

# Child Safety Response and Reporting Procedures (QMS:340)



## Purpose

The purpose of this document is to guide IMVC personnel how to respond to disclosures, incidents or suspicions of child abuse.

## What is child abuse?

Child abuse:

- Can include physical violence, sexual offences including grooming, (which refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child to lower the child's inhibitions in preparation for sexual activity with the child), seriously emotional or psychological harm and serious neglect
- Does not have to involve physical contact or force. For example, child sexual abuse is any act which exposes a child to, or involves a child in, sexual processes beyond his or her understanding or contrary to accepted community standards. Sexually abusive behaviours can include the fondling of genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or any other object, fondling of breasts, voyeurism, exhibitionism, and exposing the child to or involving the child in pornography
- Can be committed by any member of the community, including someone within a child's family or someone within a community agency setting

The trauma associated with child abuse can significantly impact upon the wellbeing and development of the child. It is critical that there is an immediate response to any incident, disclosure or suspected abuse.

## A risk management approach

IMVC has a duty of care to protect the children who engage with our programs and services.

Creating a child safe organisation begins with a clear, evidence-informed understanding of the potential risks to children in the service setting.

IMVC has adopted a preventative approach by identifying potential risks of child abuse in the organisation and reducing or removing those risks.

Despite the implementation of best-practice approaches, risk always exist for children who access organisations including IMVC. This document outlines the actions to respond to disclosures, incidents or suspicions of child abuse.

## **Forming a reasonable ground for belief**

A belief is based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation and whether there is any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- a) The child is in need of protection
- b) The child has suffered or is likely to suffer significant harm as a result of physical injury
- c) The parents are unable or unwilling to protect the child

A 'reasonable belief' or a 'belief on reasonable grounds' is not the same as having proof, but is more than mere rumour or speculation.

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 if:

- a) A child states that they have been physically or sexually abused
- b) A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- c) Someone who knows a child states that the child has been physically or sexually abused
- d) Professional observations of the child's behaviour or development leads a professional to form a belief that the child has been physically or sexually abused or is likely to be abused; and/or
- e) Signs of abuse lead to a belief that the child has been physically or sexually abused

### **A reasonable belief is a deliberately low threshold**

IMVC personnel must report all suspicions of child abuse to the Executive Officer as soon as possible.

## **Responding to a child**

If a child discloses an incident of abuse, there are five key actions that you must undertake to effectively respond:

### **Action one: Respond to an emergency**

If there is no immediate harm to the young person, proceed to Action Two.

If a child's immediate safety is compromised, a child is at risk of harm or a child is involved in any risk-taking activity that poses a high risk to the child, you must take reasonable steps to protect them. This includes:

- Ensuring the child's immediate health and safety is supported by an appropriate staff member. If the child seems at ease in your company, stay with them.
- Ensuring the alleged offender does not have access to the child
- Arranging and providing urgent medical assistance when necessary by:
  - Administering first aid assistance
  - Calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
- Calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person.
- Taking reasonable steps to preserve evidence such as the environment, clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises

If it is alleged that a member of staff, contractor, student or a volunteer may have committed an offence or have breached IMVC's policies or Code of Conduct, the person concerned may be stood down (with pay, where applicable) while an investigation is conducted.

If the investigation concludes that on the balance of probabilities an offence (or a breach of the IMVC's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

### **Action two: Provide support to the child**

If the child has experienced or disclosed abuse or serious neglect, you should:

- Listen to them carefully and let the child use their own words to explain what has occurred
- Reassure the child that you are taking what they are saying seriously, that it is not their fault and that they are doing the right thing
- Explain to them that this information will need to be shared with others, such as their parent/carer, specific people within IMVC, Child Protection and the police
- 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
- Provide them with **QMS:300-32 Child Safety Incident Report** to complete, or complete it together if you think the child or young person needs assistance

### **Action three: Report**

As soon as the child's immediate safety concerns are addressed, you must report all incidents or disclosures of abuse or serious neglect. You may be committing a criminal offence if you fail to report allegations of physical or sexual abuse of a child.

IMVC takes our legal responsibilities seriously. All IMVC staff and volunteers are required to report any disclosed incidents of abuse immediately to the Executive Officer. In the absence of the Executive Officer incidents must be reported to a representative of the IMVC Executive. However, if this is not practicable, and there is an immediate risk to safety, you must act and contact the relevant authorities who will also guide you.

As soon as possible after the incident or disclosure, record the information using the child's words while ensuring that the documentation is recorded accurately and stored securely. **QMS:300-32 Child Safety Incident Report** must be completed within 24 hours of the disclosure being made.

