

# MALMSBURY PRIMARY SCHOOL MANDATORY REPORTING POLICY



## Rationale:

All children have a right to feel safe and to be safe. In schools we have a legal and moral responsibility to respond to serious incidences involving abuse and neglect of the children with whom we have contact and to report instances that we believe involve physical abuse, sexual abuse or neglect. All school staff have a duty of care to protect the safety, health and wellbeing of children in their care. If a staff member has concerns about the safety, health and wellbeing of children in their care they should take immediate action.

Malmsbury Primary School must meet the mandatory reporting requirements of the *Children, Youth and Families Act 2005*, the Child Safe Standards, in particular Child Safe Standard 5, as well as meet the school's duty of care obligations to students.

## Purpose:

The purpose of this policy is to ensure that children's rights to be safe are maintained and each child is protected against physical and sexual abuse, and neglect.

To enact this policy whilst being sensitive to and aware of the diverse characteristics of our school community in particular-

- Cultural safety for Aboriginal children, for example by working in partnership with Aboriginal peoples and Aboriginal community controlled organisations.
- Cultural safety for children from culturally and/or linguistically diverse backgrounds for example by using inclusive language and images in policy documents and communications such as the website and newsletters.
- Children with disabilities and children who are vulnerable.

## Implementation:

- To have students in our school environment feel safe and to be safe. Our school environment is our physical school grounds and buildings, online learning spaces and locations to places external to the school such as camps, sporting venues or excursion venues.
- To have this policy will be made publicly available and accessible to all members of our school community- students, parents and staff.
- Risk management strategies will be used to identify and mitigate the risk of abuse taking in to account the nature of each school environment, the activities being conducted there and the needs and characteristics of the children participating.
- Any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act are mandated to report physical injury to any person 17 years of age or younger that results from abuse or neglect, and sexual abuse, to the Department of Human Services Child Protection.
- 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.
- 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 of 'Failure to Protect' 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.

- When there are indications that a child is being groomed a report must be made to DHHS Child Protection. The *Crimes Amendment (Grooming) Act 2014* introduced the offence of Grooming for sexual conduct with a child under the age of 16 years. Grooming can be conducted in person or online.
  - Teachers will be informed annually of their legal responsibilities to report child abuse and neglect to the DHHS and will be provided with information on how to recognise and respond to child abuse.
  - All staff will be provided with a copy of “Identifying and responding to all forms of abuse in Victorian schools.”  
[http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)
  - All school staff members must respond to any reasonable suspicion that a child has been, or is at risk of being abused by following the Four Critical actions for Schools. Appendix 2.
  - If a teacher suspects that a child is in need of protection from physical and/or sexual abuse it is essential that they follow the ‘Four Critical Actions’. Appendix 2.
  - If a staff member suspects that a child is in need of protection from physical and/or sexual abuse it is essential that he/she keep clear, comprehensive notes relating to incidents, disclosures and allegations of child abuse using the ‘Responding to suspected child abuse’ template- Appendix 3 . In all cases, teachers are advised to inform the principal (Child Safety Officer) of his or her concerns as early as possible. Over a period of time it may become apparent to the teacher that there are reasonable grounds on which to form a belief that the child needs protection.
  - Following a discussion with the Principal/Child Safety Officer or Principal’s nominee about his/her concerns and observations:
    - The teacher may form the belief that it is necessary to make a report. In this case the teacher must make a report to the DHHS by the end of the school day. It is the responsibility of the individual teacher to ensure that this notification has occurred and that all reasonable grounds supporting the belief have been reported.
    - The teacher may continue to suspect that a child is in need of protection. In this case the teacher should continue to monitor and support the child and, if further concerns arise, to make another report to DHHS and/or the police.
    - In the case of international students the Principal must notify the International Education Division of the Department on **(03) 9637 2990** to ensure that appropriate support is arranged for the student.
1. The Principal/Child Safety Officer will keep a record of all discussions about a student with whom there is a concern.
  2. Records of discussions, allegations, disclosures, incidents and the school’s response to these will be stored in a secure, confidential file in the Principal’s office.
  3. Those involved in any process of consultation around mandatory reporting must maintain confidentiality regarding the child, the family, the notifier and any alleged perpetrator.
  4. A teacher does not need permission from parents or caregivers to notify, nor do you need to inform them that you are notifying.

