



# CSS-131

## Responding to and Reporting Suspected Child Abuse

(Child Safe Standard 5)

### POLICY STATEMENT

This policy is designed to provide guidance to K.Y.M. (Victoria) Inc. people 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 our organisation.

### Objective

To protect children and young people from abuse and neglect by ensuring K.Y.M. (Victoria) Inc. staff:

- Understand mandatory reporting responsibilities and duty of care obligations to protect children and young people from child abuse including physical and sexual abuse
- Are aware of which employment categories are mandated notifiers
- Know how to make a mandatory report to the Department of Health and Human Services (DHHS) Child Protection when they have formed a belief on reasonable grounds that a child or young person is at risk of significant harm
- Are able to identify and be aware of the indicators of abuse

### 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 our 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 coordinator or our organisation's child safety officer, 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 our organisation or raises a concern

- Explain that our 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 Police on 000.**

## Legislation

Under Sections 182(1) a-e, 184 and 162 c-d of the Children, Youth and Families Act 2005 (Vic.), the following persons are mandatory reporters for the purposes of this Act:

- Registered medical practitioners
- Registered nurses
- Members of the police force
- Principals of government or non-government schools
- A person registered as a teacher under the Education, Training and Reform Act 2006 or teachers granted permission to teach under that Act
- Professionals not currently gazetted as being mandated notifiers but who are listed in section 182(1) of the Act for future gazettal include
- Registered psychologists
- The proprietors of children's service centres, to whom Part XIA of the Health Act 1958 (Vic.) applies

- Employees of children's service centres who have post-secondary qualifications in the care, education or minding of children
- Persons working as youth workers and welfare workers who work in the health, education, welfare or community service field
- Persons working as youth and child care officers for the Department of Human Services
- Parole officers and probation officers

Legislation in all jurisdictions except New South Wales requires mandatory reporting in relation to all young people up to the age of 18 (whether they use the terms "children" or "children and young people").

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](#) 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](#) 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](#) <[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](#) 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)>