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.

# 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-mandatedSchool Employee may also make a report to Child Protection 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.

# 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 prior to a reasonable belief being reported to Child Protection or Victoria Police. MILC management and other School Employees in a position of authority may have other legal responsibilities to report the information.
  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.

# 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*.

# 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.

# Contact information

* 1. Mandatory Reporters must report concerns that are life threatening to a Child to Victoria Police on 000.
  2. Mandatory reporters must report concerns regarding a Child that is at risk of significant harm as a result of abuse or neglect to Child Protection on 1800 075 599;
  3. Mandatory Reporters can also report concerns about the immediate safety of a Child after hours to the After-Hours Child Protection Emergency Service on 131278.

# Breach

The School expects that any School Employees who become aware of a breach of this Policy by a Mandatory Reporter, will advise MILC management immediately.

# 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: |