

Child Safety Reporting Guidelines

Purpose

The purpose of these guidelines is to explain key actions, concepts and legislative obligations relating to the **Child Safety Reporting Process**.

The information provided in these guidelines include:

Section 1 - Child safety concerns that should be reported

Section 2 - Indicators of Child Abuse or Harm

Section 3 - What to do if approached with a child safety concern or allegation of abuse

Section 4 - Child safety legal obligations

SECTION 1 - Child safety concerns that should be reported

Concerns about the safety and wellbeing of a Young Person can range from an uncomfortable feeling through to a direct observation or a disclosure by a Young Person that they have been abused.

Examples of child safety concerns include:

- Inappropriate or special relations developing between Adults and Young People.
- Concerns regarding the physical or online environment in which any Activities are conducted which may pose a risk of abuse or harm to Young People.
- Inadequate staff to Young Person supervision ratios.
- Breaches of the Staff Code of Conduct.
- Feelings of discomfort about interactions between an Adult and a Young Person.
- Suspicion or belief that a Young Person is at risk of abuse or harm.
- Observation of concerning changes in a Young Person's behaviour.
- Young Person's disclosures of abuse or harm.

SECTION 2 - Indicators of Child Abuse or Harm

- Indicators are physical or behavioural signs which assist in recognising abuse or harm to Young People. **The indicators identified in the Table below are only a guide.**
- One indicator of abuse or harm on its own may not imply abuse or neglect. However, a single indicator can be as important as the presence of several indicators.
- Each indicator needs to be considered in the context of other indicators and the Young Person's circumstances.
- Abuse and neglect can be a single incident or ongoing, and may be intentional or unintentional.

Types of Abuse	DESCRIPTION AND INDICATORS			
Physical violence	<p>Physical violence occurs when a Young Person suffers or is likely to suffer significant harm from a non-accidental injury or injuries inflicted by another person intentionally or inadvertently. Physical violence of a Young Person can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as belts and paddles).</p> <table border="1" data-bbox="480 869 1375 1137"> <tr> <td data-bbox="480 869 799 1137"> <p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Unexpected bruises • Burns and/or fractured bones </td> <td data-bbox="799 869 1375 1137"> <p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Showing wariness or distrust of adults • Fear of specific people • Demonstrating fear of parents and of going home • Being very passive and compliant • Not reacting or showing little emotion when hurt • Unexplained absences • Academic issues </td> </tr> </table>		<p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Unexpected bruises • Burns and/or fractured bones 	<p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Showing wariness or distrust of adults • Fear of specific people • Demonstrating fear of parents and of going home • Being very passive and compliant • Not reacting or showing little emotion when hurt • Unexplained absences • Academic issues
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Sexual offences	<p>Sexual offences occur when a person involves a Young Person in sexual activity, or deliberately puts the Young Person in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Sexual abuse of a Young Person can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography, child exploitation material, prostitution, as well as grooming behaviour.</p> <table border="1" data-bbox="480 1375 1375 1742"> <tr> <td data-bbox="480 1375 799 1742"> <p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Presence of sexually transmitted diseases • Pregnancy • Injury to genital or rectal area • Vaginal or anal bleeding or discharge </td> <td data-bbox="799 1375 1375 1742"> <p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Displaying sexual behaviour or knowledge that is unusual for the Young Person's age • Young Person telling someone that sexual abuse has occurred • Drawing or telling stories that are sexually explicit • Complaining of headaches or stomach pains • Showing wariness or distrust of adults • Fear of specific people • Displaying aggressive behaviour • Academic issues </td> </tr> </table>		<p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Presence of sexually transmitted diseases • Pregnancy • Injury to genital or rectal area • Vaginal or anal bleeding or discharge 	<p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Displaying sexual behaviour or knowledge that is unusual for the Young Person's age • Young Person telling someone that sexual abuse has occurred • Drawing or telling stories that are sexually explicit • Complaining of headaches or stomach pains • Showing wariness or distrust of adults • Fear of specific people • Displaying aggressive behaviour • Academic issues
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<p>Grooming [A criminal offence (effective 9 April 2014) with a maximum penalty of 10 years imprisonment.]</p>	<p>A Grooming offence applies where an Adult communicates, by words or conduct, online or face-to-face with a Young Person under 16 years or with a person who has supervision or authority for a Young Person (for example, parent, teacher or coach) with the intention of later sexual activity with the Young Person by the groomer or another Adult. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. It could only involve establishing a relationship with the Young Person or parent (for example, providing gifts, money, and drugs) to facilitate sexual activity with the Young Person at a later time.</p>			

