MILC

**Child Safety Mandatory Reporting Policy**

# Principles

MILC is committed to the safety of children and has a zero tolerance of child abuse. MILC has a responsibility and duty of care to protect children from harm through abuse or neglect, and to have clear policies and procedures for reporting all suspected child abuse or child safety concerns.

This policy outlines the obligations of all staff members regarding mandatory reporting, the failure to disclose offence, the failure to protect offence, and the grooming offence under the Crimes Act 1958 (Vic).

All MILC staff must be aware of their legal and ethical obligations to report child abuse and protect students from harm. This policy ensures that staff are trained, understand their responsibilities, and comply with Victorian law.

# Legislative and Regulatory Framework

* Crimes Act 1958 (Vic)
* Children, Youth and Families Act 2005 (Vic)
* Child Wellbeing and Safety Act 2005 (Vic)
* Education and Training Reform Act 2006 (Vic)
* Ministerial Order 1359 – Child Safe Standards
* Child Protection Requirement - **DFFF - the Department of Families, Fairness and Housing**

# Mandatory Reporters

* 1. If a Mandatory Report forms a reasonable belief that a child is in need of protection, as a result of a physical injury or sexual abuse, the Mandatory Reporter **must make a report to Child Protection.**
	2. Mandated reporters include: MILC management and teachers (including visiting teachers); registered medical practitioners and psychiatrists; registered nurses; members of the police force; registered psychologists; people in religious ministry; and school employees who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) boarding staff.
	3. **Any non-mandated School Employee MUST also make a report to Child Protection as required by DFFF - the Department of Families, Fairness and Housing** if they are concerned for a child's welfare even if they are not required to do so as a mandatory reporter. Any person making a voluntary (non-mandated) report is also protected regarding confidentiality and immunity from legal liability.
	4. **Under Section 327 of the Crimes Act 1958 (Vic), any person 18 years or older, whether in Victoria or elsewhere, who reasonably believes that an adult (18+) has committed a sexual offence against a child under the age of 16 in Victoria, must report it to Victoria Police as soon as practicable without delay.**

# Forming a belief

* 1. A reasonable belief that a Child is in need of protection is likely to be formed in circumstances where:
		1. a Child discloses that they have suffered or are suffering non-accidental physical injury or sexual abuse;
		2. a friend or acquaintance states that a Child has been sexually abused or non-accidentally injured;
		3. professional observations of the Child’s physical condition or behaviours lead to a reasonable belief that the Child has suffered or is suffering non-accidental physical injury or sexual abuse;
		4. physical signs of injury or sexual abuse are apparent on the Child; or
		5. physical signs or behaviours indicative of neglect are apparent on the Child.
	2. A ‘reasonable belief’ for the purposes of this Policy is a belief on reasonable grounds if a reasonable person practising the profession or carrying out the duties of the position or employment, would have formed the belief on those grounds. When a Mandatory Reporter forms a reasonable belief that a Child is in need of protection from physical injury or sexual abuse, they have a legal obligation to make a report to Child Protection or Victoria Police as soon as practicable after forming the belief, subject to clause [4.1.](#_bookmark0)

# Reporting a belief -

* 1. A Mandatory Reporter must inform MILC management as well as reporting to Victoria Police and Child Protect Service when forming a reasonable believe of a child abuse offence.
	2. A Mandatory Reporter’s responsibility for reporting extends to each occasion they become aware of any further reasonable grounds for a belief that a Child is in need of protection.
	3. If a Mandatory Reporter suspects that a Child needs protection, they must contemporaneously document all concerns and observations in a Mandatory Report Record (Appendix 1) and provide the Record to MILC management.
	4. Information about Child abuse must remain confidential and the Mandatory Reporter must not discuss this information with anyone other than MILC management, Child Protection and Victoria Police.
	5. If two or more Mandatory Reporters form a reasonable belief after discussion together, it is their responsibility to ensure that at least one of them (or both) submits a report.
	6. The Mandatory Reporter does not have to be able to prove that the Child has been abused before notifying Child Protection or Victoria Police.
	7. The Mandatory Reporter does not have to be approved by the managing director or MILC management team to be able to report to Child Protection or Victoria Police as long as a reasonable believe of a child abuse is formed.