IMVC Executive Officer or representative of the IMVC Executive provide guidance on the process for responding to or reporting child abuse. This may include reporting to:

- Victoria Police (South Melbourne Police Station 9257 3800) with information provided to include if the young person has a cognitive disability or mental illness and will need the support of an independent third person during the interview or when a statement is being taken
- Child Protection (<https://services.dhhs.vic.gov.au/child-protection-contacts>) if you believe a child is at risk of significant harm and/or in need of protection. Please refer to the Professionals' reporting guide for further information
- The Commission for Children and Young People if the matter is reportable conduct, and ensuring the report is made within the required timeframe. See Appendix 2 for further information on the reportable conduct scheme
- The government department which funds and/or regulates your organisation, such as the Department of Health and Human Services (the department) or the Department of Education and Training

#### **Action four: Contact parents, carers or guardians**

IMVC personnel must not contact parents, carers or guardians of the child unless direct to do so by the Executive Officer or member of the Executive Team.

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

- Not to contact the parents/carers/guardians
- To contact the parents/carers/guardians and provide agreed information

Where appropriate, the Executive Officer or representative of the IMVC Executive should make sensitive and professional contact with the parents/carers/guardians of the child as soon as possible on the day of the incident or disclosure.

Where it is suspected that a child has been, or is at risk of being abused, a parent, carer or guardian of the child must be notified as soon as practicable. This is not applicable where it is known or suspected that the parent, carer or guardian is the alleged perpetrator of harm or abuse and/or is unlikely to protect the child. This enables parents, carers or guardians to take steps to:

- Prevent or limit their child's exposure to further abuse; and
- Ensure that their child receives the support that they require

During the conversation, it is important to:

- Remain calm
- Be empathic to feelings
- Validate concerns
- Provide appropriate details of the incident, disclosure and/or suspicions of child abuse
- Outline the action the organisation has taken to date
- Inform them of who the incident, disclosure and/or suspicion has been reported to
- Where relevant, provide the name and contact telephone number of Child Protection and/or the investigating police officer and advise as to whether they are likely to be contacted by these authorities
- Inform them the investigation may take some time and ask what further information they would like and how staff can assist them
- Offer for the organisation to provide support to the child
- Inform them that the organisation can make referrals to support services
- If possible, invite the parents, carers or guardians to attend a meeting where a support plan can be prepared to ensure appropriate support can be provided to their child

### **Action five: Provide ongoing support**

Experience of child abuse can cause trauma and significantly impact the mental health and wellbeing of children.

In addition to reporting and referral to relevant authorities, organisations that provide services to children can play a central role in addressing this trauma and have a responsibility to ensure that children feel safe and supported. This should be done in partnership and with the consent of parents, carers or guardians.

Support can include referral to wellbeing professionals and community services (such as counselling) and may involve the development of a support plan.

Support in the form of debriefing will be provided to any impacted personnel. Impacted personnel can access external EAP support through [Acacia Connection](#).

### **Responding to a parent, carer or guardian of a child**

If a parent, carer or guardian says their child has been abused at IMVC or raises a concern, this must be immediately reported to the Executive Officer.

The reportable conduct scheme requires in scope organisations including IMVC to respond to allegations of child abuse (and other child-related misconduct) made against their organisation.

IMVC personnel must ensure that the head of organisation is made aware of the allegation and that there are procedures for appropriately responding to and investigating the allegation.

In responding to any allegations or concerns raised IMVC will:

- Explain that IMVC has processes to ensure all abuse allegations are taken very seriously
- Ask about the safety and wellbeing of the child
- Allow the parent, carer or guardian to talk through the incident in their own words
- Advise the parent carer or guardian that you will take notes during the discussion to capture all details
- Explain to the parent carer or guardian that you will need to follow the organisation's reporting procedure which includes, where appropriate informing Child Protection and/or Victoria Police
- Not make any promises except that you will do your best to keep the child safe
- Provide them with any incident reports
- Ask them what action they would like the organisation to take about the disclosure and advise them of what the immediate next steps would be
- Ensure that the report is recorded accurately and stored securely

IMVC staff 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, staff 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)>.

IMVC will provide training and development on cultural sensitivity and competency, as well as interactions with children with a disability.

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

## **Making additional reports**

You must make a new report in any circumstance where you become aware of any further reasonable grounds for the belief. Every report is critical to protecting a child.

This means that you must make a report even if:

- DHHS Child Protection or Victoria Police were previously involved or are already involved with the child and/or their family
- IMVC personnel are aware that another party, such as a family member, has already raised concerns with the relevant authorities

## Failure to protect

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>.

