



# **Responding to concerns and disclosures of child abuse.**

## **Guidelines for all staff** (Previously Mandatory Reporting)

Website: Part 1 & 2 only

**Collated Jan 2023**

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**Orange Door            1300 369 146**

**Child Protection    9843 6000**

**24 hr Emergency    131 278**

**Police                    000**



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# Part 1

## Responding

- a step by step guide

1. Clarifying concerns
  2. Listening to disclosure
  3. Four Critical Actions – begin immediately.
  4. Further information for Teachers
    - Confidentiality
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# 1. Clarifying Concerns

- Read the resource material Part 3 - What is child abuse?

Each situation will be different, requiring different responses. Some situations may well require several types of responses to be undertaken simultaneously. When trying to identify the most effective response to ensure the child's safety and wellbeing, it is very likely that it will be necessary to gather information and facts.

- **Make notes** – Record what you observe: date and sign the entry
- **Continue to Observe** - Record what you observe: date and sign the entry
- **Consult Colleagues** - Get support and advice from Colleagues, compare notes.

## 2. Listening to a disclosure

Your role is not to investigate or to collect detailed evidence to indict an offender, but to support the child, take them seriously and collect enough information to make a judgement about how to help them. When an adult hears a disclosure they need to:

- Stay calm and control expressions of panic and shock.
- State clearly that the abuse was not her/his fault – no matter what the circumstances.
- Always accept what the student says, no matter how fanciful it may appear to you – let them know you believe them.
- Tell the student you are pleased they told you.
- Allow the student to talk at their own pace and use their own language.
- Listen attentively and only ask open ended questions. Avoid using leading questions.
- Do not pressure the student into telling you more than they want to.
- Drawing may help but is not necessary.
- Encourage the student to talk about their concerns, as this can be helpful in dealing with difficult experiences.
- Not all the information will be necessarily expressed in one conversation or discussion.
- At some point in the disclosure ensure that you inform the student that you cannot offer complete confidentiality or protection. Do not make promises where there is some doubt you may not be able to keep them.
- Take careful notes throughout, if appropriate, or very soon after the young person has left. Keep to the facts and use the words as they were spoken to you. Note date, time and place.
- You may wish to stop the interview if you think it is better handled by another staff person or staff member, or if it is too stressful for the student. Avoid going over the information time and time again; you are only gathering information to help you decide if you are going to make a notification or take some other action. The Child Protection workers and/or police will undertake a full investigation.
- Notify Education Coordinator right away.
- If your concerns lead you to making a notification, then do so as soon as possible



- This can be very stressful for you, so take care of yourself. Remember that you do not have to cope on your own, and that support from another colleague is helpful. This support may not be required immediately.

### Examples of open questions

- When did this happen?
- What did the person do?
- Can you tell me a bit more about that?
- What did the person say?
- Have you told anybody else about this?
- Where did this happen?
- How do you feel when this happens?
- Has this happened more than once?
- What do you mean by that?

Listen, reassure and respect

**Listen**

- Move to a suitable environment, free of distractions.
- Be calm and patient—allow for the child or young person to be heard.
- Let the child or young person use their own words—avoid asking leading questions.
- Avoid “quizzing” the child or young person about details of the abuse.
- Don’t be afraid of saying the “wrong” thing. Listening supportively is more important than what you say.

**Reassure**

- Reassure the child or young person that it is OK that they have told you what’s been happening.
- Address any concerns about the child or young person’s safety.
- Reassure the child or young person that he or she is *not* at fault, and *not* the cause of any distress you may feel.

**Respect**

- Respect that the child or young person may only reveal some details.
- Acknowledge the child or young person’s bravery and strength.
- Avoid making promises you can’t keep—manage the child or young person’s expectations.
- Explain to the child or young person that in order for them to be safe you will need to report their experience to someone else.

## 3. Four Critical Actions

– begin immediately

**Action 1.** Remove the recipient from further potential harm.

**Action 2.** Reporting to Authorities/referring to Services

**Action 3.** Contacting Parents or carers

**Action 4.** Providing ongoing support

You must follow the Four Critical Actions every time you become aware of a further instance of risk of abuse. This includes reporting new information to authorities.

