



1 RATIONALE

The Islamic College of Melbourne is committed to providing a safe and supportive environment for all children. The College acknowledges its legal and moral obligations to protect children from abuse, neglect, grooming, harm and exploitation.

The College recognises that all children have the right to be safe and to be listened to. The College will respond to any concerns relating to child safety promptly, respectfully, and in accordance with legal requirements.

This policy supports compliance with the Victorian Child Safe Standards under **Ministerial Order 1359 (2022)** and must be read in conjunction with the College's Child Safety Policy and Statement of Commitment and related child safety procedures.

2 PURPOSE

The purpose of this policy is to:

- The College meets its legal obligations under mandatory reporting legislation.
- Provide staff with clear guidance on recognising and reporting child abuse.
- Ensure all reports are made promptly and appropriately.
- Ensure the College's actions align with Ministerial Order 1359 (2022) and the Victorian Child Safe Standards.

3 SCOPE

This policy applies to all:

- Staff (teaching and non-teaching)
- Volunteers
- Contractors
- Visitors
- External providers
- College Board members

4 LEGISLATIVE AND REGULATORY FRAMEWORK

This policy is developed in accordance with:

- Ministerial Order 1359 (2022)
- Child Wellbeing and Safety Act 2005 (Vic)



- Child Wellbeing and Safety Regulations 2017 (Vic)
- Children, Youth and Families Act 2005 (Vic)
- Crimes Act 1958 (Vic)
- Education and Training Reform Act 2006 (Vic)
- Reportable Conduct Scheme (Commission for Children and Young People)

5 DEFINITIONS

CHILD ABUSE

Child abuse includes:

- Physical abuse
- Sexual abuse
- Grooming
- Emotional or psychological abuse
- Serious neglect
- Family violence exposure
- Exploitation

MANDATORY REPORTER

A mandatory reporter is a person who is legally required to report suspected child abuse under the Children, Youth and Families Act 2005 (Vic). In schools this includes:

- Registered teachers
- Principals
- School counsellors
- School nurses
- Doctors and psychologists working in the school

Note: Not all staff are mandatory reporters; however, all staff have a duty of care and a responsibility to report child safety concerns internally and externally where required.

REASONABLE GROUNDS

Reasonable grounds may include:

- A child discloses abuse.
- A child shows signs of abuse.
- A person reports abuse to a staff member.



- A staff member witnesses concerning behaviour.
- A child's behaviour

6 STATEMENT OF CONTEXT AND PURPOSE

The College has zero tolerance for child abuse. All concerns, suspicions, disclosures, allegations or incidents must be taken seriously and acted upon immediately.

All staff must:

- Respond respectfully to disclosures
- Report concerns immediately
- Follow College reporting procedures
- Maintain confidentiality

The College has an important role to play in supporting children and their families and in protecting students who may be at risk of harm due to abuse or neglect. Employees in close daily contact with students are well placed to observe when a child or young person appears to be at risk of harm.

All employees mandated under section 182 of the *Children, Youth and Families Act 2005* (Vic) are to report to DFFH Child Protection if, while practicing his or her profession or carrying out the duties they form the belief on reasonable grounds that:

1. A child has suffered, or is likely to suffer, significant harm as a result of physical and/or sexual abuse and the child's parents have not protected or are unlikely to protect the child from harm of that type; or
2. A child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected or are unlikely to protect the child from harm of that type.

All mandatory reporters must report to Child Protection after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

This policy and the procedures apply to all members of staff, visitors and other persons connected to the College environment.

Under section 327 of the Crimes Act, any person (including any staff member) of or over the age of 18 years who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must disclose that information to police, as soon as it is practicable to do so. Failure to disclose the information to police is a criminal offence, except in limited circumstances such as where the information has already been reported to DHS Child Protection.

(Taken from Crimes Act Policy)



Employees must always act in the best interests of those children and young people to protect and preserve their safety, health and wellbeing. As far as is practicable, employees must monitor the general safety and wellbeing of each and every student in order to meet responsibilities under the duty of care prescribed by legislation.

