

**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 \(APPENDIX 1\)](#).

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

**Note:** Terms in *italics* have the same meaning as the Policy.

**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*. 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.

TYPE OF ABUSE	DESCRIPTION AND INDICATORS	
Physical violence	Physical violence occurs when a <i>Young Person</i> 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 <i>Young Person</i> can be inflicted in many ways, including beating, shaking, burning or use of weapons (such as belts and paddles).	
	<u>Possible physical indicators:</u> <ul style="list-style-type: none"> <li>• Unexpected bruises</li> <li>• Burns and/or fractured bones</li> </ul>	<u>Possible behavioural indicators:</u> <ul style="list-style-type: none"> <li>• Showing wariness or distrust of adults</li> <li>• Fear of specific people</li> <li>• Demonstrating fear of parents and of going home</li> <li>• Being very passive and compliant</li> <li>• Not reacting or showing little emotion when hurt</li> <li>• Unexplained absences</li> <li>• Academic issues</li> </ul>
Sexual offences	Sexual offences occur when a person involves a <i>Young Person</i> in sexual activity, or deliberately puts the <i>Young Person</i> in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Sexual abuse of a <i>Young Person</i> 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.	
	<u>Possible physical indicators:</u> <ul style="list-style-type: none"> <li>• Presence of sexually transmitted diseases</li> <li>• Pregnancy</li> <li>• Injury to genital or rectal area</li> <li>• Vaginal or anal bleeding or discharge</li> </ul>	<u>Possible behavioural indicators:</u> <ul style="list-style-type: none"> <li>• Displaying sexual behaviour or knowledge that is unusual for the <i>Young Person's</i> age</li> <li>• <i>Young Person</i> telling someone that sexual abuse has occurred</li> <li>• Drawing or telling stories that are sexually explicit</li> <li>• Complaining of headaches or stomach pains</li> <li>• Showing wariness or distrust of adults</li> <li>• Fear of specific people</li> <li>• Displaying aggressive behaviour</li> <li>• Academic issues</li> </ul>
<p style="text-align: center;"><b>Grooming</b> [A criminal offence (effective 9 April 2014) with a maximum penalty of 10 years imprisonment.]</p>	<p>Grooming offence applies where an <i>Adult</i> communicates, by words or conduct, online or face-to face with a <i>Young Person</i> under 16 years or with a person who has supervision or authority for a <i>Young Person</i> (for example, parent, teacher or coach) with the intention of later sexual activity with the <i>Young Person</i> by the groomer or another <i>Adult</i>.</p> <p>Grooming does not necessarily involve any sexual activity or even discussion of sexual activity. It could only involve establishing a relationship with the <i>Young Person</i> or parent (for example, providing gifts, money, and drugs) to facilitate sexual activity with the <i>Young Person</i> at a later time.</p>	
<p style="text-align: center;"><b>Serious emotional or psychological abuse</b></p>	<p>Serious emotional or psychological abuse can occur when harm is inflicted on a <i>Young Person</i> 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 <i>Young Person</i> is disturbed or their emotional development is at serious risk of being impaired. Serious emotional or</p>	

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

### 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 University's [Child Safety Reporting Process](#).
- As soon as possible after the disclosure complete, the required [online 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 VU 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 University's [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 [online 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 referral to the Director Moondani Balluk Academic Unit 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

## (1) OBLIGATION TO REPORT

The 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.**

**Note:** Refer page 9 for Key Explanations of words and phrases identified in *italics*.

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

TYPE OF REPORTING	BY WHOM	TO WHOM
<b>Mandatory reporting</b> [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 <i>reasonable belief</i> that a <i>child is in need of protection</i> from abuse or harm.</p> <p><b>Exception</b> – if the mandatory reporter reasonably believes that, another person has already made a report.</p>	<p>Mandatory reporters include -</p> <ul style="list-style-type: none"> <li>• doctors</li> <li>• nurses</li> <li>• midwives</li> <li>• teachers or early childhood teachers <i>[registered or granted permission to teach under the Education and Training Reform Act 2006 (Vic)]</i></li> <li>• school principals</li> <li>• police officers</li> <li>• out of home care workers (excludes foster and kinship carers) <i>[w.e.f. 01/03/2019]</i></li> <li>• early childhood workers <i>[w.e.f. 01/03/2019]</i></li> <li>• youth justice workers <i>[w.e.f. 01/03/2019]</i></li> <li>• registered psychologists <i>[w.e.f. 01/03/2019]</i></li> <li>• school counsellors <i>[w.e.f. 31/01/2020]</i></li> </ul> <p><i>Further information and fact sheets are available on the DHHS website – <a href="#">Mandatory reporting</a></i></p>	<p><b>Child Protection</b> [Department of Health and Human Services (DHHS) – Victoria]</p>
<b>Child in need of protection from abuse or harm (Voluntary reporting)</b> [CYFA section 183]		
<p>Any person may make a report if they form a <i>reasonable belief</i> that a <i>child is in need of protection</i> from abuse or harm.</p>	Any person	<p><b>Child Protection</b> [Department of Health and Human Services (DHHS) – Victoria]</p>

