



**MARIAN  
COLLEGE**

## **PROTECT: IDENTIFYING AND RESPONDING TO ABUSE – REPORTING OBLIGATIONS 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**

Protection for children and young people is based upon the belief that each person is made in the image and likeness of God, and that the inherent dignity of all should be recognised and fostered. Under the [National Framework for Protecting Australia's Children 2021–2031](#), protecting children is everyone's responsibility – parents & guardians, communities, governments and businesses all have a role to play.

In Victoria, a joint protocol, [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#), involving the Victorian Department of Education (DE), the Catholic Education Commission of Victoria Ltd (CECV) and Independent Schools Victoria (ISV) exists to protect the safety and wellbeing of children and young people. The DE has also produced [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#) and [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#), which are referred to in the joint protocol.

### **Purpose**

The purpose of this Policy and associated procedures is to:

- Ensure College staff (which includes the board committee members, College staff, volunteers, contractors, other service providers and those in religious ministry) are aware of and comply with their reporting and legal obligations, including mandatory reporting and reportable conduct obligations, to protect the safety and wellbeing of children and young people.
- Explain the actions required under the relevant legislation and regulatory guidance when there is a reasonable belief that a child needs protection, or a criminal offence has been committed – as set out in this Policy and associated procedures.
- Explain training requirements.

### **Scope**

This policy applies to the Stewardship Council in respect of the College, College leadership, College employees, including the Principal, teachers, other staff members, volunteers, contractors, other service providers and those providing religious ministry.

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or student, school staff member, volunteer, contractor, service provider, visitor or any other person while connected to the school environment. It is designed to enable compliance with the Victorian Child Safe Standards, including Standard 7 of the Victorian Child Safe Standards: *Processes for complaints and concerns are child focused*. All procedures for reporting and responding to an incident of child abuse are designed and implemented by considering the diverse characteristics of our community.

### **Principles**

The College is entrusted with the holistic education of the child, in partnership with parents & guardians, who are the primary educators of their children. College staff therefore have a duty of care

to students to take reasonable care to avoid acts or omissions that they can reasonably foresee would be likely to result in harm or injury to the student, and to work for the positive wellbeing of the child.

As a governing authority, the College must uphold our duty of care to students in a school environment and provide a place where children and young people can flourish.

The College is committed to:

- Providing a safe, respectful and inclusive environment for all students with zero tolerance for child abuse in all settings.
- Listening to and empowering children and young people.
- Keeping children and young people safe.
- Receiving and managing reports of suspected child abuse in a way that is culturally safe and sensitive to the diverse circumstances of children and students, as well as providing support to vulnerable children and students.
- Ensuring that complainants can expect their concern or complaint to be taken seriously, to be dealt with in a way that is culturally safe, and to be responded to in a respectful, thorough and timely manner.
- Reporting complaints and concerns to relevant authorities where the law requires reporting, and cooperating with law enforcement.
- Ensuring that recordkeeping, reporting, privacy, legislated information sharing schemes, and employment law obligations will be complied with when receiving and handling reports or concerns of suspected child abuse.

## Policy

Staff have a vital role in protecting children from harm and are well placed to observe signs or behaviours that may indicate risks of child abuse. College office and school staff have a range of reporting and legal obligations to protect children and young people from abuse.

Staff must be aware of and comply with their legal obligations to report suspected child abuse and provide ongoing appropriate support.

Staff must follow the Four Critical Actions where there is an incident, disclosure or suspicion of child abuse or student sexual offending. The Four Critical Actions outline who an incident, disclosure or suspicion should be reported to.

When dealing with an incident, disclosure or suspicion of child abuse, staff should ensure that the Principal and/or school leadership team is made aware of the concern and involved in providing ongoing appropriate support.

If an incident or allegation involves an employee, volunteer or contractor at the school, staff must also follow the Reportable Conduct Policy.

Where a staff member has reported a concern to the Department of Families, Fairness and Housing (DFFH) Child Protection but they continue to have concerns for the child after Child Protection has closed the case, they may escalate the matter through DFFH Child Protection complaints management processes.

The Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse and Four Critical Actions for Schools: Responding to Student Sexual Offending diagrams are on display in staffrooms and other strategic areas to ensure all staff are aware of the actions to take as soon as they witness a child abuse incident, receive a disclosure or form a reasonable suspicion or belief that a child has been, or is at risk of being, abused. Training in this policy will occur annually.