Serious emotional or psychological abuse	<p>Serious emotional or psychological abuse can occur when harm is inflicted on a Young Person through repeated rejection, isolation, or by threats or violence. It can include derogatory name-calling and put-downs, or persistent and deliberate coldness from a person, to the extent where the behaviour of the Young Person is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a Young Person without necessarily being criminal, such as encouraging a Young Person to engage in inappropriate or risky behaviours.</p>	
	<p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Physical signs of self-harming • Speech disorders 	<p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Exhibiting low self-esteem • Exhibiting high anxiety • Displaying aggressive or demanding behaviour • Being withdrawn, passive and/or tearful • Displaying difficulties in relating to adults and peers • Showing mental or emotional displays • Having overly high standards and a fear of failure
Serious neglect	<p>Serious neglect is the continued failure to provide a Young Person with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the Young Person's health, safety and/or development is, or is likely to be, jeopardised. Serious neglect can also occur if an Adult fails to adequately ensure the safety of a Young Person where the Young Person is exposed to extremely dangerous or life-threatening situations.</p>	
	<p>Possible physical indicators:</p> <ul style="list-style-type: none"> • Malnutrition • Poor hygiene • Inappropriate clothing 	<p>Possible behavioural indicators:</p> <ul style="list-style-type: none"> • Aggressive behaviour • Poor socialising habits • Misusing alcohol or drugs • Academic issues
Racial, cultural, religious vilification and discrimination	<p>This is conduct that demonstrates contempt, ridicule, hatred or negativity towards a Young Person because of their race, culture or religion. This could be direct racial vilification or discrimination or indirect, such as demonstrating a lack of appropriate cultural respect (attitudes and values) and awareness (knowledge and understanding) or failing to provide a positive image about another culture.</p>	

SECTION 3 - What to do if approached with a child safety concern or allegation of abuse

If you believe that a Young Person is at immediate risk of abuse or if there is sexual abuse involved - Phone the Police on 000

By a Young Person

Let the Young Person talk about their concerns in their own time and in their own words. Give them your full attention, the time and a quiet space in which to do this.

- Be a supportive listener. Reassure the Young Person that you take what they are saying seriously, and it is not their fault and that telling you is the right thing to do. Support the Young Person if they are distressed.
- Explain to them that you will need to act on this information by following the GNLC Child Safety Reporting Process.
- As soon as possible after the disclosure, complete the required Report, using the Young Person's own words if possible. Ensure that the disclosure is recorded accurately.

By an Adult (regarding a Young Person)

Explain that the Glenroy Neighbourhood Learning Centre has processes to ensure all concerns and allegations of abuse are taken seriously.

- Ask about the wellbeing of the Young Person.
- Allow the Adult to talk through the incident in their own words.
- Advise the Adult that you will take notes during the discussion to capture all details.
- Explain to them that you will need to act on this information by following the GNLC Child Safety Reporting Process.
- Ask them what action they would like to take and advise them of what the immediate next steps will be – investigation, and any other resulting actions, such as changes to policies and procedures.
- As soon as possible after the disclosure, complete the required Report, using their own words if possible. Ensure that the disclosure is recorded accurately.