5. A teacher may notify the DHHS of his/her belief without the prior knowledge of the Principal. It is strongly recommended that the teacher inform the Principal/Child Safety Officer or Principal's nominee of his/her action as soon as practicable.
6. It may be necessary for the DHHS to interview a child at school when a notification of abuse has been made. Such requests may be directed to the Principal/Child Safety Officer or the Principal's nominee.
7. It is important to advise children or young people of their right to have a supportive adult present at such an interview. This may be the Principal/Child Safety Officer or a teacher.
8. When Officers of Child Protection Victoria or the Police seek an interview with a child, the Principal should cooperate with the authorised agency. He or she should:
  - Arrange for the child to choose a supportive adult to be present.
  - Follow the recommended procedures from the DHHS and CECV/DET.
  - Ensure that arrangements are in order for any interview which is to take place at the school.
  - Seek or offer appropriate pastoral support for the reporting staff member.
  - Observe confidentiality at all times in the management of a mandatory reporting case.
  - If legal assistance is required, contact CECV/DET

#### **Making a report-**

1. School staff should keep comprehensive notes that are dated and include the following information:
  - Full name, date of birth, and residential address of the child or young person
  - Description of the concerns (e.g. physical injuries, student behaviour)
  - Source of those concerns (e.g. observation, report from child or another person)
  - Actions taken as a result of the concerns (e.g. consultation with Principal, report to DHHS Child Protection etc)
  - Use the template  
[http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_TemplateSchools.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_TemplateSchools.pdf)
  -
2. School staff should discuss any concerns about the safety and wellbeing of students with the principal/Child Safety Officer or a member of the school leadership team. The individual staff member should then make their own assessment about whether they must or may make a report about the child or young person.
3. Make a report to the relevant agency.
4. The Principal/Child Safety Officer will keep a record of all discussions about a student with whom there is a concern.
5. Notify relevant school staff and/or Departmental staff of the report.
  - School staff should advise the Principal if they have made a report.
  - In the case of Koorie students, the Principal must notify the Regional Office to ensure that the regional Koorie support officer can arrange appropriate support for the student.
6. Notify the Victoria Police if there is concern that a criminal offence may have been committed.
7. Making a report can be a stressful experience. Staff members may wish to access support from the Employee Assistance Program. The EAP is available 24/7, call 1300 361 008.

**If a child discloses an incident of abuse to you:**

- Try and separate them from other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared with others such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company stay with them.
- Complete the incident report with the child.
- As soon as possible after the disclosure record the information using the child's words and report the disclosure to your principal or the organisations child safety officer, police or child protection. The report should be made by the end of the school day.
- Ensure the disclosure is recorded accurately and the record is stored securely.

**If a parent/carer says their child has been abused at school or raises a concern:**

- Explain that the school has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/caregiver to talk through the incident in their own words.
- Advise the parent/caregiver that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others such as the principal and or child safety officer, the police or child protection.
- Do not make promises at this early stage except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately and that the record is stored securely.

You need to be aware that some people from culturally and or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible such as having an interpreter present (could be a friend or family member).

If an allegation of abuse involves an Aboriginal child you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.

Some children with a disability may experience barriers disclosing an incident. For example children with hearing or cognitive impairments may need support to help them explain the incident including through sign language interpreters. Advice on communicating with people with disability can be found on the DHHS website.

**Resources:****[Child Protection - Student Safety - Health and Wellbeing - Department of Education and Early Childhood Development](#)**

- [Protecting the safety and wellbeing of children and young people mandatory reporting protocol \(PDF - 1.5Mb\)](#)
- [Step-by-step guide to making a report to Child Protection or Child FIRST \(PDF - 270Kb\)](#)

- [http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5\\_SchoolsGuide.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/ChildSafeStandard5_SchoolsGuide.pdf)

**Evaluation:**

This policy will be reviewed as part of the school's three year review cycle or as required.

**Approved by School Council 26 October 2016.**

**To be reviewed in 2019.**

**Appendix 1. Definitions-****Child abuse/neglect:**

Child abuse and neglect occurs when a parent/guardian or any other person having the care of a child inflicts, or allows to be inflicted, physical injury or gross deprivation on the child that causes or creates a substantial risk of death, disfigurement, impairment of physical or emotional health or development, or creates or allows to be created a substantial risk of such injury. This definition includes sexual abuse and/or sexual exploitation of the child.

