

# Child Safe Reporting Procedure

CD18867



# Child Safe Reporting Procedure

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# Contents

<b>Purpose</b> .....	<b>4</b>
<b>Scope</b> .....	<b>4</b>
<b>Definitions</b> .....	<b>4</b>
<b>Child Safety</b> .....	<b>4</b>
Reportable Conduct Scheme .....	4
Mandatory Reporting.....	5
Failure to Disclose .....	5
Child FIRST referrals.....	6
What should be reported? .....	6
Who should complaints be reported to?.....	7
Reporting .....	7
Record Keeping, Privacy and Confidentiality .....	10
Employee Assistance Program .....	10
Breaches .....	11
References.....	11
Regular review .....	11
<b>Appendix A</b> .....	<b>12</b>
Indicators of Abuse .....	12
Physical violence.....	13
Sexual offences.....	13
Serious emotional or psychological abuse .....	14
Serious neglect.....	14

# Purpose

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Banyule City Council (Council) is committed to providing and actively promoting a safe environment for children. To create a safe environment Council recognises the importance of having a clear child safety reporting procedure which outlines reporting requirements for suspected or actual abuse. This procedure includes information on how to report child abuse and/or neglect concerns within the organisation and to external authorities.

# Scope

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This procedure applies where a Council employee, volunteer, work experience student, contractor or Councillor is advised of or suspects child abuse and/or neglect.

# Definitions

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<b>Child</b>	Any person up to the age of 18 years old
<b>Child Protection</b>	Child Protection is part of the Victorian Department of Health and Human Services. Child Protection provides child-centered, family-focused services to protect children and young people from significant harm resulting from abuse or neglect within the family.  It also aims to make sure that children and young people receive services to deal with the impact of abuse and neglect on their wellbeing and development.
<b>Disclosure</b>	Refers to a child telling someone directly or indirectly (through words, play, writing, drawings or actions) that he or she feels unsafe or has been harmed.
<b>Reasonable Belief</b>	A 'reasonable belief' is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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# Child Safety

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## Reportable Conduct Scheme

The Victorian Reportable Conduct Scheme seeks to improve organisation's responses to allegations of child abuse and neglect by their workers and volunteers. The scheme is established by the *Child Wellbeing and Safety Act 2005* (the Act). The Commission for Children and Young People is responsible for administering the scheme. Their role includes:

- supporting and guiding organisations that receive allegations to promote fair, effective, timely and appropriate responses
- independently overseeing, monitoring and, where appropriate, making recommendations to improve the responses of those organisations.

The Reportable Conduct Scheme has been designed to ensure that the Commission will be aware of every allegation of certain types of misconduct involving children in relevant organisations that exercise care, supervision, and authority over children.

The Commission will also be able to share information where appropriate, including with the Working with Children Check Unit, relevant regulators, and Victoria Police, to better prevent and protect children from abuse.

Importantly, a finding that a person has engaged in reportable conduct can trigger an assessment of whether that person is suitable to continue to work or volunteer with children. In turn, this may lead the Working with Children Check Unit to revoke a person's Working with Children Check card.

## Mandatory Reporting

All staff, contractors, and volunteers at Banyule City Council are required to report any child safety concerns. This includes breaches of the Staff Code of Conduct, environmental safety issues, disclosures of abuse or harm, allegations, suspicions, observations, reasonable beliefs, and any concerning conduct.

In addition, certain group of people have Mandatory reporting requirements which refers to the legal requirement of to report a reasonable belief of child physical or sexual abuse to child protection authorities. There is a legal obligation under the Children Youth and Families Act 2005, of certain professionals to report when a child needs protection.

Mandatory Reporters include:

- Medical Practitioners
- Nurses
- Midwives
- School Principals
- Police Officers
- Teachers (including early childhood teachers)

Mandatory reporters should make a report to Child Protection as soon as practicable after forming a belief. A child may need protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm.

## Failure to Disclose

In 2014, the law in Victoria was changed to create the *Failure to Disclose* offence.

