

# Child Safe Standards

## RESPONDING TO AND REPORTING SUSPECTED CHILD ABUSE

The Child Safe Standards (the **Standards**) require organisations providing a service to children under the age of 18 years to have processes in place to respond to and report suspected child abuse. This resource is designed to assist your organisation by providing information and guidance on why and how your organisation may respond to suspected child abuse, as a component of meeting the Standards.

### RESPONDING TO CHILD ABUSE

#### Why is this important?

The Betrayal of Trust Inquiry<sup>1</sup> found that while many organisations provide a safe environment for children, many did not have adequate approaches or systems in place to address child safety within their organisation. Both the Betrayal of Trust Inquiry, and the Royal Commission into Institutional Responses to Child Sexual Abuse, found that victims of abuse were often not believed when they disclosed abuse<sup>2</sup>. As a result of these themes, an organisation's first response to a reported incident of child abuse becomes even more important.

Developing a culture of child safety within your sporting organisation will be vital to providing an environment where children and adults alike are encouraged, supported and believed when reporting an incident of child abuse. The safety of the child involved should always be of primary concern to the organisation, including those persons involved in dealing with a report.

#### How should I respond?

When initially responding to a report of child abuse, the Commission for Children and Young People (2016) advises that it is very important to validate a child's disclosure, no matter how you feel about it. This means listening to the child, taking them seriously and responding and acting on the disclosure by implementing your organisation's reporting procedures. Key steps include:

- Let the child talk about their concerns in their own time and in their own words. Give them your full attention, adequate time and a quiet space in which to do this.
- Be a supportive and reassuring listener. Comfort the child if they are distressed.
- Tell the child it is not their fault and that telling you was the right thing to do.
- Let them know that you will act on this information and that you will need to let other people know.
- Alert relevant people in your organisation, as documented in your organisation's policy.
- Report the allegation to the Police and/or Child Protection<sup>3</sup> when required by law, and otherwise as necessary.

### REPORTING SUSPECTED CHILD ABUSE

People are much more likely to report concerns if there is a clear and effective reporting process to follow. Reporting can be difficult to do. The safety of children and the risk of harm must always be the primary consideration, with due regard for confidentiality and fairness to the person against whom the allegation is made.

<sup>1</sup> Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations - November 2013.

<sup>2</sup> Commission for Children and Young People (2016), A Guide for Creating a Child Safe Organisation, p.40

<sup>3</sup> The Victorian Child Protection Service is a division of the Department of Health and Human Services

Organisations have a responsibility to encourage staff, volunteers and children to speak up when they are uncomfortable or concerned. When there is a well-publicised reporting process that staff and volunteers are trained to use, it is more likely that people will raise relevant and important issues about child safety. This process will also encourage people to give helpful and important information that reduces the risk of all forms of harm to children, staff and volunteers.

### **What should be reported**

Concerns about the safety and wellbeing of children can range from an uncomfortable feeling through to a direct observation or a disclosure by a child. People are encouraged to speak to someone and be proactive rather than wait until it is too late. Staff and volunteers need to be aware of their duty of care to children and of their individual legal responsibilities.

Examples of child safety concerns may include, but are not limited to:

- Concerns about a physical environment that may pose a risk to children (this includes health and hygiene issues).
- Inappropriate or special relationships developing between staff or volunteers and children.
- Inadequate staff–child supervision ratios.
- Breaches of the organisation's code of conduct, particularly if they are persistent.
- Feelings of discomfort about interactions between a staff member or volunteer and a child.
- Suspicions or beliefs that children are at risk of harm.
- Observations of concerning changes in behaviour.
- Children's disclosures of abuse or harm, which must be reported to Child Protection or the Police.

## **LEGISLATIVE REQUIREMENTS**

### **Who can report?**

Anyone can make a report if they believe, on reasonable grounds, that a child is in need of protection. Certain individuals (see further below) have a mandatory statutory obligation to report in certain circumstances.

### **When should you report?**

**If a child is in imminent or immediate danger, call 000 immediately.**

Regardless of the incident in question, reports should be made the day they are raised.

If you are an individual subject to mandatory reporting legislation, you should report as soon as possible.

### **Who do you report to?**

#### Reporting within your Sport

Adults and children alike should be encouraged to speak up if they have concerns about a certain situation and are not sure what to do, or if it should be reported. The prevention of harm to children should be at the forefront of an organisation's child safe culture. Raising a concern about the actions of an individual or a suspicious incident should be encouraged, and appropriate processes utilised within your sport. This should be clearly outlined in your 'Child Safe Sport Policy' and 'Member Protection Policy'. Having dedicated child safe officers within your sport will provide an initial point of contact for individuals who do not know who they should speak to or if they should report their suspicions.

