

Mount Lilydale Mercy College

Child Protection Reporting Obligations Policy



RATIONALE

Protecting children and young people from harm is a shared responsibility between the family, schools, the general community, community agencies, professionals working with children, police and government. Each has a significant role to play in ensuring the safety and wellbeing of children and young people and in helping prevent harm from occurring.

As a Catholic school and a Ministry of Mercy Education Ltd, Mount Lilydale Mercy College (MLMC) has a mission-driven, moral and legal responsibility to provide a safe and secure environment for students and to protect them from all forms of abuse and neglect. Our College works in partnership with the community to ensure that we reduce or remove risks to the personal safety and wellbeing of our students

SCOPE

All MLMC staff are expected to understand and adhere to their professional and legal obligations to protect students from harm and to report suspected or known concerns they hold about a student's safety.

This policy assists staff to fulfil their responsibilities. It clarifies the changing legislative context that requires differing reporting requirements for varied circumstances and it presents information about the types of child abuse and indicators of harm that ought to give rise to a report. It also outlines procedures to be followed by staff in reporting suspected or known concerns to the appropriate College and government authorities.

This policy applies to all staff employed at MLMC, as well as contractors, volunteers, clergy and Council members.

POLICY STATEMENT

Legislative Context

In Victoria, a joint protocol has existed since 2008 to protect the safety and wellbeing of children and young people. Titled Protecting the safety and wellbeing of children and young people, it involves the Department of Health and Human Services (DHHS) Child Protection, the Department of Education and Training (DET), the Catholic Education Commission of Victoria and licensed children's services.

This Policy has recently been strengthened by *Ministerial Order 870 (State of Victoria, Department of Education and Training 2016)*. This Ministerial Order requires compliance with seven Victorian Child Safe Standards. The standards apply to all Victorian organisations involved in child-related work, inclusive of schools, churches, kindergartens, children's services, youth services and local councils.

Also in Victoria, Child Protection Reporting Obligations have expanded in recent years and now fall under two separate pieces of legislation – *the Children, Youth and Families Act 2005* and the *Crimes Act 1958*.

1. Children, Youth and Families Act 2005

Mandatory reporting is a legal requirement under this Act. Registered teachers and principals are mandated to report suspected or known concerns they hold that a child or young person is in need



of protection from physical injury or sexual abuse. Other mandated professionals include medical practitioners, psychologists and psychiatrists, registered nurses and members of the police force.

2. Crimes Act 1958

In 2014, three new criminal offences were added to this Act.

- **Failure to disclose offence:** Any adult 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 police. Failure to disclose the information to police is a criminal offence.
- **Failure to protect offence:** 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 offence:** This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

The new laws established a community wide expectation on **all** adults to take 'reasonable steps' to reduce or remove substantial risk to a child, and to report information about suspected or actual sexual abuse of a child under 17 years of age. The legislation therefore effectively extended reporting obligations to **all school employees**.

GUIDING PRINCIPLES

MLMC is committed to working in partnership with families and community agencies to reduce or remove risks to the personal safety and wellbeing of students.

- All MLMC staff have a responsibility to care for students, to positively promote their welfare, and to protect them from any kind of harm.
- All students have the right to personal safety, including safety in relationships and protection from all forms of abuse and neglect.
- Early identification and effective intervention can lessen the initial and long-term effects of abuse and promote recovery of the student and family concerned.
- Harm to a student is minimised by allegations or suspicions of abuse being dealt with promptly and with:
 - high measures of confidentiality;
 - adherence to agreed procedures; and
 - provision of appropriate emotional support and pastoral care.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Staff, clergy, volunteers, contractors, College Council members, parents and students should feel free to raise concerns about student safety, knowing these will be taken seriously by the College Executive or a member thereof. Appropriate confidentiality will be maintained, with information being provided to those who have a right or a need to be informed, either legally or pastorally.

DEFINITIONS



Child: For the purpose of the relevant parts of the *Children, Youth and Families Act (2005)*, a child is any person 17 years of age or younger. Under the *Crimes Act 1958*, the new laws apply to children under the age of 16.

Child abuse: Under Child Protection legislation, the types of abuse or suspected abuse that ought to be reported to the appropriate child protection agency include physical abuse, sexual abuse, emotional abuse, neglect and medical neglect.

Child Protection is the Victorian Government Agency, provided by the DHHS that protects children at risk of significant harm. Child Protection has statutory powers and can use these to protect children.

Child FIRST is the Family Information Referral Support Team run by a registered community service in a local area that can receive confidential referrals about a child of concern. It does not have any statutory powers to protect a child but can refer matters to family services.

Mandatory report: A report made to Child Protection, by a person mandated under the *Children, Youth and Families Act (2005)*, that is based on a reasonable belief that a child is in need of protection from injury that results from abuse or neglect or harm caused as a result of abuse (emotional, physical or sexual) or neglect, including medical neglect.

Mandatory reporter: Person(s) required under the *Children, Youth and Families Act (2005)* to make a report to the Child Protection if they believe a child is in need of protection from physical injury or sexual abuse (emotional, physical or sexual) or neglect, including medical neglect. Mandatory reporters include VIT registered school teachers or principals and registered nurses.

Reasonable belief: When a person is concerned about the safety and wellbeing of a child or young person, he/she must assess that concern to determine if a report should be made to the relevant agency. This process of considering all relevant information and observations is known as forming a 'reasonable belief'. A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof but is more than mere 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.

REVIEW HISTORY

Version	Date Released	Next Review	Author	Authorised by:
1.1	Dec 2021	August 2022	Deputy Principal - Pastoral Care	MLMC Advisory Council 2017

