

## ATTACHMENT 3: PROCESSES FOR RESPONDING TO INCIDENTS, DISCLOSURE AND SUSPICIONS OF CHILD ABUSE

### Overview

- The approved provider or staff, including those with mandatory reporting responsibilities (*refer to Definitions*) must act when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (or an unborn child) should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse
- Staff must seek advice from the approved provider or person with management or control (Early Years Advisor), DFFH Child Protection, Orange Door and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
- If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the Approved Provider or Person with Management or Control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
- The steps outlined in the Department of Education flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: [www.education.vic.gov.au](http://www.education.vic.gov.au)
- Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with the service's *Privacy and Confidentiality Policy*.
- Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.
- Permission is not required from parents/guardians of a child to make a report where abuse is suspected.

### Responding to concerns about the wellbeing of a child

#### When to report wellbeing concerns to Child FIRST (Family Information, Referral and Support Team)

A referral to Child FIRST or Orange Door (*refer to Definitions*) should be made if the approved provider/staff member has significant concerns for a child's wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

- significant concern for a child's wellbeing
- parents who lack the skills to support their child's physical, emotional and cognitive development that may be affecting the child's development
- family conflict, including family breakdown
- families under pressure, due to a family member's physical or mental illness, substance misuse, disability or bereavement
- young, isolated and/or unsupported families
- families experiencing significant social or economic disadvantage that may adversely impact on a child's care or development.

#### When to make a referral to orange door

Orange Door is a free service for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported. Both services ensure that vulnerable children, young people and their families are linked effectively into relevant services, and this may be the best way to connect children, young people and their families with the services they need.

## When to report wellbeing concerns to Victoria police

In addition to reporting suspected abuse to appropriate authorities, you must contact Victoria Police on 000 if the:

- child's immediate safety is compromised
- child is partaking in any risk taking activity that is illegal and extreme in nature or poses a high risk to their safety, or the safety of somebody else.

## When to report wellbeing concerns to DFFH child protection

In addition to reporting suspected abuse to appropriate authorities, you should contact DFFH Child Protection if you have significant protective concerns for the wellbeing of a child, but the parents are unable or unwilling to address or resolve these concerns.

This includes all concerns that:

- have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
- are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development
- relate to a parent/s who cannot or will not protect the child from significant harm
- include a belief that the family is likely to be uncooperative in seeking assistance.

## Managing a disclosure

It is very important to validate a child's disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing Shine Bright's reporting procedures.

Strategies include:

- let the child 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 and be a supportive and reassuring listener
- remain calm and use a neutral non-judgmental tone
- comfort the child if they are distressed
- record the child's disclosure using the child's words.
- tell the child that telling you is the right thing to do and that what has happened is not their fault
- let them know that you will act on this information and that you will need to let other people know so that they can help the child
- it is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT taking any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

## Responding to incidents, discloser and suspicions of child abuse

To make a report to child protection a staff member needs to have formed a reasonable belief (*refer to Definition*) 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.

It is strongly recommended that ALL early childhood service staff follow the **Four Critical Actions** as soon as they witness an incident, discloser or form a reasonable belief that a child has or is at risk of being abused.

## **ACTION 1: RESPONDING TO AN EMERGENCY**

If a child has just been abused or is at immediate risk of harm you must take reasonable steps to protect them.

These include:

- separating the alleged victim and others involved, ensuring all parties are supervised by a service staff member
- arranging and providing urgent medical assistance where 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
- you should also identify a contact person at the service for future liaison with police
- 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.

## **ACTION 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.

### **IF THE SOURCE OF SUSPECTED ABUSE IS FROM WITHIN THE FAMILY OR COMMUNITY:**

#### **DHHS CHILD PROTECTION**

You must report to DFFH Child Protection if a child is considered to be:

- in need of protection from child abuse
- at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child's safety, stability or development.

#### **VICTORIA POLICE**

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

#### **REPORT TO MANAGEMENT**

You must report to your approved provider.