In any dealings regarding safety, the dignity, protection and wellbeing of students involved will be maintained and respected. Appropriate confidentiality is maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

Information may be disclosed to other Information Sharing Entities (ISEs) without the knowledge or consent of any parent/guardian/carer or student, where this is required or authorised by law for the purposes of information sharing under the Child Information Sharing Scheme (CISS) or the Family



Violence Information Sharing Scheme (FVISS). Under the CISS, the views and wishes of the child and/or family members should be sought before sharing information where it is safe, reasonable and appropriate to do so.

Under the FVISS, the views of the child and non-violent family members should be sought where it is safe, reasonable and appropriate to do so.

All staff have a duty of care to take reasonable steps to protect children in their care from harm that is reasonably foreseeable. In relation to suspected child abuse, reasonable steps may include (but are not limited to):

- Acting on concerns and suspicions of abuse as soon as practicable, including by raising concerns with members of the school leadership team.
- Seeking appropriate advice or consulting with other professional agencies.
- Reporting suspected child abuse to appropriate authorities.
- Arranging ongoing wellbeing support for the student and any other student connected to the concern or complaint.
- Sharing information with other staff who will also be responsible for providing ongoing support to the student(s).

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

The Wrongs Act 1958 (Vic.) creates an organisational liability for child abuse for organisations that exercise care, supervision or authority over children. The College has a duty to take reasonable precautions to prevent the abuse (sexual or physical) of a child (under 18) by an individual associated with the school (e.g. employees, volunteers, office holders, contractors, ministers of religion and religious leaders) while the child is under the care, supervision or authority of the school. Reasonable precautions include (but are not limited to):

- Conducting employment screening and reference checking.
- Providing supervision and training.
- Encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour.

Role	Responsibility	Reporting requirement
<b>Mandatory reporter</b>	Completion of annual Mandatory Reporting training. Following required reporting obligations and processes.	Provision of evidence of training to the school.
<b>Principals</b>	Ensure that all relevant staff complete annual training in their Mandatory Reporting obligations, and that the school keeps up-to-date records of this. Where a staff member is unable to perform their role in responding to and/or reporting a matter to authorities, identify an appropriate alternative person and allocate responsibility for responding to and/or reporting the matter to that person.	
<b>All school employees, including Stewardship committee members, Principal, teachers, other staff members, volunteers, contractors and those involved in religious ministry</b>	Be aware of and comply with their legal obligations to report suspected child abuse (this may include completing Mandatory Reporting training) and provide ongoing support to all students connected to the concern, complaint or allegation of child abuse. When dealing with an incident or disclosure of suspicion of child abuse, ensure that the Principal and school leadership team are made aware. When a staff member who has witnessed a child abuse incident, received a disclosure or developed a suspicion of child abuse is unable to perform their role in responding to and/or reporting the matter, the staff member must inform the Principal.	

## Procedures



Procedures for mandatory reporting and responding to concerns regarding child abuse are documented separately. These include:

- PROTECT Procedure: Informing staff of reporting obligations
- PROTECT Procedure: Police or DFFH Child Protection interviews at school
- PROTECT Procedure: Responding to all forms of child abuse
- PROTECT Procedure: Responding to offences under the Crimes Act 1958 (Vic.)
- PROTECT Procedure: Responding to police and Child Protection requests for further information
- PROTECT Procedure: Responding to student sexual offending.