Children and young people have the right to be protected from abuse and neglect. When teachers form a belief that a child may be at risk of harm due to sexual abuse or physical injury that results from abuse or neglect, they have a legal responsibility to notify the Department of Human Services.

**Mandatory reporting:**

Since 1993 teachers have been mandated to report suspected child abuse or neglect to the Department of Health and Human Services (DHHS) Child Protection. As of July 2003, this was updated to include any person who is registered as a teacher or principal under the *Victorian Institute of Teaching Act 2001* or has been granted permission to teach under that Act. Any and all persons so described are mandated to report physical injury that results from abuse or neglect, and sexual abuse, to the DHHS Child Protection.

This legal requirement to report child physical and sexual abuse arises from Section 184 of the *Children, Youth and Families Act 2005*. In summary:

If, in the course of his or her duties, a teacher or principal forms the belief on reasonable grounds that a child is in need of protection on the grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from harm of that type; the person must notify the DHHS Child Protection of that belief and of the reasonable grounds for it, as soon as practicable -

- After forming the belief
- after each occasion on which he or she becomes aware of any further reasonable grounds or the belief.

**Forming a belief:**

The *Children, Youth and Families Act 2005* states that teachers must notify the Department of Health and Human Services when they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or as a result of sexual abuse.

A belief is considered to be more than a suspicion. One may be considered to have formed a belief if one is more likely to accept rather than reject the suspicion that a child is at risk of harm from physical or sexual abuse.

**Proof is not required that abuse has occurred or is likely to occur.** A belief is sufficient. It is the role of the DHHS to determine whether that belief should be investigated.

**Reasonable grounds:**

Reasonable grounds can be thought of as the mechanism used for forming the belief. These include situations where:

- A child tells the teacher they have been abused
- Someone else tells the teacher (perhaps a relative, friend, neighbour or sibling of the child) that a child has been abused or is at risk of abuse.
- A child tells the teacher that they know someone who has been abused (often a child is referring to him or herself), and the teacher's own observation of a particular child's behaviour/injuries or their knowledge of children generally leads them to suspect that abuse is occurring.

#### **A child in need of protection-**

Any person may make a report if they believe on reasonable grounds that a child is in need of protection for any of the following reasons:

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- The child has suffered or is likely to suffer significant harm as a result of physical injury and the parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer significant harm as a result of sexual abuse and their parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.
- They believe the child is being groomed.
- The child is at risk of becoming a victim of sexual abuse from a person in a position of authority in the relevant organisation.

#### **Types of child abuse and indicators of harm-**

Child abuse can have a significant effect on a child's physical or emotional health, development and wellbeing.

The younger a child the more vulnerable he/she is and the more serious the consequences are likely to be.

Types of child abuse include:

- physical abuse
- sexual abuse
- emotional abuse
- neglect
- medical neglect
- family violence.

Other reports to DHHS Child Protection may be needed for:

- risk-taking behaviour
- female genital mutilation
- unborn child
- child or young person exhibiting sexually-abusive behaviours

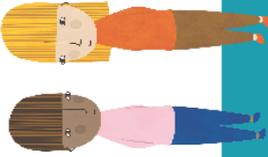
There are many indicators of child abuse and neglect. The presence of a single indicator, or even several indicators, does not prove that abuse or neglect has occurred. However, the repeated occurrence of an indicator, or the occurrence of several indicators together, should alert teachers to the possibility of child abuse and neglect.

- **Note:** For full definitions for all of the types of child abuse and a comprehensive list of the indicators of harm, see: *Appendix 2. in Protecting the safety and wellbeing of children and young people* within [Department resources](#).

• Appendix 2. Four Critical Actions.

## FOUR CRITICAL ACTIONS FOR SCHOOLS

### Responding to Incidents, Disclosures and Suspicions of Child Abuse




**YOU MUST TAKE ACTION**

As a school staff member, you play a critical role in protecting children in your care.

- You must act by following the 4 critical actions as soon as you witness an incident, receive a disclosure or form a reasonable belief that a child has, or is at risk of being abused.
- You must use the Responding to Suspected Child Abuse template to keep clear and comprehensive notes.

