



ISLAMIC COLLEGE OF MELBOURNE

14. Mandatory Reporting Policy

1) Statement of Context and Purpose

ICOM 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 are mandated under section 184 of the *Children, Youth and Families Act 2005* (Vic) (**CYF Act**) to report to Child Protection if, in the course of practicing his or her profession or carrying out the duties of his or her office, position or employment, 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 school 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 school 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 school 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**).

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.

2) Application

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

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.

3) 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.

4) 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.

5) 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.

6) Responsibilities

a) When a 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 when one forms 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:

- sexual offences (including grooming), whether or not a criminal offence has been committed or alleged
- sexual misconduct
- physical violence with, against, or in the presence of a child any behaviour causing significant emotional or psychological harm to a child • significant neglect of a child.

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

b) 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

c) 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.

d) 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

e) 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 ICOM, 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.

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.

f) 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.

g) 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.

h) 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 Section Coordinators, Year Level Coordinators, Heads of Schools, Health Centre, etc;
- If deemed to be appropriate, contact the relevant family;

The Principal may remove an employee, volunteer, contractor or agent of the school (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 school 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.

i) Own investigations strictly prohibited

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.

j) 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.

7) Consequences of a Breach of this Policy

ICOM emphasises the need to comply with the requirements of this policy. Any employee found to be in breach of the requirements of this policy may be subject to disciplinary action, up to and including termination of employment. Employees should refer to the Performance Management, Misconduct and Disciplinary Action Policy for further information.

8) Implications for practice

a) At Board / Principal Level

To properly implement this policy, ICOM, 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 ICOM 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 School 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, school 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 ICOM'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 ICOM's employees must ensure:

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

Supersedes:	Previous (dated 3 September 2022)	
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