The failure to disclose offence applies to you if:

- you are an adult, and
- you have information that leads you to form a 'reasonable belief' that another adult has sexually offended against a child under 16 in Victoria.

If this applies to you, you must report the information to police as soon as possible, unless:

- you have a 'reasonable excuse' for not reporting the information, or
- you are exempt from the offence.

If you fail to report the information, you may be charged with a criminal offence. The maximum penalty is three years imprisonment.

The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community.

The failure to disclose offence was introduced in Victoria in response to the Betrayal of Trust report in 2013.

## Child FIRST referrals

Child and Family Information, Referral and Support Team (Child FIRST) provides a central referral point to a range of community-based family services and other supports. Child FIRST links vulnerable children, young people and their families into the relevant services they need.

If there are concerns regarding a child's wellbeing and home environment, however they are not considered an immediate threat to the child's safety, then a referral to Child FIRST may be required. This would only occur after discussions with a member of the child safety team to ensure this is the most appropriate course of action. A Child Safety team member may seek secondary consultation with Child Protection prior to actioning a referral to Child FIRST. Child FIRST may be useful when families are experiencing:

- Significant parenting problems that may be affecting the child's development
- Serious family conflict, including family breakdown
- Families under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- Young, isolated and/or unsupported families
- Significant social or economic disadvantage that may adversely impact on a child's care or development.

**Child FIRST Contact number: 1800 339 100**

## What should be reported?

Any child safety concern must be reported including:

- Disclosure of abuse or harm
- Allegation, suspicion or observation of inappropriate behaviour
- Breach of Council's Code of Conduct or Child Safety Policy
- Any behaviour or circumstance that create some concern about a child's safety, Environmental issue e.g. hazard that could lead to injury, exposure to dangerous equipment, materials and substances

**Refer to appendix A – Identifying Child Abuse**

## If a child discloses an incident of abuse to you

- Be a supportive, calm, and reassuring listener.
- Tell the child that raising the concern is the right thing to do and let them know that you believe them, and you are taking what they say seriously.
- Do not leave the child in a distressed state, stay with them.
- Reassure the child that what has happened is not their fault.
- If the information provided is clear enough for you to have a general understanding of what has happened do not keep questioning them as a balance needs to be made between encouraging the child to open up and avoiding compromising a subsequent investigation.
- Record the nature of the complaint in the child's own words.
- Provide a safe environment and support the alleged victim and any other children alleged to be involved or affected as appropriate.

The barriers faced by Aboriginal children, children from culturally and/or linguistically diverse backgrounds and children with a disability need to be considered and additional support provided as required to reduce barriers.

Explain what the next steps will be and let them know you will need to tell other people about their experiences to keep them safe.

**If a parent/ carer says their child has been abused in one of Councils services or raises a concern:**

- Ask about the well-being of the child
- Explain that Council has processes to ensure all abuse allegations are taken very seriously
- Allow the parent/guardian to talk through the incident in their own words
- Tell the parent/carer you will take notes to capture the information correctly and you will report the concern to a member of the People & Culture team who will initiate correct processes

## Who should complaints be reported to?

If you have concerns about child safety, make every effort to first consult with a member of the People & Culture team. Additionally, ensure you notify your Manager.

**If there is immediate threat or harm to a child call POLICE on 000**

Depending on the issue, the person reporting the concern together with assistance from a member of the People & Culture team may need to report to the authorities as set out in this procedure to ensure the safety and wellbeing of the child/children.

## Reporting

Specific reporting and feedback obligations may vary case by case. Council will acknowledge receipt of all reports and consider providing updates to the reporter on:

- Actions taken, to the extent appropriate providing general information about the process (without discussing specifics).
- Communicate any actions directly affecting the reporter (without breaching confidentiality) e.g., if they are required to provide further information etc.
- The primary goal is to ensure the safety and wellbeing of the child involved. Any updates to the reporter must align with this priority and the privacy of the child, the reporter, and others involved must be respected. Sharing too much information can breach confidentiality.

