



# Mary MacKillop Catholic Regional College

## MANDATORY REPORTING POLICY

### 1 INTRODUCTION

Mary MacKillop Catholic Regional College (**MMCRC**) is committed to complying with [Ministerial Order 1359](#) – Managing the Risk of Child Abuse in Schools and School Boarding Premises, and following the Victorian Child Safe Standards.

Mary MacKillop Catholic Regional College operates under the governance of the Diocese of Sale Catholic Education Ltd (DOSCEL). This Policy also applies to the DOSCEL Secretariat.

### 2 PURPOSE

This Policy provides clarity to ensure all DOSCEL employees are aware of their roles and responsibilities in protecting the safety and wellbeing of children and young people and, in particular, when mandatory reporting is required.

### 3 PRINCIPLES

- 1.1 The dignity of each person, made in the image of God, is a fundamental tenet of the Catholic Church and therefore of Catholic Education.
- 1.2 A safe environment is required to protect children and young people from harm and to prevent employees from abusing their position of authority and trust.
- 1.3 Employees need to be informed of matters related to child sexual abuse and be fully self-aware of their professional obligations and responsibilities.
- 1.4 All children and young people have the right to a thorough and systematic education in personal safety, including safety in relationships.
- 1.5 Abuse of children or young people by persons in positions of trust or authority is a serious matter. All allegations must receive a response and be dealt with promptly.
- 1.6 After a disclosure, any ongoing harm to the child or young person and the employee is minimised by:
  - adherence to agreed procedures
  - provision of appropriate social and emotional support and pastoral care and
  - appropriate confidentiality.
- 1.7 The child or young person's ongoing safety and wellbeing should be the primary focus of decision making.
- 1.8 Mandatory reporters must make a report to the Department of Families, Fairness and Housing (**DFFH**) (Child Protection) as soon as practicable if, in the due course of practising their profession or carrying out their duties they form a reasonable belief that a child or young person is in need of protection as a result of:
  - physical injury or sexual abuse, and

- the child or young person's parents are unable or unwilling to protect the child or young person from that abuse.

## 1.0 DEFINITIONS

For the purposes of this policy, the following definitions apply:

**Child and Young Person:** A child is legally defined as a person under the age of 16 years. A young person is any person who comes under or may come under the care, supervision or authority of the school.

**Confidential:** Being entrusted with private and restricted information that must be treated as such, both in written and verbal form.

**Duty of Care:** Employees, including volunteers and contractors working in Catholic schools, have a duty of care to support and protect the children and young people with whom they are professionally involved.

When employees form a reasonable belief that a child or young person has been harmed or is at risk of harm, they are ethically bound to take action to protect the safety and wellbeing of that child or young person. For some employees this obligation is legally mandated.

Duty of care is breached if a person:

- does something that a reasonable person in that person's position would not do in a particular situation
- fails to do something that a reasonable person in that person's position would do in the circumstances
- acts or fails to act in a way that causes harm to someone to whom the person owes a duty of care
- fails to report when mandated.

**Mandatory Reporting:** The legal requirement to report suspected cases of child abuse and neglect is known as mandatory reporting. Mandated persons in DOSCEL include registered teachers, school principals, school counsellors, registered psychologists and people in religious ministry.

**Reasonable belief:** A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

For example, a 'reasonable belief' might be formed when:

- a child or young person states that they have been sexually abused
- a child or young person states that they know someone who has been sexually abused (sometimes the child or young person may be talking about themselves)

- someone who knows a child or young person states that the child or young person has been sexually abused
- professional observations of the child or young person's behaviour or development leads a mandated professional to form a belief that the child or young person has been sexually abused
- signs of sexual abuse lead to a belief that the child or young person has been sexually abused.

## **2.0 EXPECTED OUTCOMES**

- 2.1** Mandatory reporters will comply with the mandatory reporting requirements and ensure a report has been made when another mandated reporter has undertaken to make a report.
- 2.2** All DOSCEL workplaces will remove the risk to children and young people of suspected abuse where practicable.
- 2.3** Where a reasonable belief has been formed that a child or young person has been, is being, or is at risk of being abused, mandatory reporters will report these beliefs (on each occasion they form a belief), even if an employee in a position of authority does not share this belief. In these instances, contact must be made with, and the report provided to, the DOSCEL Child Protection Officer.
- 2.4** Where appropriate, consideration should also be given to whether a request for information should be made or whether any information should be voluntarily provided to another prescribed Information Sharing Entity under the Child Information Sharing Scheme and Family Violence Information Sharing Scheme, where this may improve child wellbeing or safety, or help to assess or manage the risk of family violence. These schemes complement existing mandatory reporting obligations. For more information, see: DOSCEL Child and Family Violence Information Sharing Schemes Policy and Procedure, [Information Sharing and Family Violence Reforms Contextualised Guidance](#), [Child Information Sharing Scheme Ministerial Guidelines](#), [Family Violence Information Sharing Guidelines](#), and [Family Violence Multi-Agency Risk Assessment and Management Framework](#).
- 2.5** DOSCEL employees are expected to be self-aware of their professional obligations and responsibilities and report to police any reasonable believe of the risk, or act, of sexual abuse against a child or young person.
- 2.6** A thorough and systematic education in personal safety, including safety in relationships, will be provided for all children and young people.
- 2.7** Approved professional learning in providing education in mandatory reporting will be provided to all employees.

### 3.0 REFERENCES

- Child Information Sharing Scheme Ministerial Guidelines
- *Child Wellbeing and Safety Act 2005* (Vic.)
- *Child Wellbeing and Safety (Information Sharing) Regulations 2018*
- *Children, Youth and Families Act 2005* (Vic.)
- *Crimes Act 1958* (Vic.)
- *Crimes Amendment (Protection of Children) Act 2014* (Vic.)
- *Family Violence Protection Act 2008* (Vic.)
- *Family Violence Protection (Information Sharing) Regulations 2018*
- Family Violence Multi-Agency Risk Assessment and Management Framework
- Information Sharing and Family Violence Reforms Contextualised Guidance

### 4.0 RELATED POLICIES

- DOSCEL Child and Family Violence Information Sharing Schemes Policy and Procedure
- DOSCEL Child Protection and Safety Policy
- DOSCEL Guide to Reporting Conduct under the Reportable Conduct Scheme
- DOSCEL Pastoral Care Policy
- DOSCEL Protection of Children – Anti-Grooming Policy
- DOSCEL Protection of Children – Failure to Protect Policy
- DOSCEL Protection of Children – Failure to Disclose Policy
- DOSCEL Protection of Children – Reporting Obligations Procedure

## 9 REVIEW

**Implementation Date:** December 2019  
**Reviewed:** July 2022  
**Next Review Date:** July 2023