**2 REPORTING TO AUTHORITIES**

As soon as immediate health and safety concerns are addressed you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

← Q: Where does the source of suspected abuse come from? →

**3 CONTACTING PARENTS/CARERS**

Your Principal must consult with DHHS Child Protection or Victoria Police to determine what information can be shared with parents/carers. They may advise:

- NOT to contact the parents/carer (eg. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- to contact the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion).

**1 RESPONDING TO AN EMERGENCY**

If there is no risk of immediate harm go to Action 2.

If a child is at immediate risk of harm you must ensure their safety by:

- separating alleged victims and others involved
- administering first aid
- calling 000 for urgent medical and/or police assistance to respond to immediate health or safety concerns
- identifying a contact person at the school for future liaison with Police.

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

**4 PROVIDING ONGOING SUPPORT**

Your school must provide support for children impacted by abuse. This should include the development of a Student Support Plan in consultation with wellbeing professionals. This is an essential part of your duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals.

You must follow the Four Critical Actions every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

**CONTACT**

<b>DHHS CHILD PROTECTION</b>	<b>DET SECURITY SERVICES UNIT</b>
AREA	(03) 9589 6286
North Division 1300 664 9777	<b>STUDENT INCIDENT AND RECOVERY UNIT</b>
South Division 1300 685 795	(03) 9527 2934
East Division 1300 960 391	<b>EMPLOYEE CONDUCT BRIAN NCH</b>
West Division (Rural) 1800 075 589	(03) 9527 2595
West Division (Metro) 1300 664 9777	<b>DIOCESAN OFFICE</b>
<b>AFTER HOURS</b>	Melbourne (03) 9587 0228
After hours, weekends, public holidays 13 1278	Ballarat (03) 5307 7105
<b>CHILD FIRST</b>	Sale (03)5422 6600
www.dhs.vic.gov.au	Saunders (03) 9443 2277
<b>VICTORIA POLICE</b>	<b>INDEPENDENT SCHOOLS</b>
000 or your local police station	VICTORIA
	(03) 96257200

Appendix 3. Responding to the suspected child abuse- template.

[http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT\\_Responding\\_Templates\\_schools.pdf](http://www.education.vic.gov.au/Documents/about/programs/health/protect/PROTECT_Responding_Templates_schools.pdf)

## Appendix 4. Making a report to Child Protection or Child First.

# A step-by-step guide to making a report to Child Protection or Child FIRST

### Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

### At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO Child FIRST	STEP 4	MAKE A REPORT TO CHILD PROTECTION
	<p>1. If your concerns relate to a child in need of immediate protection, or you have formed a belief that a child is at significant risk of harm*.</p> <p><b>Go to Step 4</b></p> <p>2. If you have significant concerns that a child and their family need a referral to Child FIRST for family services.</p> <p><b>Go to Step 3</b></p> <p>3. In all other situations</p> <p><b>Go to Step 2.</b></p> <p>* Refer to Appendix 2: Definitions of child abuse and indicators of harm in the Protocol – Protecting the safety and wellbeing of children and young people</p>		<p>1. Consider the level of immediate danger to the child.</p> <p>Ask yourself:</p> <p>a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? <b>YES / NO</b></p> <p>and</p> <p>b) Am I in doubt about the child's safety and the parent's ability to protect the child? <b>YES / NO</b></p> <p>2. If you answered yes to a) or b) <b>Go to Step 4</b></p> <p>3. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. <b>Go to Step 3</b></p>		<p><b>Child Wellbeing Referral</b></p> <p>1. Contact your local Child FIRST provider.</p> <ul style="list-style-type: none"> <li>See over for contact list for local Child FIRST phone numbers.</li> </ul> <p>2. Have notes ready with your observations and child and family details.</p>		<p><b>Mandatory/Protective Report*</b></p> <p>1. Contact your local Child Protection Intake provider immediately.</p> <ul style="list-style-type: none"> <li>See over for contact list for local Child Protection phone numbers.</li> <li>For <b>After Hours Child Protection</b> Emergency Services, call <b>131 278.</b></li> </ul> <p>2. Have notes ready with your observations and child and family details.</p> <p>* Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection</p>

For further information refer to *Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools*

## Contact Numbers

### Department of Education and Early Childhood Development

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9488 9488
Western	(03) 9291 6500
Southern	(03) 9794 3555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

### Office for Children and Licensed Children's Services:

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9412 5333
Western	(03) 9275 7000
Southern	(03) 9096 9555
RURAL REGIONS	
Barwon South Western	5225 1000
Gippsland	5127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

### Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on 03 9589 6266.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCIAU can be contacted on 03 9637 2934 or 03 9637 2487.

