obligations and College procedures regarding mandatory reporting.
- Counselling and support opportunities are available to staff/students as a result of a mandatory reporting incident.
- Staff, student and family confidentiality is protected.
- Staff documentation is immediate, accurate and stored in such a way that confidentiality is assured.
- Staff to be in-serviced on the indicators of physical, sexual and emotional abuse and neglect.

Who Must Make a Mandatory Report?

Mandatory reporters are defined by the Children, Youth, Families Act (CYFA – 2005) and include:

- Registered teachers.
- The College Principal.
- School counselors.
- People in religious ministry.
- Medical practitioners; and Nurses.

It is the responsibility of other staff, volunteers or members of the College community to check whether they are Mandatory Reporters under child protection legislation. If you are not a Mandatory Reporter, you still have the option of making a report to the relevant government department under the CYFA if you believe on reasonable grounds that a child needs protection. The CYFA states that any person who believes on reasonable grounds that a child is at risk of harm should report their concerns to the relevant government department.

What Gives Rise to a Mandatory Report?

A mandatory report must be made as soon as practicable when you form a belief on **reasonable grounds** that a child is in need of protection where the child has suffered, or is likely to suffer, **significant** harm as a result of:

- Physical violence.
- Sexual abuse.
- And the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Reasonable Belief

The concept of 'reasonable belief' requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well-founded and based on information from a reliable source. There may be reasonable grounds for forming such a belief if:

- A child states they have been physically or sexually abused.
- A child states that they know someone who has been physically or sexually abused.
- Someone who knows the child states that the child has been physically or sexually abused.
- A child shows signs of being physically or sexually abused.
- A child or young person exhibits sexually abusive or age- inappropriate behaviours.
- The staff member is aware of persistent family violence or parental substance misuse, psychiatric illness or intellectual disability that is impacting on a child's safety, stability or development.



- The staff member observes signs of abuse, including non-accidental or unexplained injury, persistent neglect, poor care or lack of appropriate supervision.
- A child's actions or behaviour may place them at risk of significant harm and the child's parents are
- Unwilling or unable to protect the child.

Significant

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is 'significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child's safety, welfare or wellbeing. Significant harm can result from a single act or omission or an accumulation of these.

What to Report and When

A report becomes mandatory as soon as is practicable after forming the belief.

A report must include details of the belief, and the reasonable grounds of that belief.

Additional reports must be made on each occasion where you become aware of any further reasonable grounds for the belief.

- **It is not the member of staff's responsibility to investigate or prove that abuse has or has not taken place.**
- **A member of staff does not require the consent of the child or their family to make a report.**

In response to the Betrayal of Trust three criminal offences have been introduced under the Act:

Failure to disclose:

Any adult (over 18) who forms 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 Victoria Police. Failure to disclose the information to Police is a criminal offence.

Failure to protect:

The offence will apply where there is a substantial risk that a child under the age of 16 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 organisation. A person in a position of authority in the 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.

Grooming:

This offence targets predatory conduct designed to facilitate later sexual activity with a child under 16 years of age. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails to establish a relationship or another emotional connection with the child or their parent.

How is a Report/Referral Made?

Whenever there are concerns that a child is in immediate danger the Police should be called on **000**.



- When a member of staff has formed a reasonable belief that a child in our care has been physically injured or sexually abused we are mandated to report the incident to Child Protection as soon as practicable.
- When a staff member has formed a reasonable belief that a child in our care has been emotionally abused or neglected we are mandated to make a referral to Child FIRST. A report to Child Protection should be made if they form a reasonable belief that a child is in need of protection.
- The processes for Mandatory Reporting of Child and Sexual Abuse is summarised in the **Four Critical Actions for Schools: Responding to incidents, Disclosures and Suspicions of Child Abuse.**
- **This is covered in Mandatory Reporting Procedures.** This has all of the relevant numbers required when making a notification.

A report to Department of Families, Fairness and Housing (DFFH):

Child Protection should be considered if the staff member forms the view the child is in need of protection because:

- The harm or risk of harm has a serious impact on the child’s immediate safety, stability or development;
- The harm or risk of harm is persistent and entrenched and is likely to have a serious impact on the child’s safety, stability and development; or the child’s parents cannot or will not protect the child from harm.

To report concerns about the immediate safety of a child within their family unit, call the 24 hour Child Protection Crisis Line 131 278.

Concerns that require immediate attention should be made to the local or regional (DFFH) Child Protection office, or the After Hours Child Protection Emergency Services on 131 278.

What if I Don’t Have a Reasonable Belief?

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to a **College Child Protection Officer.**

There is also the option to refer the matter to **Child FIRST or The Orange Door.** A referral to **Child FIRST or The Orange Door** should be considered if a staff member forms the view that the concerns have a low-to-moderate impact on the child and the immediate safety of the child is not compromised.

A referral can be made when the following factors may affect a child:

- Significant parenting problems;
- Family conflict
- A family member’s physical or mental illness, substance abuse, disability or bereavement
- Isolated or unsupported families and significant social and economic disadvantage.