<b>Significant concerns about the wellbeing of a child</b> ( <i>Voluntary reporting</i> ) [CYFA section 28]		
Any person may make a report if they have significant concerns for the wellbeing of a <u>child</u> .	Any person	<a href="#">Child FIRST</a> [Department of Health and Human Services (DHHS) – Victoria]
<i>Note: A report made in <b>good faith</b> 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].</i>		
<b>Child Wellbeing and Safety Act 2005 (Vic) [CWSA]</b>		
<b>TYPE OF REPORTING</b>	<b>BY WHOM</b>	<b>TO WHOM</b>
<b>Reportable allegation</b> (Reportable Conduct Scheme CWSA Part 5A.)		
<p>There is an allegation of 'reportable conduct' when a person forms a <u>reasonable belief</u> that a person associated with the organisation (e.g. employee, volunteer, contractor) has engaged in:</p> <ul style="list-style-type: none"> <li>• A sexual offence, sexual misconduct or physical violence against, with or in the presence of a <u>child</u>; or</li> <li>• Behaviour causing significant emotional or psychological harm to a <u>child</u>; or</li> <li>• Significant neglect of a <u>child</u>.</li> </ul> <p>whether or not the person to whom the allegation relates to provides services to <u>children</u>, 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 <u>adult</u> against a <u>child</u> is reportable under this Scheme (<u>child</u> to <u>child</u> conduct is not reportable)</i></p>	Chief Executive Officer of the organisation	Commission for Children and Young People
<b>Crimes Act 1958 (Vic) [section 327]</b>		
<b>TYPE OF REPORTING</b>	<b>BY WHOM</b>	<b>TO WHOM</b>
<b>Reasonable belief that a sexual offence has been committed by an adult against a child under 16</b>		
Any <u>adult</u> who forms a <u>reasonable belief</u> that a sexual offence has been committed in Victoria by another <u>adult</u> against a <u>child</u>	Any person aged 18 and over	<a href="#">Victoria Police</a>

under 16 must report that information to police unless they have a 'reasonable excuse' for not doing so.

[Failure to disclose child sexual abuse is a criminal offence (effective 27 October 2014) with a maximum penalty of 3 years imprisonment]

A 'reasonable excuse' includes:

- 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).

**Exemptions** (situations where a person is not required to report the sexual offence to police)

- 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).

**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 <u>child</u> under 16 years, by an <u>adult</u> 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]

(3) ORGANISATIONAL DUTY OF CARE
Wrongs Act 1958 (Vic) [Part XIII]
An organisation exercising care, supervision or authority over <u>children</u> 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.  <i>Note: 'Reasonable precautions' is not defined in legislation. Evidence of compliance with the Child Safe Standards may assist with meeting the 'reasonable precautions' test.</i>

CHILD SAFETY – KEY EXTERNAL CONTACTS	
Child Safety Concern	Contact
Child is at immediate risk of abuse or there is sexual abuse involved	Victoria Police on 000
Suspicious of serious child abuse	Child Protection (DHHS) After hours emergency service Phone: 131 278
Suspicious of low to moderate level abuse	Child FIRST (DHHS)



## KEY EXPLANATIONS

Children, Youth and Families Act 2005 (Vic)

**child** – anyone under 17 years (unless specified otherwise)

Child Wellbeing and Safety Act 2005 (Vic)

Wrongs Act 1958 (Vic)

**child** – anyone under 18 years

Crimes Act 1958 (Vic) [sections 327 & 49C]

**adult** – anyone aged 18 years and over

**child** – anyone under 16 years

### Circumstances where a **child** may be ***'in need of protection'***

- The child has been abandoned and there is no other suitable person who is willing and able to care for the child.
- The child's parents are dead or incapacitated and there is no other suitable person who is willing and able to care for the child.
- The child has suffered or is likely to suffer significant harm because of physical injury or sexual abuse and the parents are unable or unwilling to protect the child.
- The child has suffered or is likely to suffer emotional or psychological harm and the parents are unable or unwilling to protect the child.
- The child's physical development or health has been, or is likely to be significantly harmed and the parents are unable or unwilling to provide basic care, or effective medical or other remedial care.

### How do you form a ***'reasonable belief'***?

- A 'reasonable belief' is not the same as having proof but is more than a 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 child states that they have been physically or sexually abused;
  - a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves);
  - someone who knows a child states that the child has been physically or sexually abused;
  - 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;
  - physical signs of abuse leads to a belief that the child has been physically or sexually abused.