## Definitions

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

Insert term	Insert definition
<b>Child abuse</b>	The direct application of a medication by a medically appropriate route (e.g., injection, inhalation, ingestion, application, or other means) to the body of the individual by an individual legally authorised to do so.
<b>Child safety</b>	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 ( <a href="#">Ministerial Order No. 1359</a> ).
<b>Department of Education</b>	Victorian government department that leads the delivery of education and development services to children, young people and adults.
<b>Family Violence</b>	Family violence is defined under the Family Violence Protection Act 2008 (Vic.) to include behaviour that causes a child to hear, witness or be exposed to the effects of family violence such as abusive, threatening, controlling or coercive behaviour. While family violence does not form part of the official definition of 'child abuse' in the Child Wellbeing and Safety Act 2005 (Vic.), the impact of family violence on a child can be a form of child abuse, for example, where it causes serious emotional or psychological harm to a child. A child can also be a direct victim of family violence.
<b>Family Violence Information Sharing Scheme (FVISS)</b>	Implemented by the Victorian government under the Family Violence Protection Act 2008. The scheme enables the sharing of information between authorised organisations to assess and manage family violence risk and supports effective assessment and management of family violence risk.
<b>Grooming</b>	Grooming refers to predatory conduct undertaken by an adult (18 years or over) to prepare a child for sexual activity later. It is a sexual offence under section 49M of the Crimes Act 1958 (Vic.) carrying a maximum 10-year term of imprisonment. Under section 49M, the adult's words or conduct must be intended to facilitate the child engaging or being involved in the commission of, or attempt to commit, a sexual offence by the adult or another adult.
<b>Mandatory reporters</b>	Mandatory reporters listed under the Children, Youth and Families Act 2005 (Vic.) include: <ul style="list-style-type: none"> <li>• VIT Registered teachers (including Principals and early childhood teachers).</li> <li>• school staff who have been granted permission to teach by VIT.</li> <li>• registered medical practitioners, nurses and midwives.</li> <li>• people in religious ministry.</li> <li>• youth justice workers.</li> <li>• out-of-home-care workers (excluding voluntary and kinship carers).</li> <li>• school counsellors including staff who provide direct support to students for mental, emotional and psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare officers, student wellbeing coordinators, mental health practitioners, and chaplains.</li> </ul>
<b>Mandatory reporting</b>	Mandatory reporting is the legal requirement under the Children, Youth and Families Act 2005 (Vic.) to protect children from harm relating to physical and sexual abuse. A child, for the purposes of the relevant parts of this Act, is any person under the age of 17 years ( <a href="#">PROTECT: Identifying and responding to all forms of abuse in Victorian schools</a> ).
<b>Physical violence</b>	Physical violence occurs when a child suffers or is likely to suffer significant harm from a nonaccidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or using weapons (such as belts and paddles). Physical harm may also be caused during student fights.



<b>Reasonable belief</b>	<p>A reasonable belief or a belief on reasonable grounds is not the same as having proof but is more than 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.</p> <p>A reasonable belief might be formed if:</p> <ul style="list-style-type: none"> <li>• A child states that they have been physically or sexually abused.</li> <li>• Any person tells you that they believe someone has been abused; this may include a child who is talking about themselves.</li> <li>• You observe physical or behavioural indicators of abuse, as described in PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools.</li> <li>• A child or young person exhibits sexually abusive or age-inappropriate behaviour(s)</li> <li>• Professional observations of the child's behaviour or development cause you to form a belief that the child has been physically or sexually abused or is likely to be abused.</li> </ul> <p>While any indicators of possible child abuse or neglect are concerning, it is important to understand that the presence of a number of indicators that suggest either physical or sexual abuse of a child may be sufficient to form a reasonable belief in a mandatory reporter's mind which must be reported.</p>
<b>Reportable allegation</b>	A reportable allegation means any information that leads a person to form a reasonable belief that an employee has committed reportable conduct or misconduct that may involve reportable conduct, whether or not the conduct or misconduct is alleged to have occurred within the course of the person's employment.
<b>Reportable conduct</b>	<p>Reportable conduct for the purposes of the Reportable Conduct Scheme is:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Sexual misconduct, committed against, with or in the presence of, a child.</li> <li>• Physical violence committed against, with or in the presence of, a child.</li> <li>• Any behaviour that causes significant emotional or psychological harm to a child</li> <li>• Significant neglect of a child as defined in the Child Wellbeing and Safety Act 2005 (Vic).</li> </ul>
<b>Risk</b>	Risk is defined as the effect of uncertainty on objectives. An effect is a deviation from the expected – positive and/or negative. Risk is often expressed in terms of a combination of the consequences of an event (including changes in circumstances or knowledge) and the associated likelihood of occurrence.
<b>Risk management</b>	The coordinated activities to direct and control an organisation regarding risk.
<b>School/service environment</b>	<p>Means any of the following physical, online or virtual places used during or outside school/service hours:</p> <ul style="list-style-type: none"> <li>• A campus of the school or service.</li> <li>• Online or virtual school/service environments made available or authorised by the College for use by a child or student (including email, intranet systems, software, applications, collaboration tools and online services).</li> <li>• 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 (<a href="#">Ministerial Order No. 1359</a>).</li> </ul>
<b>School/service staff</b>	<p>Means an individual working in a school/service environment who is:</p> <ul style="list-style-type: none"> <li>• Directly engaged or employed by a school/service governing authority.</li> <li>• A contracted service provider engaged by the school/service (whether or not a body corporate and whether or not any other person is an intermediary) engaged to perform childrelated work for a school or service.</li> <li>• A minister of religion, a religious leader or an employee or officer of a religious body associated with a school (<a href="#">Ministerial Order No. 1359</a>).</li> </ul>
<b>Serious emotional or psychological harm</b>	Serious emotional or psychological abuse may occur when a child is repeatedly rejected, isolated or frightened by threats or the witnessing of family violence. It also includes hostility, derogatory namecalling and put-downs, or persistent coldness from a person, to the extent where the behaviour of the child is disturbed, or their emotional development is at serious risk of being impaired. Serious emotional or psychological