Other matters to note

If the safety concern or allegation of abuse involves:

- A Young Person from a culturally and/or linguistically diverse background, ensure that steps are taken so that the Young Person and their family are supported to understand the situation such as having an interpreter present. This could be a friend or family member.
- A young Aboriginal person – if the Young Person prefers, refer to Koorie Services within Moreland Council Shire for support
- A Young Person with a disability, ensure that steps are taken so that the Young Person and their family are supported to understand the situation.
- Young People with hearing or cognitive impairments may need support to help them explain the incident.

References & Resources:

- An Overview of the Victorian Child Safe Standards – Published by the Department of Health and Human Services - Victoria
- A Guide for Creating a Child Safe Organisation – Published by the Commission for Children and Young People - Victoria
- Commission for Children and Young People – Tip Sheets for Child Safe Organisations:
 - Cultural safety for Aboriginal children
 - Safety of children from culturally and linguistically diverse backgrounds
 - Safety of children with a disability
- Speak Up and Be Safe from Abuse website – provides communication toolkit/resources to assist individuals with communication difficulties to identify and report abuse.
- Support Services webpage on the Royal Commission into institutional responses to Child Sexual Abuse website - lists support services available for adults, families, professional staff, young people and Indigenous people.

SECTION 4 - Child safety legal obligations

OBLIGATION TO REPORT

Table below sets out when to report a concern that a child has been abused, or is in

need of protection.

If you believe that a child is at immediate risk of abuse or there is sexual abuse involved phone the Police on 000.

Children, Youth and Families Act 2005 (Vic) [CYFA]

TYPE OF REPORTING	BY WHOM	TO WHOM
Mandatory reporting [CYFA sections 182 & 184]		
<p>Certain professionals who in the course of practising his/her profession or the duties of his/her employment form a reasonable belief that a child is in need of protection from physical injury and/ or sexual abuse.</p> <p>All mandatory reporters in Victoria are required to report when a belief is formed in the course of practising their profession or carrying out the duties of their office, position or employment. There is not exemption for doctors or other professionals on the basis of their usual legal or ethical confidentiality obligations. Likewise, there is no exemption for religious confessions.</p> <p>Note: A mandated reporter must make</p> <ul style="list-style-type: none"> • a report as soon as is practicable after forming your belief; • a report on each occasion the mandatory reporter forms a reasonable belief or becomes aware of any further grounds for the belief; and • a report even if the principal or equivalent does not share their belief and in instances where another mandated reporter has undertaken to make the report. 	<p>Mandatory reporters include:</p> <ul style="list-style-type: none"> • doctors • nurses • midwives • teachers or early childhood teachers [registered or granted permission to teach under the Education and Training Reform Act 2006 (Vic)] • school principals • police officers • out of home care workers (excludes foster and kinship carers) [w.e.f. 01/03/2019] • early childhood workers [w.e.f. 01/03/2019] • youth justice workers [w.e.f. 01/03/2019] • registered psychologists [w.e.f. 01/03/2019] • school counsellors [w.e.f. 31/01/2020] • People in religious ministry <p><i>Further information and fact sheets are available on the DHHS website</i></p>	<p>Child Protection [Department of Health and Human Services (DHHS) – Victoria]</p>
Child in need of protection from abuse or harm (Voluntary reporting) [CYFA section 183]		
Any person may make a report if they form a reasonable belief that a child is in need of protection from abuse or harm	Any person	Child Protection [Department of Health and Human Services (DHHS) – Victoria]
Significant concerns about the wellbeing of a child (Voluntary reporting) [CYFA section 28]		
Any person may make a report if they have significant concerns for the wellbeing of a child .	Any person	Child FIRST [Department of Health and Human Services (DHHS) – Victoria]
<p>Note: A report made in good faith does not constitute unprofessional conduct or breach of professional ethics and the reporter will not be subject to any liability in respect of it. [CYFA section 189].</p>		

Child Wellbeing and Safety Act 2005 (Vic) [CWSA]