A person who, by reason of the position they occupy within the College has the power or responsibility to reduce or remove a substantial risk that a child will become the victim of a sexual offence committed by a person associated with the College and knows that there is a substantial risk that that person will commit a sexual offence against the child, negligently fails to reduce or remove the risk will be guilty of a criminal offence (**Failure to Protect Offence**).

The Principal and members of the College Board may be considered persons in authority for the purposes of the Failure to Protect offence under the Crimes Act 1958 (Vic) and must take reasonable steps to reduce or remove any substantial risk of child sexual abuse.

Failure to protect is a criminal offence.

A person negligently fails to reduce or remove a risk if that failure involves a falling short of the standard of care that a reasonable person would exercise in the circumstances.

7 INFORMATION SHARING (CISS/FVISS)

The College complies with the Child Information Sharing Scheme (CISS) and the Family Violence Information Sharing Scheme (FVISS).

Information may be shared lawfully to promote child wellbeing and safety, assess or manage family violence risk, and support coordinated responses.

Information sharing decisions must:

- prioritise child safety
- be relevant and proportionate
- be documented in accordance with the College's Information Sharing Procedure (CISS/FVISS Aligned)

Consent will be sought where appropriate; however, consent is not required where:

- seeking consent increases risk
- the parent/carer is the alleged perpetrator
- Police or DFFH advise against notification
- sharing is authorised under CISS/FVISS



All information sharing must be recorded and securely stored in the College's restricted child safety record system.

- Document all actions taken
- Ensure the child's safety is prioritised

8 APPLICATION

This policy applies to all Employees and mandatory reporters performing functions for the College.

Those employees who are not mandatory reporters are still required to be aware of the content of this policy and its implications upon their work.

9 REFERENCE POINTS / BACKGROUND PAPERS

- *Children, Youth and Families Act 2005* (Vic);
- *Crimes Act 1958* (Vic);
- *Crimes Amendment (Protection of Children) Act 2014* (Vic);
- *Crimes Amendment (Grooming) Act 2014* (Vic);
- *Education and Training Reform Act 2006* (Vic);
- *Education and Training Reform Regulations 2007*(Vic);
- *Children's Services Act 1996* (Vic);
- *Children's Services Regulations 2009* (Vic);
- *Charter of Human Rights and Responsibilities Act 2006* (Vic);
- 'National Framework for Protecting Australia's Children';
- 'Guiding Principles for a Safe and Supportive School Environment';
- 'Protecting the Safety and Wellbeing of Children and Young People'; and
- Performance Management, Misconduct and Disciplinary Action Policy.

10 DEFINITIONS

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.

“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.

REPORTING BY NON-MANDATED STAFF

If you are not a Mandatory Reporter, you still have the option of making a report to DHHS 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 DHHS 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 Safe Officer as soon as possible to discuss their concerns.

A Mandatory Reporter must make a report even if the Child Safe Officer does not share their belief that a report must be made.

11 PREVENTION

The College clearly opposes any practice that involves conduct of a reportable nature and will be constantly looking to implement measures and strategies that are aimed at preventing reportable conduct and other harm coming to children in its care. These measures and strategies will include:

- requiring employees to read all policies related to child safety, including this policy;
- this policy is dated and contains a date when it will be reviewed;
- ensuring that all staff members and any volunteers to read this policy, to read and sign the Code of Conduct (attached to this policy) that assists staff and volunteers in understanding appropriate and inappropriate behaviours;
- clearly defining each person’s current role within the organisation;
- identifying people who are not suitable to work with children through implementing thorough employment procedures including reference checking, pre-employment screening and detailed questioning at interviews – see recruitment policy and practices;



- providing information to families and the community on the child protection strategies and policies that have been adopted by the College;
- training for employees to promote best practices and to ensure a safe environment for children and employees;
- raising awareness in the College community about child protection by organising internal/external presentations on child safety and child abuse issues;
- displaying where appropriate brochures, posters related to child safety issues around the College;
- teachers where applicable may involve students to create posters or other means to increase awareness of child safety and child abuse;
- encouraging members of the College Community (such as the Parent Advisory Committee) to make constructive contributions as to how this policy and the foregoing measures and strategies can be improved.

