

ATTACHMENT 4

Processes for responding to and reporting suspected 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.
- Staff **must seek advice** from the Approved Provider or Person with Management or Control or DHHS Child Protection, Child FIRST/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 and Training's 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 taken (see Attachment 4.2 below).
- 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.

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 the 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 DHHS Child Protection and Victoria Police to investigate. DO NOT take 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.

Reporting to authorities

- If a child is in immediate danger ensure their safety and call emergency services on 000 for urgent medical and/or police assistance.
- If there is a suspicion of sexual abuse of a child (including grooming) contact Victoria Police.
- If there is an allegation of abuse by a proprietor, staff member, contractor, volunteer, student or visitor within the service, the matter must be immediately reported directly to Victoria Police.

- To report concerns about the immediate safety of a child within their family or the community, call the nearest DHHS office in your region during business hours or after hours the Child Protection Crisis Line on 13 12 78 (24 hours, 7 days a week and toll free within Victoria). Note: this is an emergency service for weekends and after hours only, and cases reported to the Child Protection Crisis Line will be referred to the relevant DHHS office on the following working day
- Provide the following information:
 - the child's name, age and address
 - the reason for believing that the injury or behaviour is the result of abuse or neglect
 - an assessment of immediate danger to the child/ren (the person making the report may be questioned regarding knowledge of the current location of the alleged abuser/s)
 - a description of the injury or behaviour observed
 - the current location of the child
 - knowledge of other services that support or are involved with the family
 - any other information about the family
 - any specific details that will help the child, such as cultural background, need for an interpreter or disability support requirements.
- A notification should be made, even if the notifier does not have all the necessary information. There are two types of notifications to be made in relation to significant concerns for the safety or wellbeing of a child: a referral to Child FIRST/Orange Door (Family Services) or a report to Child Protection (see below).
- Staff must notify the Approved Provider or Person with Management or Control of all incidents, suspicions and disclosures of child abuse (refer to Attachment 5 – Child Safety Reporting Process Flowchart).
- The Approved Provider or Person with Management or Control must notify DET (through the NQA IT System portal (www.acecqa.gov.au)) of any circumstance arising at the service that poses a risk to the health, safety or wellbeing of a child or children attending the service (Regulation 175 (2) (c) including:
 - occurrences of sexualised play between children
 - where children are being or may be at risk of being subjected to physical, emotional or sexual abuse including instances where children are observed displaying concerning behaviour that may indicate they are being subject to abuse
- Report to the Commission for Children and Young People in line with the requirements of the Reportable Conduct Scheme (see below).

Making a referral to Child FIRST/Orange Door

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 parenting problems 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.

Child FIRST/Orange Door ensures 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.

Making a report to Child Protection

A report to **Child Protection** should be made if, after taking into account the available information, the staff member forms a view that the child **is** in need of protection because:

- the harm or risk of harm has a serious impact on the child's immediate safety, stability and/or development
- the harm or risk of harm is persistent and entrenched, and is likely to have a serious impact on the child's safety, stability and/or development
- the child's parents/guardians are unwilling or unable to protect the child or young person from harm.

Upon receipt of a credible report, Child Protection will seek further information, often from professionals who may already be involved with the child or family, to determine whether further action is required. In determining what steps to take, Child Protection will also consider any concerns previously reported with regard to the child or young person. In most circumstances, Child Protection will inform the notifier of the outcome of investigations.

When reporting concerns of child abuse and/or neglect, it is important to remember that:

- a failure to notify the Department of Health and Human Services is an offence under section 182 of the *Children, Youth and Families Act 2005*
- Child Protection must be notified as soon as practicable
- it is not necessary to prove that abuse has taken place, only to provide reasonable grounds (refer to Definitions) for the belief
- permission from parents/guardians or caregivers is **not required** to make a notification, nor do they need to be informed that a notification is being or has been made
- if a notification is made in good faith, the notifier cannot be held legally liable for any consequences, regardless of the outcome of the notification
- the identity of the notifier will remain confidential unless the notifier chooses to inform the child and/or family, or if the notifier consents in writing to the disclosure of their identity, or if the court decides that this information must be disclosed
- the notifier may have an ongoing role, including:
 - acting as a support person in interviews with the child or young person
 - attending a case conference
 - participating in case-planning meetings
 - continuing to monitor the child's behaviour and their interactions with others
 - observing/monitoring the conditions of a protective court order that may relate to access or contact with a parent/guardian and following Shine Bright's procedures where the conditions are breached
 - liaising with other professionals and child protection officers in relation to a child or young person's wellbeing
 - providing written reports for case-planning meetings or court proceedings in relation to the child's wellbeing or progress.