TYPE OF REPORTING	BY WHOM	TO WHOM
Reportable allegation (Reportable Conduct Scheme CWSA Part 5A.)		
<p>There is an allegation of 'reportable conduct' when a person forms a reasonable belief that a person associated with the organisation (e.g. employee, volunteer, contractor) has engaged in:</p> <ul style="list-style-type: none"> • A sexual offence, sexual misconduct or physical violence against, with or in the presence of a child; or • Behaviour causing significant emotional or psychological harm to a child; or • Significant neglect of a child. <p>whether or not the person to whom the allegation relates to provides services to children, and even if the allegation arises because of the person's conduct or misconduct outside the scope of his/her employment.</p> <p><i>Note: Only conduct by an adult against a child is reportable under this Scheme (child to child conduct is not reportable)</i></p>	Chief Executive Officer of the organisation	Commission for Children and Young People

Crimes Act 1958 (Vic) [section 327]

TYPE OF REPORTING	BY WHOM	TO WHOM
Reasonable belief that a sexual offence has been committed by an adult against a child under 16	Any person aged 18 and over	
<p>Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by another adult against a child under 16 must report that information to police as soon as practicable unless they have a 'reasonable excuse' for not doing so.</p> <p>[Failure to disclose child sexual abuse is a criminal offence (effective 27 October 2014) with a maximum penalty of 3 years imprisonment]</p> <p>A 'reasonable excuse' includes:</p> <ul style="list-style-type: none"> • A fear for the safety, to either the victim or another person (except the alleged perpetrator) because of the disclosure. • A reasonable belief that the information has already been disclosed to police (e.g. through a mandatory report made to Child Protection). <p>Exemptions (situations where a person is not required to report the sexual offence to police)</p>		Victoria Police and/or Child Protection

- If the victim is 16 years or older at the time of providing the information and has requested confidentiality (except where the victim has an intellectual disability).
- If the person comes into possession of the information when they were a child.
- If the information is privileged (e.g. client legal privilege, journalist privilege and religious confessions) under Chapter 3.10 of the Evidence Act 2008 (Vic).
- If the information is a 'confidential communication' (written or oral communication of sexual abuse made by a child to a doctor or counsellor during treatment and assistance) under section 32B of the Evidence (Miscellaneous Provisions) Act 1958 (Vic). Note: This does not remove mandatory reporting obligations of doctors and registered psychologists.
- If the information is in the public domain.
- If the person is a police officer acting in the course of his/her duty in respect of the victim of the alleged sexual offence.
- If the victim of the alleged sexual offence turned 16 years before the commencement of the offence (27 October 2014). Any person aged 18 and over

Note: A disclosure made in good faith does not constitute unprofessional conduct or breach of professional ethics and the person making the disclosure will not be subject to any liability in respect of it. [Crimes Act section 328]

(2) OBLIGATION TO PROTECT A CHILD FROM A SEXUAL OFFENCE

Crimes Act 1958 (Vic) [section 49C]

Any person within an organisation who knew of a risk of sexual abuse of a **child** under 16 years, by an **adult** who is associated with the organisation (for example, staff, contractor or volunteer) and had the authority to remove or reduce the risk must take all reasonable steps to do so. Inaction knowing there is a substantial risk or any action to protect the perpetrator will result in a jail term.

[Failure to protect a child from sexual abuse is a criminal offence (effective 1 July 2015) with a maximum penalty of 5 years imprisonment]

Note: *Reasonable steps to remove or reduce the risk of child sexual abuse includes removing the staff member (or student) from contact with children and reporting to relevant authorities*

(3) ORGANISATIONAL DUTY OF CARE

Wrongs Act 1958 (Vic) [Part XIII]

An organisation exercising care, supervision or authority over **children** have a legal duty to take reasonable precautions to prevent child abuse. The duty will relate to child abuse by persons associated with the organisation (e.g. employees, volunteers, contractors). This duty will impact organisations through legal claims of liability due to negligence.

Note: *'Reasonable precautions' is not defined in legislation. Evidence of compliance with the Child Safe Standards may assist with meeting the 'reasonable precautions' test.*

Further information on Child Protection – Reporting Obligations is available on the Victorian Department of Education and Training website

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