12 RESPONSIBILITIES

WHEN MANDATORY REPORT IS REQUIRED

Mandatory and Non mandatory reporters are expected to, take steps (in accordance with the law and this policy) to ensure that a report is made to Child Protection as soon as practicable after forming a belief on reasonable grounds and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.

A Mandatory Report must be made to DFFH Child Protection when one forms a belief on reasonable grounds that:

- A child has suffered or is likely to suffer significant harm as a result of physical abuse or sexual abuse; AND
- The child's parents/carers have not protected, or are unlikely to protect, the child from harm.

Mandatory reports must be made as soon as practicable.

A report must be made even if:

- The Principal or leadership does not agree.
- Another person has said they will report.
- The child has asked the staff member not to tell anyone.



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
- 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

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.

PARENTS HAVE NOT PROTECTED, OR ARE UNLIKELY TO PROTECT, THE CHILD FROM HARM OF THAT TYPE

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

CRIMES ACT DISCLOSURE OBLIGATION – FAILURE TO DISCLOSE OFFENCE

In addition and separate to the mandatory reporting obligations outlined above, any person, whether or not an employee of the College, must disclose to a Victoria police officer as soon as practicable after forming a belief on reasonable grounds that a young child or young person (under the age of 16 years, as per section 327(2) of the Crimes Act) that a sexual offence has been committed against that child or young person, unless the first-mentioned person has a reasonable excuse under the Crimes Act for not doing so.

Failure to disclose is a criminal offence.

A reasonable excuse for not making such a report to a police officer as soon as practicable includes the belief on reasonable grounds that the information has already been disclosed to Victoria Police by another person in compliance with the mandatory reporting obligations of this policy. For example, where Child Protection Services have been notified.

If there is any uncertainty about the need for a mandatory report to Child Protection Services or to contact Victoria Police, this should be raised with the Principal and consideration will be given to ringing the Department of Families, Fairness and Housing for advice, and/or Victoria Police.

REPORTABLE CONDUCT SCHEME

Where allegations relate to a staff member, contractor, volunteer, visitor or external provider, the College must consider whether the allegation meets the threshold of Reportable Conduct.

Reportable conduct matters must be managed under the College’s Reportable Conduct Policy and must be reported by the Principal (Head of Entity) to the Commission for Children and Young People (CCYP) within 3 business days where required.



REFERRAL TO THE ORANGE DOOR

A referral to The Orange Door should be considered if, after taking into account the available information, the mandatory reporter forms a view that the concerns have a low-to-moderate impact on the wellbeing of the child and the child is not at immediate risk of harm.

WHO SHOULD MAKE A REPORT OR REFERRAL?

It is the responsibility of the mandated reporter to make the report on each occasion that they form a belief.

If the Principal or Head of School does not wish to make a mandatory report, the mandated reporter is still required to make the report *if they have reasonable belief that abuse, or a sexual offence may have occurred* (including in circumstances where the student's parents/guardians have not or are unlikely to protect their child from that harm). In that circumstance, the mandatory reporter must still make a report to Child Protection or a referral to The Orange Door and in the case of a sexual offence, Victoria Police.

In relation to the Failure to Disclose Offence, in circumstances where a person has formed a reasonable belief that a sexual offence has been committed against a child by someone over the age of 18 years, they must disclose that information to a member of the police force as soon as it is practicable to do so unless:

- fear on reasonable grounds for the safety of any person (other than the person believed to have committed the offence) were they to disclose the information to the police and the failure to disclose the information to police is a reasonable response in the circumstances; or
- they believe on reasonable grounds that the information has already been disclosed to the police by another person and they have no further information.

PROTOCOL

The mandatory reporter(s) will be instructed to:

- Document date(s), time(s), nature of incident, patterns of behaviour, current and/or prior concerns and grounds for belief, regarding the student in their care (employees will be provided with a list of possible indicators of harm, and definitions to assist in deciding if abuse is occurring and if the impact warrants a report to Child Protection, The Orange Door, police or another course of action);
- Consult directly with the Principal and relevant Child Safety Officers, and provide the documentation described above; and



- Document and consult directly with the persons listed above for each occasion that they form a belief.

