

Catholic Ladies' College



Mandatory Reporting Policy



Catholic Ladies' College Ltd
(ACN 058 164 891) (ABN 44 058 164 891)

Mandatory Reporting Policy

Catholic Ladies' College (the College) is a Mary Aikenhead Ministry in the tradition of the Sisters of Charity. We seek to develop in each member of our community a contemporary understanding and application of the charism of Mary Aikenhead, the spirituality of the Sisters of Charity, the mission and vision of Mary Aikenhead Ministries and their values of justice, love, compassion and hope.

In responding to this call, Catholic Ladies' College is a Christ-centred community established to educate, in partnership with parents, women of faith, integrity, individuality and compassion, confident of their own worth as women and wholly involved in the transformation of society.

Purpose

To provide guidance on the obligation on teachers, principals and other persons listed in the *Children, Youth and Families Act (2005)* (CYFA) to make a mandatory report if they form a belief on reasonable grounds that a child is in need of protection on the grounds that the child has suffered, or is likely to suffer, significant harm because of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect the child from harm of that type.

Scope

All College staff including the Principal, teachers and other persons listed in the *Children, Youth and Families Act (2005)* with the obligation to make a mandatory report

All reports and referrals must be considered within the framework of the Victorian Government's Four Critical Actions for Schools. For child abuse concerns not covered by Mandatory Reporting legislation, staff should refer to the [CLC Policy Child Safety Responding and Reporting Obligations \(PROTECT\)](#) for further actions. Where concerns involve a Child Safety Officer or the Principal, staff should follow the escalation requirements outlined in the Child Safety Responding and Reporting Obligations (PROTECT) Policy.

Key Terms and Definitions (refer Appendix 1, page 7)

Mandatory Reporters

Mandatory Reporters are defined by the CYFA in section 182, and include:

- registered teachers and early childhood teachers
- school principals
- registered medical practitioners
- nurses
- midwives
- registered psychologists
- police officers
- school counsellors
- early childhood workers
- out of home care workers (excluding voluntary foster and kinship carers)
- youth justice workers
- persons in religious ministry.

When must I make a Mandatory Report?

A Mandatory Reporter must make a report to Child Protection where they:

1. Form a belief on reasonable grounds;
2. That a child is suffering or likely to suffer significant harm due to:
 - physical injury, or
 - sexual abuse; and
3. The child's parents have not protected, or are unlikely to protect, the child.

(refer Appendix 2 Flowchart page 9 for further guidance)

Source of Obligations for Mandatory Reporters

The CYFA (section 184) requires Mandatory Reporters in the course of practising their profession or carrying out the duties of their position to make a report to the Department of Families, Fairness and Housing Child Protection (Child Protection) when they believe that a child (aged under 17 years) is in need of protection from significant harm from physical injury or sexual abuse.

If a Mandatory Reporter makes a report in accordance with their Mandatory Reporting obligations under the CYFA, an additional report to the Police under section 327 Crimes Act 1958 (Vic) may not be required unless they have further information. Refer [Mandatory Reporting Obligations](#)

A Mandatory Reporter must still make a report if:

- the Mandatory Reporter has discussed the matter with a Child Safety Officer and the Child Safety Officer or the Principal does not share the Mandatory Reporter's belief that a report must be made
- another Mandatory Reporter, such as a Child Safety Officer or the Principal has undertaken to make the report but has not done so.

All staff must comply with the child safety obligations applicable to schools under [Ministerial Order 1359](#), including responding to and reporting child safety concerns according to [PROTECT](#).

Reporting by Non-Mandated Staff

If you are not a Mandatory Reporter, you still have the option of making a report to Child Protection under the CYFA if you believe on reasonable grounds that a child is in need of 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 Child Protection.

All College staff who have concerns that a student may be in need of protection or may have been the victim of a sexual offence, should notify a College Child Safety Officer or the Principal as soon as possible to discuss their concerns.

When to Make a Mandatory Report

A mandatory report must be made 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 injury; or**
- **sexual abuse,**

and the child's parents have not protected, or are unlikely to protect, the child from harm of that type. Whenever there are concerns that a child is in immediate danger the Police should be called on 000.

Reasonable Grounds

The concept of "reasonable grounds" 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
- 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.

Assessing Whether Parents Have Protected the Child

The meaning of this phrase is not defined by legislation, but some examples may assist.

A parent who "has not protected or is unlikely to protect that child from harm of that type" includes a parent who wants to protect their child from harm but lacks the means to.

It also includes a parent who has the means to protect their child from harm but does not want to.

A parent may be rendered "unlikely to protect" that child for many reasons. For example:

- that parent does not, or refuses to recognise that harm is occurring
- that parent or child may be subject to domestic violence
- that parent's partner may be abusive or harmful to the child.

"Parent" includes:

- the child's father
- the child's mother
- the spouse of the mother or father of the child
- the domestic partner of the father or mother of the child
- a person who has custody of the child
- a person who is named as the father on the child's birth certificate
- a person who acknowledges that he is the father of the child by an instrument under *The Status of Children Act 1974 (Vic)*
- a person in respect of whom a court has made a declaration or a finding or order that the person is the father of the child.