Action	When	Responsibility
<b>Where a child discloses abuse (and the alleged perpetrator is not a staff member, volunteer or contractor)</b>		
<p>Upon receiving a complaint that hasn't been directed to Police, a member of the People &amp; Culture team will make a preliminary assessment of the information provided and promptly contact Victoria Police if it is alleged any criminal activity has occurred.</p> <p>Police must be notified immediately if there is reasonable belief that a child has been abused or that criminal behaviour has occurred.</p> <p>Failure to notify Victoria Police that an adult may have committed a sexual offence against a child is a criminal offence.</p>	As soon as possible	People & Culture /adult reporting
<p>A report is made to Department Fairness, Families and Housing - Child Protection if there is significant concern for a child's safety and wellbeing and the child's parents/carer has not protected or is unlikely to protect the child from harm.</p> <p><b>Contact</b></p> <p>Child Protection Crisis Line (urgent concerns) Ph: 13 12 78 24 hours 7 days a week, toll free</p> <p>For a list of regional and metropolitan phone numbers, go to: Child Protection Contacts.</p> <p>If a child discloses abuse to an adult and the parent/guardian isn't present (e.g. child is at Family Day Care) a consultation must occur with Child Protection or Victoria Police to determine what information can be shared with parents/carers. Their advice will determine if parents are to be contacted or not.</p> <p>Once a report has been made to Police or Child Protection, no steps should be taken to investigate the allegation without consulting them. This is to avoid compromising the Police investigation.</p> <p>Obtain advice from Police/Child Protection regarding what should be done and what should not be done in response to the complaint.</p>	Upon identification of concern	People & Culture team /adult reporting
Relevant Director notified of Child Safety incident and steps taken.	Within 2 business days	People & Culture
Council's People & Culture team assists reporting staff member to complete an incident report on "Elumina", Council's incident management system.	Within 2 business days	People & Culture /adult reporting



Action	When	Responsibility
<p>Ensure all records are stored securely.</p> <p>All complaint records should be dated and signed where appropriate.</p> <p>It should be clear who created the record and approved the recommended action.</p>	Ongoing	People & Culture
<p><b>Where a complaint has been made against a Banyule City Council staff member, volunteer or contractor</b></p>		
<p>Upon receiving a complaint that hasn't been directed to Police, a member of the People &amp; Culture team will make a preliminary assessment and promptly contact Victoria Police if it is alleged any criminal activity has occurred.</p> <p>Police must be notified immediately if there is reasonable belief that a child has been abused or that criminal behaviour has occurred. Failure to notify Victoria Police that an adult may have committed a sexual offence against a child is a criminal offence.</p>	As soon as possible	People & Culture /adult reporting
<p>A member of the People &amp; Culture team assists reporting staff member to complete an incident report on "Elumina", Council's incident management system.</p>	Within 2 business days	People & Culture /adult reporting
<p>People &amp; Culture must ensure the disclosure is recorded accurately and advise the CEO, Manager People and the relevant Director of the reportable allegation.</p>	As soon as possible	People & Culture / Director / CEO
<p>Allegation is reported by the CEO (or their delegate) to the Commission for Children and Young People (CCYP) using the online reporting tool.</p> <p>If a reasonable belief is formed that a person associated with another organisation who is covered by the scheme has committed a reportable conduct a public notification can be made to the Commission through the website.</p>	Within three (3) business days	CEO / Director
<p>Council must follow any directions from the CCYP.</p> <p>An investigation is initiated, and updates are provided to the CCYP which include</p> <ul style="list-style-type: none"> <li>• who will conduct the investigation</li> <li>• the outcome of the investigation</li> <li>• the actions that Council will take as a result of those outcomes</li> </ul> <p>The Commission requires that an independent investigator be used for investigations into reportable allegations. An independent investigator means an independent body or person (who can come from within the organisation) with appropriate qualifications, training or experience to investigate reportable allegations.</p>	Within thirty (30) business days	CEO