Victorian Government School Principals should refer to the flowchart – Responding to Allegations of Student Sexual Assault Compulsory Actions for Principals at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

### Department of Human Services Child Protection

METROPOLITAN REGIONS		METROPOLITAN REGIONS	
Intake Unit		Regional Office	
Eastern	1300 360 391	Box Hill	(03) 9843 6000
North and West	1300 664 977	Freston	1300 664 977
		Footscray	1300 360 462
Southern	1300 655 795	Dandenong	(03) 9213 2111
RURAL REGIONS			
Intake Unit		Regional Office	
Barwon South Western	1800 075 599	Geelong	(03) 5226 4540
Gippsland	1800 020 202	Traralgon	(03) 5177 2500
Grampians	1800 000 551	Ballarat	(03) 5333 6520
Hume	1800 650 227	Wangaratta	(03) 5722 0555
		Wodonga	(02) 6055 7777
Loddon Mallee	1800 675 598	Bendigo	(03) 5434 5555

### After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week):

**131 278**

### Victoria Police

**000**

### Catholic Education Offices

Catholic Education Office, Melbourne	(03) 9267 0228
Catholic Education Office, Ballarat Diocese	5337 7135
Catholic Education Office, Sale Diocese	5822 6600
Catholic Education Office, Sandhurst Diocese	5443 2377

### Independent Schools Victoria

(03) 9825 7200

### Other

Victorian Aboriginal Education Association, Inc.	(03) 9481 0800
Victoria Police Sexual Offences and Child Abuse Unit	(03) 9247 6666
Centre Against Sexual Assault	1800 806 292
Gatehouse Centre, Royal Children's Hospital	(03) 9345 6391
(for specialist counselling and medical assistance)	
Child Safety Commissioner	(03) 8601 5884
Victorian Aboriginal Child Care Agency	(03) 8388 1855

### CHILD FIRST

Local Catchment Area	Contact
Barwon South Western	Greater Geelong, Queenscliff, Surf Coast 1300 551 948
Western	Colac – Otway, Corangamite 5232 5500
	Warrambool, Moyne, Glenelg, Southern Grampians 1300 889 713
Gippsland	East Gippsland 5152 0052
	Wellington 5144 7777
	La Trobe, Baw Baw 1800 339 100
	South Gippsland, Bass Coast 5662 5150
Grampians	Northern Grampians, West 1800 195 114
	Wimmera, Hindmarsh, Yarrambat, Horsham 1300 783 341
	Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool 1800 705 211
Hume	Wodonga, Towong, Indigo 1800 705 211
	Alpine, Benalla, Mansfield, Wangaratta 1300 854 944
	Greater Shepparton, Strathbogie, Moira 1800 663 107
Loddon Mallee	Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander 1800 260 338
	Buloke, Goonawarra, Swan Hill, Mildura 1800 625 533
Eastern Metropolitan	Yarra Ranges, Knox, Maroondah 1300 369 146
	Monash, Whitehorse, Manningham, Boroondarra 1300 762 125
North and West Metropolitan	Nilumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955
	Brimbank, Melton 1300 138 180
	Hume, Moreland 1300 786 433
	Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham 1300 775 160
Southern Metropolitan	Casey, Cardinia, Greater Dandenong (03) 9705 3939
	Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973
	Frankston, Mornington Peninsula 1300 721 383
	Kingston, Bayside, Glen Eira, Stonington, Port Phillip 1300 367 441

## What to do when an allegation of child abuse is made.

This resource is designed to provide guidance on what to do if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place in your organisation.

### If a child discloses an incident of abuse to you

- Try and separate them from the other children discreetly and listen to them carefully.
- Let the child use their own words to explain what has occurred.
- Reassure the child that you take what they are saying seriously, and it is not their fault and that they are doing the right thing.
- Explain to them that this information may need to be shared others, such as with their parent/carer, specific people in your organisation, or the police.
- Do not make promises to the child such as promising not to tell anyone about the incident, except that you will do your best to keep them safe.
- Do not leave the child in a distressed state. If they seem at ease in your company, stay with them.
- Provide them with an incident report form to complete, or complete it together, if you think the child is able to do this.
- As soon as possible after the disclosure, record the information using the child's words and report the disclosure to your manager or your organisation's child safety officer/champion,<sup>1</sup> police or child protection.
- Ensure the disclosure is recorded accurately, and that the record is stored securely.