#### **NOTIFY THE REGULATOR**

The Approved Provider early childhood services must notify the Quality Assessment and Regulation Division of any serious incidents, circumstances, or complaints which raise concerns about the safety, health and wellbeing of a child being educated and cared for by a service. Notifications may be made at National Quality Agenda IT System: <https://www.acecqa.gov.au>

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Orange Door (in circumstances where the family are open to receiving support), or to DFFH Child PROTECTION or Victoria Police.

### **If the source of suspected abuse is from within the service:**

If the source of suspected abuse comes from within the service (this includes any forms of suspected child abuse involving a staff member, contractor, committee member or volunteer):

- you must contact Victoria Police via your local police station (where appropriate they will refer you on to the local Sexual Offences and Child Abuse Investigation Team)

- you must also report internally to the approved provider or person with management or control
- the approved provider must also notify the Quality Assessment and Regulation Division. Notifications made via the National Quality Agenda IT System: <https://www.acecqa.gov.au>
- The approved provider must notify the Commission for Children and Young People (CCYP) of within three business days of becoming aware of an allegation (*refer to Reportable Conduct Scheme*)
- a contact person must also be identified at the service for future liaison with Child Protection and Victoria Police and seek advice about contacting parents/carers.

### **ACTION 3: CONTACTING PARENTS/CARERS**

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

- not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and has requested that their parent/carer not be contacted)
- to contact the parents/carers and provide agreed information as soon as possible (for approved provider's, it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service).

### **ACTION 4: PROVIDING ONGOING SUPPORT**

Your service should take reasonable steps to make a child feel safe and supported whilst they are attending your service.

- your service should also consider providing support for children impacted by abuse. Eg. 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.

### **THE REPORTABLE CONDUCT SCHEME**

The Approved Provider must notify the Commission for Children and Young People (The Commission) of a reportable allegation (*refer to Definitions*) **within three business days** of becoming aware of an allegation. The Approved Provider must provide certain detailed information about the allegation and their proposed response within 30 calendar days.

The approved provider must also investigate the reportable allegation and provide the findings of the investigation to the Commission. The service must also respond to the Commission when contacted for information.

The Commission provides guidance on the processes and documentation required when making a report: refer to <https://ccyp.vic.gov.au>

The table below outlines Shine Bright's three levels of reportable conduct, it details examples and responses required for each level.

Reportable Conduct Level One	
<p>Examples:</p> <ul style="list-style-type: none"> <li>• Ignoring of a child's voice and agency.</li> <li>• Yell at a child</li> <li>• Belittling and or humiliating a child</li> <li>• Giving a child time out e.g., naughty chair/corner rather than time in (remaining within close proximity of an educator to maintain the relationship and support co-regulation.)</li> </ul>	<p>Response:</p> <p>Speak to the relevant staff member about your concerns – "I felt concerned when I saw you....." or "That's not The Shine Bright Way," and report this to your Line Manager. If this behaviour has come from your Line Manager, then you should contact their immediate Line Manager.</p>