Action	When	Responsibility
If the Council employee falls under the scope of Department of Education and Training (DET) reporting requirements the relevant coordinator makes a report to DET through the service portal.	Within 24 hours	Coordinator Family Day Care/Coordinator Maternal and Child Health
Ensure all records are stored securely. All complaint records should be dated and signed where appropriate. It should be clear who created the record and approved the recommended action.	Ongoing	People & Culture / Records / CEO
Decision regarding accused staff members employment status during investigation e.g. increased supervision of the staff member, additional training, suspension from duty or transfer to an area that does not involve children.	Prior to further engagement with children	People & Culture / CEO
Continue to provide support to the child and their parent/carer.	Ongoing	People & Culture CEO / Director(s)
When an investigator finishes an investigation, a report must be prepared for the head of the organisation. The evidence should be set out in such a way that it clearly explains to a reader how and why the investigator reached his or her conclusions. Investigations may require the investigator to make findings while other investigations will require the investigator to make a recommendation to help another decision-maker within the organisation to make the findings.	Completion of investigation	Investigator/CEO

## Record Keeping, Privacy and Confidentiality

All records will be retained in accordance with Council's record-keeping requirements under the Public Records Act 1973 and privacy requirements under the Privacy & Data Protection Act 2014 and Council's Privacy Policy.

Council will ensure the securing and safe handling of sensitive information is maintained in accordance with our Privacy Policy.

Full and accurate records should be created about all incidents, responses and decisions and maintained in accordance with Council's Privacy Policy and relevant legislation. Documentation should be clear and easy to read. All records should be dated and signed where appropriate. Information is stored in approved business applications with appropriate audit trail and access controls.

Staff must respect confidentiality and must not enter discussions with any other staff who are not directly involved with managing the child safety situation.

## Employee Assistance Program

Council is committed to improving the health and wellbeing of its employees. We understand that exposure to emotionally disturbing information about children, young people and families can impact on an employee's emotional and psychological health.

Professional and confidential counselling is available for all staff and their families by calling our Employee Assistance Provider AccessEAP on 1800 81 87 28.

## Breaches

All people to whom this policy applies must adhere to this policy at all times. Non-compliance may also constitute a breach of employment or contractual obligations, misconduct, harassment, discrimination or some other contravention of the law. Failure to comply with the requirements under the Child Safe Standards or this policy may be dealt with in accordance with Council's Managing Conduct and Performance Policy and Council's disciplinary procedures, where applicable.

Failure to follow Child Safety Policies and Procedures may result in disciplinary action including and up to termination of employment and/or referral to Victoria Police.

## References

- *Child Protection Service available at <https://services.dffh.vic.gov.au/child-protection>*
- *Frequently Asked Questions – Mandatory Reporting and Child Protection available at <https://providers.dffh.vic.gov.au>*
- *Information Sheet 1 - About the Reportable Conduct Scheme available at <https://www.ccyp.vic.gov.au>*
- *Mandatory Reporting available at <https://providers.dffh.vic.gov.au>*
- *Failure to Disclose Offence available at <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>*
- *Child and Family Services Information, referral and support teams available at <https://providers.dffh.vic.gov.au>*
- *Complaint Handling Guide: Upholding the rights of children and young people, Commonwealth of Australia, 2019*
- *Early-Years-Reporting-Flowchart.pdf available at <https://www.ccyp.vic.gov.au>*

## Regular review

This procedure will be reviewed every two years and following significant legislative changes if they occur. We also undertake to seek views, comments and suggestions from families, children, parents, staff to take active steps to work with local Aboriginal communities, LGBTIQ+ communities and culturally and/or linguistically diverse communities and people with a disability. Legislation / Regulations Reference Documents Includes the following:

- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Child Wellbeing and Safety Act 2005
- Children, Youth and Families Act 2005
- Commission for Children and Young People Act 2012
- Crimes Act 1958
- Privacy & Data Protection Act 2014
- Public Records Act 1973
- Working with Children Act 2005
- Banyule City Council Inclusion Access and Equity Framework
- Child Safety Reporting Guidelines
- Councillor Code of Conduct CD06176
- Staff Code of Conduct CD15753
- Recruitment and Selection Guidelines CD16203
- Risk Management Policy and Guidelines CD5106
- Privacy Policy CD16435
- Gender Equality Act 2020

# Appendix A

## Indicators of Abuse

# Appendix A Indicators of Abuse

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## Identifying Child Abuse

### Physical violence

Physical violence occurs when a child suffers or is likely to suffer harm from a non-accidental injury or injuries inflicted by another person. Physical violence can be inflicted in many ways, including beating, shaking, burning or use of objects.