Definitions

For the purpose of this policy the following terms are defined as follows:

Child	Means a child or young person who is under the age of 18 years.
Child abuse	Child abuse includes: a) Any act committed against a Child involving: (i) A sexual offence (ii) An offence under section 49B(2) of the Crimes Act 1958 (grooming) b) The infliction, on a Child, of: (i) Physical violence



	(ii) Serious emotional or psychological harm c) Serious neglect of a Child.
Child safety	Child safety encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures or allegations of child abuse (Ministerial Order No. 1359).
Child neglect	Child neglect includes a failure to provide the child with an adequate standard of nutrition, medical care, clothing, shelter or supervision to the extent that the health and physical development of the child is significantly impaired or placed at serious risk (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Child physical abuse	Child physical abuse generally consists of any non-accidental infliction of physical violence on a child by any person (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Child sexual abuse	Child sexual abuse is where a person uses power or authority over a child to involve them in sexual activity. It can include a wide range of sexual activity and does not always involve physical contact or force (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Emotional child abuse	Occurs when a child is repeatedly rejected, isolated or frightened by threats, or by witnessing family violence (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Grooming	Grooming refers to predatory conduct engaged in by a person to prepare a child for sexual activity at a later date. It can include communication and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent/carer (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Mandatory reporting	The legal requirement under the <i>Children, Youth and Families Act 2005</i> (Vic.) to protect children from harm relating to physical and sexual abuse. The Principal, registered teachers and early childhood teachers, school counsellors, religious clergy, medical practitioners and nurses at a school are mandatory reporters under this Act (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
	Reasonable belief – mandatory reporting When school staff are concerned about the safety and wellbeing of a child or young person, they must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a reasonable belief. A ‘reasonable belief’ or a ‘belief on reasonable grounds’ is not the same as having proof, but is more than mere rumour or speculation. A reasonable belief is formed if a reasonable person in the same position would have formed the belief on the same grounds (PROTECT: Identifying and responding to all forms of abuse in Victorian schools).
Reasonable belief – reportable conduct scheme	When a person has a reasonable belief that a worker/volunteer has committed reportable conduct or misconduct that may involve reportable conduct. A reasonable belief is more than suspicion and there must be some objective basis for the belief. It does not necessitate proof or require certainty. NOTE: the difference between the reasonable belief definitions under mandatory reporting and the reportable conduct scheme is the category of persons who are required to, or can, form the reasonable belief which forms the basis for a report.
Reportable conduct	Reportable conduct for the purposes of the Reportable Conduct Scheme is: a sexual offence committed against, with or in the presence of, a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded 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



	significant neglect of a child as defined in the <i>Child Wellbeing and Safety Act 2005</i> (Vic). significant neglect.
School environment	Means any of the following physical, online or virtual places used during or outside school/service hours: <ul style="list-style-type: none"> • A campus of the school. • Online or virtual school/service environments made available or authorised by the school or a service for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services). • Other locations provided by the school/service or through a third-party provider for a child or student to use including, but not limited to, locations used for camps, approved homestay accommodation, delivery of education and training, sporting events, excursions, competitions and other events) (Ministerial Order No. 1359).
School staff	Means an individual working in a school environment who is: <ul style="list-style-type: none"> • Directly engaged or employed by a school governing authority a contracted service provider engaged by the school (whether or not a body corporate or any other person is an intermediary) engaged to perform child-related work for our school. • A minister of religion, a religious leader or an employee or officer of a religious body associated with the school (Ministerial Order No. 1359).
Volunteer	A person who performs work without remuneration or reward in the school/service environment.

Supporting Documentation:

Child Safety and Wellbeing Procedures

Related Policies and Documents

KEM Ethical Behaviours

Child Safety Code of Conduct

Child Safety Policy

PROTECT: Identifying and Responding to Abuse – Reporting obligations

Recruitment Policy

Reportable Conduct Policy

Supervision Policy

Victorian Institute of Teachers Code of Conduct

[CECV Guidelines on the Employment of Staff in Catholic Schools](#)

[CECV Guidelines on the Engagement of Volunteers in Catholic Schools](#)

[CECV Guidelines on the Engagement of Contractors in Catholic Schools](#)

[CECV NDIS/External Providers: Guidelines for Schools](#)

[CECV Positive Behaviour Guidelines](#)

Legislation and Standards:

- Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises
- Children, Youth and Families Act 2005 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- Worker Screening Act 2020 (Vic.)
- Education and Training Reform Act 2006 (Vic.)



- Education and Training Reform Regulations 2017 (Vic.)
- Equal Opportunity Act 2010 (Vic.)
- Privacy Act 1988 (Cth)
- Public Records Act 1973 (Vic)
- Crimes Act 1958 (Vic.) – including three criminal offences under this Act:

[Failure to disclose offence:](#)

Any adult who forms 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.

[Failure to protect offence:](#)

This offence will apply where there is a substantial risk that a child under the age of 16 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 organisation. A person in a position of authority in the 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.

[Grooming offence:](#)

This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and email

Document History

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