Contacting Parents/Carers

Parents/guardians should only be advised that a notification has been made after discussion with DHHS Child Protection or Victoria Police to determine what information can be shared.

The Reportable Conduct Scheme

The Approved Provider must initially notify the Commission for Children and Young People of a reportable allegation (refer to *Definitions*) within three business days and update the Commission of progress 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.

Support when making a report

Making the decision to report can be a challenging and it is important to make use of available supports to guide your practice. Support is available from:

- Approved Provider, Person with Management or Control, Nominated Supervisor or Person in day to day Charge
- DHHS Child Protection and Child FIRST/Orange Door
- Department of Education and Training staff
- Commission for Children and Young People
- Early Learning Association Australia for member organisations

Resources

Department of Education and Training PROTECT Portal: www.education.vic.gov.au

The Department of Education and Training'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

The Reportable Conduct Scheme is being phased in from 1 July 2017 and is administered by the Commission for Children and Young People.

ATTACHMENT 4.2

Four Critical Actions for Early Childhood Services

(DET document – valid 26 July 2021)

Responding to Incidents, Disclosures and Suspicions of Child Abuse

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

This means acting even when you're not sure and have not directly witnessed the abuse (e.g. if another person tells you about the abuse). A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

Following these actions will support you to:

- best protect children in your care
- meet your legal obligations and duty of care*
- it is also strongly recommended that you use the Responding to Suspected Child Abuse Template to keep clear and comprehensive notes. MCH Services may opt to use this form, but **must** still use their existing information management systems.

ACTION 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 service for future liaison with Police.

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

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 SERVICE:

VICTORIA POLICE

You must* report all instances of suspected child abuse which are led by a staff member, contractor or volunteer, or child^ to Victoria Police.

REPORT TO MANAGEMENT

You must* report to your approved provider or licensee.

Notify the regulator

Licensed or approved early childhood services# must also report to their Quality Assessment and Regulation Division.

Notifications may be made at www.acecqa.gov.au/national-quality-agenda-it-system or by contacting **1300 307 415**.

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

DHHS CHILD PROTECTION

You **must*** report to DHHS 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 or licensee.

NOTIFY THE REGULATOR

Approved and licensed 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 www.acecqa.gov.au/national-quality-agenda-it-system or by contacting **1300 307 415**.

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 Child FIRST/Orange Door (in circumstances where the family are open to receiving support), or to DHHS Child PROTECTION or Victoria Police.

ACTION 3: CONTACTING PARENTS/CARERS

You **must** consult with **Victoria Police** or **DHHS 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 licensed and approved services 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.

MCH nurses should follow the MCH Service Practice Guidelines to determine appropriate support.

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.

*in Victoria there are a range of legal obligations which set out the actions you must take if you suspect a child has, or is at risk of being abused. Some of these obligations apply differently across the range of licensed, approved and other early child services and can vary depending on your role within the service. For further information about how these obligations apply to you, see the **Identifying and Responding to All Forms of Abuse in Early Childhood Services**.

[^]Sexual offending, involving children 10 years and over

[#] Licensed services operate under the Children's Services Act 1996 and approved services operate under Education and Care Services National Law Act 2010.

CONTACT

DHHS CHILD PROTECTION

AREA

North Division 1300 664 977

South Division 1300 655 795

East Division 1300 360 391

West Division (Rural) 1800 075 599

West Division (Metro) 1300 664 977

AFTER HOURS

After hours, weekends, public holidays 13 12 78

CHILD FIRST/ORANGE DOOR

The Orange Door in Loddon

1800 512 359

9am to 5pm Monday to Friday (closed public holidays)

loddon@orangedoor.vic.gov.au

<https://orangedoor.vic.gov.au/>

57 View Street, Bendigo 3552

VICTORIA POLICE

000 or contact your local police station

QUALITY ASSESSMENT AND REGULATION DIVISION

NORTH-WESTERN

Loddon Mallee (03) 5440 3111

Northern Metropolitan (03) 8397 0372

SOUTH-EASTERN

Gippsland Area (03) 5127 0400

Southern Metropolitan (03) 8765 5787

NORTH-EASTERN

Eastern Metropolitan 1300 651 940

Hume (03) 8392 9500

SOUTH-WESTERN

Barwon South West (03) 5225 1001

Western Metropolitan (03) 8397 0246

Grampians (03) 5337 8444