# After a report has been made

* 1. After a report has been made to Child Protection, Child Protection will make a decision, based on information provided to them about whether or not the Child’s situation should be formally investigated.
	2. If a report is accepted for investigation, Child Protection will undertake an assessment of the Child with the aim of ensuring that the Child is safe.
	3. Victoria Police may become involved if it appears an offence may have been committed.
	4. If the report is not investigated, Child Protection will notify the School that no further action will be taken at that time.

# Protection for mandatory reporters

* 1. A Mandatory Reporter who acts in good faith will not incur civil or criminal liability by making a report to Child Protection or Victoria Police.
	2. A report made in good faith will not constitute unprofessional conduct or a breach of professional ethics or a contravention of the section 141 of the *Health Services Act* and section 346 of the *Mental Health Act*.

# Reasonable Excuse for Not Reporting

#  A person is not guilty of the Failure to Disclose offence if they have a reasonable excuse, such as:

# Fear for personal safety or the safety of others (must be based on objective grounds).

# The information has already been reported to Victoria Police or Child Protection authorities.

# Confidentiality

* 1. Any reports made to Child Protection or Victoria Police are confidential. The CYF Act prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report, unless:
		1. the Mandatory Reporter chooses to inform the Child and/or the Child’s family of the report;
		2. the Mandatory Reporter consents in writing to their identity being disclosed;
		3. a Court or tribunal decides that it is necessary for the identity of the Mandatory Reporter to be disclosed to ensure the safety and wellbeing of the Child;
		4. a Court or tribunal decides that, in the interest of justice, the Mandatory Reporter is required to attend court to provide evidence; or
		5. information provided during a protective investigation may be used in a court report, if the risks to the Child require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.
	2. In addition, Child Protection can consult Mandatory Reporters when they are deciding how best to respond to a referral or a report they have received. Mandatory Reporters are legally able to share relevant information with those agencies about a vulnerable Child, without needing to be concerned about legal or professional consequences, provided they do so in good faith.

Mandatory Reporters can only share information directly related to their own concerns for the Child, based on matters of which a Mandatory Reporter has become aware, and any opinions based on those matters.

# Failure to Disclose Offence

Under **Section 327 of the Crimes Act 1958 (Vic)**, any person **18 years or older**, whether in Victoria or elsewhere, who **reasonably believes** that an adult (18+) has committed a **sexual offence against a child under the age of 16 in Victoria**, **must report it to Victoria Police**.

Key obligations:

* All staff must report to Victoria Police if they become aware of any reasonable belief that a child has been sexually abused.
* It is a personal legal responsibility—staff cannot delegate this duty to another person.
* Failure to report can result in criminal charges.

Reporting process:

* Call 000 immediately if a child is in danger.
* Report to Victoria Police if there is any knowledge or suspicion of child sexual abuse.
* Inform MILC management, but reporting to police is still required.

# Failure to Protect Offence

Under Crimes Act 1958 (Vic) – Section 49O, it is an offence for a person in a position of authority to fail to take action to prevent child abuse.

Who is responsible?

A person **commits an offence** if they:

* **Occupy a position of authority** (MILC Directors and boarding supervisors) within a **relevant organisation** (such as MILC or 3rd party Contractors).
* **Know that a substantial risk exists** that an adult **associated with MILC** will commit a **sexual offence against a child under 16**.
* **Fail to take steps to remove or reduce the risk**.

Legal obligations:

* If staff suspect abuse is occurring within the MILC boarding premises, they must take steps to remove or reduce the risk to the child.
* Failure to act is a criminal offence and may result in imprisonment.

Steps to take:

* Report the concern to the police (000).
* Ensure the safety of the child by implementing immediate protective measures.
* Notify MILC management, who must review and address risks immediately.