<ul style="list-style-type: none"> <li>• Negative labelling of child or family</li> <li>• Criticising a child's actions or behaviours</li> <li>• Discouraging a child from taking part in activities</li> <li>• Blaming or shaming a child</li> <li>• Making fun of or laughing at or about a child</li> <li>• Using sarcastic or cruel humour with or to a child</li> <li>• Excessive use of negative language to a child, such as, "no" "stop that!" "don't..." "you never..."</li> </ul>	<p>Nominated Supervisor to add concerns to Pedagogical Collaboration Meeting Agenda for discussion and critical reflection by staff team.</p>
<b>Reportable Conduct Level Two</b>	
<p>Examples: Any repeated incident of</p> <ul style="list-style-type: none"> <li>• Ignoring of a child's voice and agency.</li> <li>• Yell at a child</li> <li>• Belittling and or humiliating a child</li> <li>• Giving a child time out e.g., naughty chair/corner rather than time in (remaining within close proximity of an educator to maintain the relationship and support co-regulation.)</li> <li>• Negative labelling of child or family</li> <li>• Criticising a child's actions or behaviours</li> <li>• Discouraging a child from taking part in activities</li> <li>• Blaming or shaming a child</li> <li>• Making fun of or laughing at or about a child</li> <li>• Using sarcastic or cruel humour with or to a child</li> <li>• Excessive use of negative language to a child, such as, "no" "stop that!" "don't..." "you never..."</li> </ul>	<p>Response:</p> <p>Report immediately to your Early Years Advisor, this behaviour will be reported to DE and may result in a Practice Improvement Plan and or disciplinary action.</p> <p>If the staff member continues to repeat behaviour after being spoken to by their Nominated Supervisor, Line Manager and Advisor, incidents will be categorised as level three incidents.</p>
<b>Reportable Conduct Level Three</b>	
<p>Examples:</p> <ul style="list-style-type: none"> <li>• Hitting, pushing, slapping, pinching or biting a child</li> <li>• Force-feeding a child</li> <li>• Yell at and belittle and or humiliate a child</li> <li>• Physically dragging a child</li> <li>• Locking children away (or isolating them)</li> <li>• Depriving a child of food or drink</li> <li>• Restraining a child without parent approval in a formal Behaviour Management Plan unless a child's safety is compromised (this may include restraining in a highchair).</li> <li>• Excluding children from events</li> <li>• Consistently moving children to the office or other space away from the play areas (without parent approval in a formal Behaviour Management Plan)</li> <li>• Moving children to another room as punishment</li> <li>• Verbally or physically threatening a child.</li> <li>• Leaving a child unattended for a significant period of time.</li> </ul>	<p>Report to an Early Years Advisor who will inform Shine Bright's People and Culture Manager and the CEO. The CEO will report to CCYP within 3 working days.</p> <p>Shine Bright will provide the staff member who made the report with a CCYP receipt number to demonstrate that the conduct has been reported to CCYP.</p> <p>If you have not received a CCYP receipt number and /or formed a reasonable belief that the CEO has not reported this matter to CCYP, it is your responsibility to report to CCYP.</p> <p>This matter will be reported to DE and relevant agencies as per the law and regulations and relevant investigations may be undertaken.</p> <p>This behaviour may result in disciplinary action which could result in formal warnings or being stood down with pay while an investigation is carried out or instant dismissal.</p>

See ACECQA's Inappropriate Discipline Information Sheet for further support  
<https://www.acecqa.gov.au/sites/default/files/2020-06/inappropriate-discipline.pdf>

### **Child protection in early childhood: Privacy and information sharing**

The Child Information Sharing Scheme, and the Family Violence Information Sharing Scheme allow professionals working with children to gain a complete view of the children they work with, making it easier to identify wellbeing or safety needs earlier, and to act on them sooner.

Following a report to DFFH Child Protection, Victoria Police and/or Orange Door you should:

- consult with your approved provider before disclosing information about the report and the child and their family to another information sharing entity (except to verified Victoria Police and DFFH Child Protection workers in very urgent situations and/or if the information is required to protect the safety of that child) and/or
- seek consent from a child or their parents/carers before disclosing information about the report and the child and their family to anyone other than authorities and service staff members (provided this does not place the child or another person at risk).

### **Privacy laws allow for staff to share a child's personal and health information to enable the services to:**

- provide and support the education of the child, plan for individual needs and address any barriers to learning
- support the social and emotional wellbeing and health of the child
- fulfil duty of care obligations to the child, other children, staff and visitors
- make reasonable adjustments if the child has a disability, including a medical condition or mental illness
- provide a safe and secure workplace.

### **Resources**

Department of Education's PROTECT Portal: [www.education.vic.gov.au](http://www.education.vic.gov.au)

The Department of Education's PROTECT portal provides tools and resources to assist professionals and early years services to respond to child abuse or potential child abuse, including:

- Early Childhood Guidance: This section supports early childhood providers to take action if they suspect, or are witness to, any form of child abuse.
- The flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions to take:
- Early Childhood Online Learning: This eLearning Module supports all professionals in early childhood settings to increase their capacity to respond effectively to children whose safety, health or wellbeing may be at risk.

Commission for Children and Young People: [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)