



Marian College



Mandatory Reporting Policy

Context

A fundamental belief for Catholic Schools is that all students in our care have the right to be protected, nurtured and supported in their growth and development. The safety and wellbeing of the young person in our care is paramount. We must give priority to protecting any student from physical, sexual, and emotional harm and neglect.

The Children, Youth and Families Act 2005 (Vic) (CYFA) requires that mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection when they believe that a child (aged under 17) is in need of protection from significant harm from physical injury or sexual abuse.

If a report is made by mandatory reporters in accordance with CYFA mandatory reporting obligations, an additional report to the Police under s 327 Crimes Act may not be required unless you have further information.

Who Must Make a Mandatory Report?

Mandatory reporters are defined by the CYFA and include:

- Teachers;
- The Principal;
- Registered psychologists;
- School counsellors;
- People in religious ministry.

Policy Statement

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

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.

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;**
- 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; or
- 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 has all of the relevant numbers required when making a notification.

A report to 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.

Date: September 2023

Author: Risk, Compliance and Human Resource Officer

Approved: School Leadership Team

Review: September 2024