The Child Safety Officers will:

- Coordinate information from the reporter and reference any additional student files and information from Head of Faculties, Student Service Coordinators, Head of Schools, College Nurse, etc;
- If deemed to be appropriate, contact the relevant family;

The Principal may remove an employee, volunteer, contractor or agent of the College (and/or take other steps to reduce or remove risk) where the Principal considers there is a substantial risk an employee volunteer, contractor or agent of the College will commit a sexual offence against a young person or child so as to ensure that they do not negligently fail to reduce or remove that risk under section 49C(2) of the Crimes Act.

STAFF MUST NOT INVESTIGATE ALLEGATIONS.

Mandatory reporters must follow the above protocol strictly. Under no circumstances should the mandatory reporter 'investigate' an allegation of child abuse. This is the role of Child Protection and/or Victoria Police.

INTERNAL REPORTING REQUIREMENTS

All staff must report concerns immediately to:

- The Principal; and/or
- Child Safety Officers; and/or
- Assistant Principal / relevant leadership

This does not remove the legal obligation of mandatory reporters to make their own report to Child Protection.

PARENT/CARER NOTIFICATION

Parents/carers will be informed unless:

- The parent/carer is the alleged perpetrator, OR
- Notification may increase risk to the child, OR
- Police or DFFH advise the College not to notify parents/carers.



RECORD KEEPING

All child safety concerns, disclosures, reports and actions must be documented in writing.

Records must include:

- Dates, times, locations
- The child's disclosure or staff observations (exact words used where possible)
- Agencies contacted and advice received
- Actions taken by the College

All records must be securely stored with restricted access and retained in accordance with the **Public Records Act 1973 (Vic)** and relevant retention schedules.

CONFIDENTIALITY

All employees must respect confidentiality when dealing with a case of suspected child abuse and neglect and may only discuss case details and the identity of the child or young person and their family only with those involved in managing the situation, including a police officer in the case of a suspected sexual offence committed against a child or young person.

All child safety matters must be handled confidentially. Information must only be shared with:

- DFFH Child Protection
- Victoria Police
- CCYP (where applicable)
- Authorised College personnel

Confidentiality does not override reporting obligations.

TRAINING AND AWARENESS

The College will ensure:

- Annual child safety training for all staff
- Mandatory reporting training for mandatory reporters
- Induction training for new staff, volunteers and contractors

Ongoing awareness for students and families on reporting pathways



13 CONSEQUENCES OF A BREACH OF THIS POLICY

Concerns that do not meet mandatory reporting or reportable conduct thresholds may still constitute child safety boundary concerns and must be managed under the College's Child Safety Breach Management Procedure (Non-Reportable Misconduct).

Failure to comply with this policy may result in disciplinary action, including termination of employment and/or referral to external authorities.

14 IMPLICATIONS FOR PRACTICE

a) AT BOARD / PRINCIPAL LEVEL

To properly implement this policy, the College, the Board and/or the Principal must ensure:

- that this policy is endorsed every 2 years
- That copies of this policy are made available to employees, for example on the College intranet, in physical form in the staff room and on employee bulletin notice boards.
- That copies of this policy are made accessible to students in the Head of Student Services and College Counsellor's offices. The policy is further explained to students through PowerPoint presentations during assemblies and posters around the College
- A summary of these procedures is made available on the College's website – Parent Portal and Staff Intranet Share point and are accessible to all children, College staff and the wider community.
- that this policy is incorporated into the Board's / Principal's record of current policies.
- that this policy is incorporated into the College's induction program, to ensure that all employees are aware of the policy, have read and understood the policy, and acknowledge their commitment to comply with the policy.
- that periodic training and refresher sessions are administered to all employees in relation to this policy

b) AT OTHER LEVELS

To properly implement this policy, all the College's employees must ensure:

- that they will abide by this policy and assist the College in the implementation of this policy.



15 DOCUMENT CONTROL INFORMATION

Approval Date	23 November 2025
Approved By	Board Chair
Supersedes	Previous
Date of Last Review	25 November 2023
Date for Next Review	2 year cycle