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.

Refer to the Victorian Department of Education's [Guide to Making a Report to Child Protection or The Orange Door](#) (The Orange Door now provides services previously delivered through Child FIRST) for guidance on making a decision on whether to report. You can also speak with a Child Safety Officer or the Principal at the College.

How to make a Report/Referral

A report to 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
- 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 13 12 78. [Making a Report to Child Protection](#)

For further information refer to the [CLC Child Safety Responding and Reporting Policy](#) or [PROTECT](#).

Reporters without a Reasonable Belief

If you don't have a reasonable belief about a child, but still have concerns, you can refer the matter to the Principal or a College Child Safety Officer. There is also the option to refer the matter to [The Orange Door](#). A referral to 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, family violence controlling behaviour or abuse
- a family member's physical or mental illness, substance abuse, disability or bereavement
- isolated or unsupported families
- significant social or economic disadvantage
- lack of safety in the home.

For more information, refer to [The Orange Door](#)

After a Report/Referral is Made

After receiving a report, Child Protection may seek further information, usually from professionals who may also be involved with the child or family, to determine whether further action is required. In most cases, Child Protection will inform the reporter of the outcome of the report.

After receiving a referral, The Orange Door may consult an experienced community-based Child Protection practitioner in their assessment. The assessment may lead to the involvement of a local family services organisation. In most cases, The Orange Door will inform the referrer of the outcome of the referral. The Orange Door must report the matter to Child Protection if they form the view the child is in need of protection.

Reports made to the Police will be dealt with in accordance with Police practice.

Record Keeping Obligations

For the College's record keeping obligations relating to child protection incidents, refer to the *CLC Child Protection Record Keeping Policy*.

Training

All staff and volunteers receive child safety and reporting obligations training at induction and at regular intervals thereafter, including training required under Ministerial Order 1359, including but not limited to:

- Induction

- Staff meeting briefings and updates (annually)
- Dedicated child safety and wellbeing information sessions
- Mandatory Reporting training (annually) provided by the Victorian Catholic Education Authority (VCEA)

Related Policies

CLC Child Safety and Wellbeing Policy

CLC Child Safe Code of Conduct

CLC Child Safety – Responding and Reporting Obligations (PROTECT)

CLC Complaints Handling Policy

CLC Child Protection Record Keeping Policy

Legislation

Children, Youth and Families Act (2005)

Ministerial Order 1359 (Vic)

Crimes Act 1958 (Vic)

The Status of Children Act 1974 (Vic)

Breach of Policy

Where a Staff member is suspected of breaching any obligation, duty or responsibility within this Policy, the College may start the process under clause 13 of the Victorian Catholic Education Multi Enterprise Agreement 2022 (CEMEA) for managing employment concerns. This may result in disciplinary consequences.

Failure to comply with mandatory reporting obligations under the *Children, Youth and Families Act 2005 (Vic)* may result in legal consequences, including penalties prescribed by legislation.

Review Schedule

Stage	Date	Ratified	Ratified by
Initiated	2011	2011	
Review 1	July 2016	July 2016	
Review 2	May 2017	May 2017	
Review 3	September 2018	September 2018	
Review 4	2020	August 2021	
Review 5	August 2026	September 2026	Executive

Appendices:

Appendix 1: Key Terms and Definitions (page 7)

Appendix 2: Mandatory Reporting Flowchart (page 9)

Appendix 1: Key Terms and Definitions

Child Protection

A statutory service within the Department of Families, Fairness and Housing responsible for investigating concerns where a child may be in need of protection

Failure to Disclose Offence (Crimes Act 1958)

The offence requires that any adult (aged 18 and over, subject to exemptions) who forms a reasonable belief that a sexual offence has been committed against a child under 16 years of age by another adult to disclose that information to police

Failure to Protect Offence (Crimes Act 1958)

The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a school will become a victim of a sexual offence committed by an adult associated with that school. A person in the position of authority in the school 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 (Crimes Act 1958)

Grooming refers to conduct by an adult intended to facilitate the commission of a sexual offence involving a child. Grooming may involve communication, gifts, special attention, favouritism, secrecy, manipulation or boundary violations

Mandatory report must be made 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 injury; or
- sexual abuse,

and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Person in religious ministry is defined by the CYFA to mean “*a person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution.*” This definition includes a chaplain, priest, pastor, minister, brother and nun.

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.

Physical Abuse/Injury

Non-accidental physical contact or the threat of physical contact to a child that causes or is likely to cause more than minimal or transient adverse physical or emotional consequences for the child

Sexual Abuse

Sexual or indecent conduct by an adult toward a child or exposure by an adult of a child to sexual or indecent conduct

Significant Harm

“Significant” means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity.

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.

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse.

The Orange Door

Victoria's access point for family services, family violence services, and child wellbeing services. The Orange Door receives referrals where concerns do not meet the threshold for Child Protection intervention but support is required.

Staff

All employees of the College

Appendix 2: Flowchart – MANDATORY REPORTING