### If a parent/carer says their child has been abused in your organisation or raises a concern

- Explain that your organisation has processes to ensure all abuse allegations are taken very seriously.
- Ask about the wellbeing of the child.
- Allow the parent/carer to talk through the incident in their own words.
- Advise the parent/carer that you will take notes during the discussion to capture all details.
- Explain to them the information may need to be repeated to authorities or others, such as the organisation's management or Child Safety Officer, the police or child protection.
- Do not make promises at this early stage, except that you will do your best to keep the child safe.
- Provide them with an incident report form to complete, or complete it together.
- Ask them what action they would like to take and advise them of what the immediate next steps will be.
- Ensure the report is recorded accurately, and that the record is stored securely.
- You need to be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some. You need to be sensitive to these issues and meet people's needs where possible, such as having an interpreter present (who could be a friend or family member).
- If an allegation of abuse involves an Aboriginal child, you will need to ensure a culturally appropriate response. A way to help ensure this could include engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community controlled organisations to review policies and procedures.
- Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](#) can be found on the Department of Health and Human Services website <[www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities](http://www.dhs.vic.gov.au/for-business-and-community/community-involvement/people-with-a-disability-in-the-community/communicate-and-consult-with-people-with-a-disability/communication-with-people-with-disabilities)>.

### If you believe a child is at immediate risk of abuse phone 000.

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<sup>1</sup> A child safety officer/champion is a person in your organisation who has knowledge of child safety issues, and could be a point of contact for others who have questions or concerns or want to report an allegation of child abuse. You could consider including child safety officer/champion duties in the person's job description.

## Legal responsibilities

While the child safe standards focus on organisations, every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

The **failure to disclose** criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police (unless they have a reasonable excuse not to, for example because they fear for their safety or the safety of another).

More information about [failure to disclose](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence) is available on the Department of Justice and Regulation website <[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclose+offence)>

While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

More information about [mandatory reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting) is available in the *Child protection manual* <[www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting)>.

**Mandatory reporters** (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.

See the Department of Health and Human Services website for information about [how to make a report to child protection](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first) <[www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/reports-publications/guide-to-making-a-report-to-child-protection-or-child-first)>.

The **failure to protect** criminal offence (commenced on 1 July 2015) applies 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 failed to do so.

Further information about [failure to protect](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence) can be found on the Department of Justice and Regulation website <[www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence), and the Department of Health and Human Services website>.

## Further information

Further information on [child safe standards](http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations) can be found on the Department of Health and Human Services' website <[www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations](http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations)>.

Additional resources for organisations in the child safe standards toolkit can be found on the [Department of Health and Human Services website](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards): <[www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards](http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards)>. In particular, [An Overview to the Victorian child safe standards](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc), has information to help organisations understand the requirements of each of the child safe standards, including examples of measures organisations can put in place, a self-audit tool and a glossary of key terms: <[www.dhs.vic.gov.au/\\_\\_data/assets/word\\_doc/0005/955598/Child-safe-standards\\_overview.doc](http://www.dhs.vic.gov.au/__data/assets/word_doc/0005/955598/Child-safe-standards_overview.doc)>

**Note for registered schools:** a forthcoming Ministerial Order under the *Education and Training Reform Act 2006* will contain the minimum actions that schools must take to meet each of the child safe standards. There will be a lead in time before regulation will commence to allow schools time to prepare. The Department of Education and Training and the Victorian Registration and Qualifications Authority will provide information and materials specifically for schools to assist with capacity building and compliance.

**Registered schools** can contact the Department of Education and Training: [child.safe.schools@edumail.vic.gov.au](mailto:child.safe.schools@edumail.vic.gov.au)

Early childhood services operating under the *National Quality Framework* or *Children's Services Act 1996* should contact: [licensed.childrens.services@edumail.vic.gov.au](mailto:licensed.childrens.services@edumail.vic.gov.au)

Licensed children's services enquiry line: 1300 307 415

#### Disclaimer

This document provides general guidance only on the child safe standards. The Department of Health and Human Services does not guarantee that the examples provided in the document are sufficient for the purposes of an organisation's compliance with existing regulatory or government funding requirements.