Physical indicators include (but are not limited to):

- unexplained bruises, burns or welts
- fractured bones, sprains or dislocation
- cuts, grazes or scratches
- ligature or bite marks
- bald patches or hair missing in tufts
- missing or loosened teeth
- poisoning or medication overdose.

Behavioural indicators include (but are not limited to):

- inconsistent, vague or unlikely explanations of an injury
- wariness, fear or distrust of adults
- avoidance of physical contact
- disproportionate reactions or limited emotion displayed when hurt or threatened
- wearing clothing that is unsuitable for the weather conditions (to hide injuries)
- unexplained absences and decline in academic performance
- substance abuse, self-harm or suicide attempts.

### Sexual offences

Sexual offences occur when a person involves a child in sexual activity, or deliberately puts the child in the presence of sexual behaviours that are exploitative or inappropriate to his/her age and development. Child sexual abuse can involve a range of sexual activity including fondling, masturbation, penetration, voyeurism and exhibitionism. It can also include exposure to or exploitation through pornography or prostitution, as well as grooming behaviour. Physical indicators include (but are not limited to):

- bruising, bleeding or discharge from the genital or rectal area
- signs of pain, itching or discomfort in the genital or rectal area
- presence of sexually transmitted diseases
- frequent urinary tract infections
- pregnancy (actual or suspected)
- self-mutilation.

Behavioural indicators include (but are not limited to):

- displaying age-inappropriate sexual behaviour or knowledge
- promiscuity or inappropriate expressions of affection
- sudden fears of specific places or particular adults
- obsessive and compulsive washing
- complaining of headaches, stomach pains or nausea

- sleeping difficulties
- poor self-care or personal hygiene
- regressive behaviours such as bedwetting and speech loss
- substance abuse, self-harm or suicide attempts.

## Serious emotional or psychological abuse

Serious emotional or psychological abuse occurs when harm is inflicted on a child through repeated rejection, isolation or by threats of violence. It can include derogatory name-calling, put-downs or persistent and deliberate coldness from a person to the extent where the child's behaviour is disturbed and/or their emotional development is at serious risk of being impaired. Serious emotional or psychological abuse could also result from conduct that exploits a child without necessarily being criminal, such as encouraging a child to engage in inappropriate or risky behaviours.

Physical indicators include (but are not limited to):

- delays in emotional, mental or physical development
- speech impairments such as stuttering or being selectively mute
- rocking, thumb-sucking or other infantile behaviours
- eating disorders.

Behavioural indicators include (but are not limited to):

- exhibiting high anxiety or symptoms of stress
- poor self-image or low self-esteem
- displaying aggressive, demanding or attention-seeking behaviour
- compulsive lying or stealing
- unexplained mood swings or depression
- poor social and interpersonal skills
- excessive neatness or cleanliness
- substance abuse, self-harm or suicide attempts.

## Serious neglect

Serious neglect is the continued failure to provide a child with the basic necessities of life such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child'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 child where the child is exposed to extremely dangerous or life-threatening situations.

Physical indicators include (but are not limited to):

- frequent hunger or signs of malnutrition
- poor personal hygiene
- appearing dirty and unwashed
- lack of adequate or suitable clothing
- unattended health problems
- appearing pale and weak
- inadequate shelter or unsanitary living conditions.

Behavioural indicators include (but are not limited to):

- stealing or begging for food
- aggressive or self-destructive behaviour
- involvement in criminal activity
- poor, irregular or non-attendance at school

- refusal or reluctance to go home
- limited positive interaction with parents, carers or guardians
- poor academic performance
- substance abuse.

*Reference: Indicators of abuse available at <https://providers.dhhs.vic.gov.au>*