# Grooming Offence

Under Crimes Act 1958 (Vic) – Section 49M, it is a criminal offence to engage in grooming behaviour to prepare a child for sexual abuse.

Grooming behaviour includes:

* Building trust with a child or their parents to facilitate abuse.
* Spending excessive time alone with a student in a non-professional manner.
* Giving inappropriate gifts or favours to students.

Initiating private communication with a student, especially on social media. Responsibilities of MILC staff:

* Maintain strict professional boundaries at all times.
* Report any suspicion of grooming to Victoria Police.
* Do not engage in personal relationships with students.

# Obligation to Identify Substantial Risk

* 1. This obligation applies to all MILC staff, particularly:
* The Managing Director (Michael Xiang: 0415 596 608)
* The Director (Roger Shen: 0432 331 789)
* Boarding supervisors, senior staff, and any individual in a position of authority.
	1. What Constitutes a "Substantial Risk"?

# A substantial risk exists if a person in a position of authority reasonably believes that a staff member, contractor, or volunteer:

* Has displayed inappropriate or predatory behaviour towards a child.
* Engages in excessive one-on-one interactions with a child without oversight.
* Communicates privately or inappropriately with a child (e.g., personal messaging, social media).
* Gives special treatment, gifts, or privileges to a particular child.
* Has previous allegations or complaints of inappropriate behaviour.
* Has no reasonable explanation for being alone with a child in secluded areas.
	1. If any of these warning signs are present, MILC staff must assess and report the risk immediately.

# Staff Training and Compliance

MILC ensures all staff understand and comply with these legal obligations through:

* 1. Annual Mandatory Training
* All staff must complete annual training on Mandatory Reporting, Failure to Disclose, Failure to Protect, and Grooming Offences.
* Training is delivered via accredited providers such as the Department of Education's "Protecting Children" course.
	1. Induction for New Staff
* All new employees must complete mandatory child safety training before starting work.
* Training includes case studies, real-life scenarios, and MILC’s internal reporting procedures.
	1. Record Keeping
* Training completion records are maintained in the MILC Staff Professional Development Register.
* All child safety incidents and reports are documented and stored securely.

Staff Responsibilities

* Understand and follow MILC’s Child Safety and Mandatory Reporting Policy.
* Report concerns immediately to the appropriate authorities.
* Complete all required training annually.

# Reporting and Accountability

* 1. How to Report Concerns
* Non-urgent? Police → Call 000.
* Emergency? Call Local Police → Brighton Police: 03-9592 6225
* If Brighton Police is closed or for 24-hour Assistance, call Bayside Police: 03-85305100
* Child Protection? → Call 1300 664 977 (DFFH).
* Police for sexual abuse disclosures? → Call Victoria Police:131444
* Internal reporting? → Inform Michael Xiang (Managing Director: 0415 596 608).
	1. Consequences for Non-Compliance

Failure to follow this policy may result in:

* Legal consequences, including criminal charges.
* Disciplinary action, including termination of employment.

# Communication of this policy

* 1. This Policy and associated documents are made publicly available - on the School’s website and Intranet.
	2. New Mandatory Reporters employed by the School are required to complete child safety training and read and acknowledge this Policy, the School’s Child Safety Policy and Code of Conduct and other applicable policies.

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| **MILC****Child Safety Mandatory Report Record** |
| Note: The Mandatory Reporter who forms a reasonable belief that a Child has been the victim of an offence must complete this record and give to MILC management for passing on to the appropriate authorities. This information must be kept secure and confidential. |
| Name of victim: |
| Age and gender of victim: |
| Date/time reasonable belief formed: |
| Name of alleged perpetrator |
| Age of alleged perpetrator (if known): |
| Role of alleged perpetrator: |
| Reported to MILC management: Y / N |
| Date and time reported to MILC management: |
| Date reported to relevant authority (Child Protection, Victoria Police): |
| **Details:** *(insert as much information as possible)* |
| Name: (Mandatory Reporter): |
| Signature:  |