## Associated documents

- Appendix 1 – Reporting Guide
- Appendix 2 – Legal Responsibilities
- QMS:300-32 Child Safety Incident Report

## Version control

### Revision history

| Date       | Version | Author      | Change Reference  |
|------------|---------|-------------|---|
| 21/04/2020 | 2.0     | B. Newman   | Updated to fit with new QMS version control guidelines and updated standards  |
| 03/09/2020 | 3.0     | M. Van Looy | Updated to include expansion of Child sexual abuse, definition of grooming, reference to diversity of all childing, expansion of Forming reasonable grounds for belief and inclusion of employee removal from contact |

### Reviewers

| Date       | Version | Approved By | Next Review Date |
|------------|---------|-------------|------------------|
| 21/04/2020 | 2.0     | P. Vakakis  | 21/04/2022       |
| 03/09/2020 | 3.0     | P. Vakakis  | 03/09/2022       |

## Appendix 1: Reporting Guide

### Guide to reporting to the Executive Officer

Your report should be made to the Executive Officer as soon as possible after the incident, disclosure or suspicion is identified. Your report should include:

- The details of the suspected child abuse or risk of abuse including the name(s) of those involved
- Any immediate action taken to protect the safety of the child

The IMVC Child Safety Report must be completed within 24 hours of the incident/disclosure.

### Guide to reporting to Victoria Police

If a child is at immediate risk of harm you must call 000.

If the child is not at immediate risk the incident must be reported to the Executive Officer who will contact the local police station (South Melbourne Police Station 9257 3800).

Note: consideration should be taken for the safety of the child and others. For example, where there is reasonable fear that reporting sexual abuse may place a person in danger, advice should be sought from DHHS child protection.

### Guide to reporting to Department of Health and Human Services (DHHS)

A child in need of protection is a child who has suffered or is likely to suffer significant harm as a result of abuse or neglect, and their parent has not protected or is unlikely to protect the child from harm of that type.

To make a report to child protection a person needs to have formed a reasonable belief that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.

Information provided to child protection when a report is made needs to be sufficiently detailed for child protection to identify the child at risk of harm.

To make a report, you should contact the child protection intake service covering the [local government area \(LGA\) where the child normally resides](#).

### Guide to reporting to Commission for Children and Young People (CCYP)

The IMVC Executive Officer must report child abuse (reportable conduct) allegations involving IMVC personnel to the CCYP. A step-by-step guide to making a report is available on the [CCYP website](#).



## Appendix 2: Legal Responsibilities

Adults have several obligations to report allegations and suspicions of abuse against a child, whether or not that child is involved with their organisation.

### Failure to disclose

All adults (aged 18 years or over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years must disclose that information to Victoria Police as soon as possible. Failing to disclose this information is a criminal offence, unless the adult who holds the belief has a reasonable excuse not to disclose the information, such as they fear for their safety or that of another person.

More information about failure to disclose is provided in the Department of Justice and Community Safety [failure to disclose](#) factsheet.

### Mandatory reporting

There are several professionals who are classified as mandatory child abuse reporters. In the IMVC, all staff and volunteers who hold VIT registration, or have been granted permission to teach, are Mandatory Reporters.

The IMVC Executive Officer is also a Mandatory Reporter due to Ministerial Order 870.

Mandatory reporters 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.

For more information on mandatory reporting requirements please refer to [DHHS Child Protection Manual](#). Please refer to the DHHS website for information about [how to make a report to child protection](#).

### Failure to Protect

The offence of failure to protect applies where there is a substantial risk that a child under the age of 16 years 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 relevant organisation is an organisation that exercises care, supervision or authority over children, whether as its primary function or otherwise. 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 fail to do so.

Further information about [failure to protect](#) is available on the DHHS website.

### Reportable conduct scheme

The reportable conduct scheme requires [in scope organisations](#), including IMVC to respond to allegations of child abuse (and other child-related misconduct) made against their organisation.

IMVC must ensure that the [head of organisation](#) is made aware of the allegation and that there are procedures for appropriately responding to and investigating the allegation.

## **Duty of care**

On 1 July 2017, organisations that exercise care, supervision or authority over children became subject to a new statutory duty of care to take reasonable precautions to prevent the abuse of children committed by individuals associated with the organisation. If a child is abused by an individual associated with the organisation, the organisation is presumed to have breached its duty unless it can provide it took 'reasonable precautions' to prevent the abuse in question.

More information about the IMVC's duty of care is provided in the Department of Justice and Community Safety [Betrayal of trust factsheet](#).