#### Reporting to Police

Physical or sexual abuse of children is a crime and must be reported to the Police. If you have a reasonable belief that a child has been sexually abused, you must report that information to Victoria Police.

#### Reporting to Child Protection

Anyone may make a report to Child Protection if they believe, on reasonable grounds, that a child is in need of protection. Child Protection provides child-centred, family-focused services to protect children and young people from significant harm caused by abuse or neglect within the family. It also aims to ensure that children

and young people receive services to deal with the impact of abuse and neglect on their wellbeing and development. It is the Child Protection practitioner's job to investigate significant harm. If you suspect a case of child abuse or are mandated to report abuse, you can contact Child Protection for advice. Visit <https://services.dhhs.vic.gov.au/reporting-child-abuse> for the Child Protection contact number in your local government area.

### **How to make a report**

The process through which to make a report should be clearly outlined in your organisations 'Child Safe Sport Policy'. It may also be found in your 'Member Protection Policy'.

### **Mandatory Reporting**

Although everyone has a moral and social responsibility to report concerns about child abuse, some individuals are legally required to make a report to Child Protection if they form a belief on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.

Under the *Children, Youth and Families Act 2005 (Vic)*, doctors, nurses, midwives, teachers and school principals, police, youth workers, social workers and psychologists are all mandatory reporters. It is an offence (subject to a fine) if those mandatory reporters do not report to Child Protection as soon as practicable after forming the belief, and after each occasion they become aware of any further reasonable grounds for the belief, unless a defence applies.

As long as a report is made in good faith, the report is not unprofessional conduct or a breach of professional ethics and the reporter cannot be held legally liable. Confidentiality is provided for reporters in the *Children, Youth and Families Act*, and prevents the disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with the legislation except in very specific circumstances.

<http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting%20>

### **Criminal Offences**

Your organisation needs to be aware of and responsive to the following obligations and potential criminal offences that help protect children from harm.

#### Reportable Conduct Scheme

Victoria has a Reportable Conduct Scheme to oversee allegations of child abuse and misconduct. The Scheme outlines requirements for organisations to respond to allegations of child abuse and may apply to some sporting organisations. Sporting organisations are encouraged to visit the CCYP website for more information and to find out if it applies to them: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

#### Failure to disclose

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has a mandatory obligation to report that information to police, unless they have a reasonable excuse for not disclosing, or a statutory exemption applies. Failure to disclose the information to police is a criminal offence under the *Crimes Act 1958 (Vic)*. A *reasonable belief* is formed if a reasonable person in the same position would have formed the belief on the same grounds.

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+disclosure+offence>

#### Failure to protect

The 'failure to protect' offence under the *Crimes Act* commenced on 1 July 2015 and applies to people within organisations who knew of a risk of child sexual abuse by someone in the organisation, and had the authority to reduce or remove the risk, but did not act to protect the child. Sporting organisations are specifically referenced as a type of organisation covered by the offence. A person committing the offence is liable to a maximum imprisonment of 5 years

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>

### Grooming for sexual conduct with a child under the age of 16 years

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse can occur. The grooming offence applies where a person 18 years of age or over communicates, by words or conduct, online or face-to-face, with a child under the age of 16 years or with a person who has care, supervision or authority for a child under 16 years, with the intention of later sexual activity with the child.

### **Keep Accurate and Secure Records**

Your organisation should record any child safety complaints, disclosures or breaches of the organisation's code of conduct and store the records in accordance with applicable security and privacy requirements. Keep a record of action taken, any internal investigations and any reports made to statutory authorities or professional bodies.

To avoid confusion and maintain confidentiality, everyone, including children, should be made aware of the need to report serious matters involving child protection to external authorities. You cannot promise confidentiality in these matters; however, you must assure privacy in handling the matter and that only those who need to know will be advised.

A flowchart outlining the process for reporting child safety concerns can convey a clear message to everyone that their concerns will be handled fairly, confidentially and efficiently. You should attach this to your organisation's 'Child Safe Policy'.

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## **FURTHER INFORMATION**

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*This document was developed utilising and adapting content from:*

*Commission for Children and Young People (2016), A guide for creating a child safe organisation 3.0*

*State Government of Victoria, Department of Health & Human Services (2015) An overview of the Victorian child safe standards*