	harm could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.
<b>Serious neglect</b>	Neglect includes a failure to provide a child with an adequate standard of nutrition, medical care, clothing, shelter or supervision. Significant neglect causes harm to a child that is more than trivial or temporary. Serious neglect is when the child is exposed to an extremely dangerous or life threatening situation and there is a continued failure to provide a child with the basic necessities of life.
<b>Sexual offences</b>	For the purposes of this policy, a sexual offence occurs when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to the child's age and development. Sexual offences are governed by the <i>Crimes Act 1958</i> (Vic.). Sexual abuse can involve a wide range of sexual activity and may include fondling, masturbation, oral sex, penetration, voyeurism and exhibitionism. It can also include exploitation through pornography or prostitution.
<b>Student</b>	Student means a person who is enrolled at or attends a school.
<b>Student sexual offending</b>	Student sexual offending means sexual behaviour by a student 10 years and over which may amount to a sexual offence. A sexual offence includes rape, sexual assault, indecent acts and other unwanted sexualised touching.  Under Victorian law: <ul style="list-style-type: none"> <li>• Children between 12 to 15 can only consent to sexual activity with another child no more than 2 years older (therefore sexual contact by a student with a child outside of this age range may be student sexual offending).</li> <li>• For a person to consent to sexual activity, they must have the capacity to understand the context and possible consequences of the act. Therefore sexual contact by a student involving a person with a cognitive impairment or affected by alcohol or other drugs may be student sexual offending.</li> </ul>
<b>Volunteer</b>	A person who performs work without remuneration or reward for a school or service in the school/service environment.

## Document History

### Supporting documents

- PROTECT Procedure: Informing staff of reporting obligations
- PROTECT Procedure: Police or DFFH Child Protection interviews at school
- PROTECT Procedure: Responding to all forms of child abuse
- PROTECT Procedure: Responding to offences under the Crimes Act 1958 (Vic.)
- PROTECT Procedure: Responding to police and Child Protection requests for further information
- PROTECT Procedure: Responding to student sexual offending
- Student Interview Template: Police or DFFH Child Protection interviews at school

### Related policies and documents

- Child Safety Code of Conduct
- Child Safety and Wellbeing Policy
- Child Safety and Wellbeing Record Keeping Policy
- Complaints Handling Policy
- ICT Acceptable Usage Policy
- Duty of Care Policy
- Recruitment Policy
- Reportable Conduct Policy
- Supervision Policy

### Resources

- [Charter of Human Rights and Responsibilities Act 2006 \(Vic\)](#)
- [Child Information Sharing Scheme](#)
- [Child Information Sharing and Family Violence Reforms on the CEVN website](#)
- [DET Mature Minors and Decision Making \(2020\)](#)
- [Family Violence Information Sharing Scheme](#)
- [Four Critical Actions for Schools: Responding to Incidents, Disclosures and Suspicions of Child Abuse](#)
- [Four Critical Actions for Schools: Responding to Student Sexual Offending](#)



- [National Framework for Protecting Australia’s Children 2021–2031](#)
- [Policy and Advisory Library \(PAL\): Police and Child Protection Interviews](#)
- [PROTECT on the CEVN Website](#)
- [PROTECT: Identifying and Responding to All Forms of Abuse in Victorian Schools](#)
- [PROTECT: Identifying and Responding to Student Sexual Offending](#)
- [PROTECT: Responding to Suspected Child Abuse: A Template for all Victorian Schools](#)
- [PROTECT: Responding to Student Sexual Offending: Principal Checklist](#)
- [PROTECT: Responding to Student Sexual Offending: A Template for all Victorian Schools](#)

Legislation and Standards:

- *Child Wellbeing and Safety Act 2005 (Vic.)*
- *Children, Youth and Families Act 2005 (Vic.)*
- *Crimes Act 1958 (Vic.)*
- *Education and Training Reform Act 2006 (Vic.)*
- *Education and Training Reform Regulations 2017 (Vic.)*
- *Family Violence Protection Act 2008 (Vic.)*
- *Information Privacy Act 2000 (Vic.)*
- *Ministerial Order 1359: Implementing the Child Safe Standards – Managing the Risk of Child Abuse in Schools and School Boarding Premises*
- *Victorian Institute of Teaching Act 2001 (Vic.)*
- *Working with Children Act 2006 (Vic.)*
- *Wrongs Act 1958 (Vic.)*

**Document History**

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