## **Action 1. Remove the child from further potential harm.**

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 school for future liaison with Police.

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

## **Supporting the Child after disclosure.**

- Take the child to a safe warm place and extricate yourself to follow up the conversation.
- Ask yourself – How can I best shelter/calm/protect this child right now.

### **Options**

- Playtime with a friend in an enclosed area
  - Time out with another teacher e.g. Craft/helper in K/F
  - Read in the Library.
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- Find a colleague/college member and collaborate. re: best next steps.

## Action 2. Reporting to Authorities/Referring to Services

### Where did it happen?

- Within the School?

Report to:

- Victoria Police 000
- The Education Coordinator or a Director
- The Education Coordinator or Director must report to

**Commission for Children & Young People 1300 782 978**

- Within the family or community?

**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.

- You must also report internally to the Education Coordinator or a Director.

## Action 3. Contacting Parents/Carers

- Yes/no – seek advice

The Education Coordinator or delegate must consult with DHHS Child Protection or Victorian Police to determine what information can be shared with parents/carers. The reportee may ask Child Protection.

They may advise:

- **not to contact** the parents/carer (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and does not wish for their parent/carer to be contacted)
- **to contact** the parents/carers and provide agreed information (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- **how to communicate** with all relevant parties with consideration for their safety

## **Action 4. Providing ongoing support**

Ghilgai will provide support for children impacted by abuse. This will include the development of a Student Support Plan in consultation with wellbeing professionals.

This is an essential part of our duty of care requirements.

### **Strategies to support the impacted student.**

- Develop a Safety Plan
- Referral to a wellbeing professional – Orange door may assist in getting timely support.
- Informing all staff of the child's needs/vulnerability
  - Privacy must be maintained/child abuse not named.

## 4. Further information for Teachers

### • Confidentiality for the Reporter

Confidentiality is provided for reporters under CYFA authorization. The CYFA prevents disclosure of the name or any information likely to lead to the identification of a person who has made a report in accordance with legislation, except in specific circumstances.

The identity of a reporter must remain confidential unless:

- The reporter chooses to inform the child, young person or family of the report
- The reporter consents in writing to their identity being disclosed
- A court or tribunal decides that it is necessary for the identity of the reporter to be disclosed to ensure the safety and wellbeing of the child
- A court or tribunal decides that, in the interests of justice, the reporter is required to attend court to provide evidence.

Information provided during a protective investigation may be used in a court report if the risks to the child require the case to proceed to court. In these circumstances, the source of the information may be required to provide evidence to the court.

If Child Protection decides that the report is about a significant concern for the wellbeing of the child, they may refer the report to a community-based child and family service and disclose the identity of the reporter to that service. However, the CYFA provides that neither Child Protection nor the community-based child and family service may disclose the reporter's identity to any other person without the reporter's consent.

If a report is made in good faith:

- It does not constitute unprofessional conduct or a breach of professional ethics on the part of the reporter
- The reporter cannot be held legally liable in respect of the report.

This means that a person who makes a report in accordance with the legislation will not be held liable for the eventual outcome of any investigation of the report.

- **Questions the authorities may ask.**

**Information that can be shared under CYFA authorization**

Relevant information will include specific information about the child and/or other members of the child's family, or people living with the child, whose behavior has an impact on the child. Child FIRST and Child Protection practitioners may ask questions about the following:

- Name and age of the child and their address
- Name of the parents, carers or guardians and addresses
- Name of sibling/s, age/s and addresses
- Language spoken in family
- Background or cultural status (for example refugee)
- Whether the family is aware of the report to Child Protection or referral to Child FIRST
- Any services being received by the child and family
- The staff member's relationship to the child
- The reason for the report and nature of concerns for the child
- The time and dates of incidents of abuse.



## Privacy – disclosure to others

- School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect.
- School staff may discuss case details and the identity of the child or the young person and their family only with those involved in managing the situation.
- When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans.

**Child First/Child Protection/Police will tell the reportee whether to contact the parents.**

**Reportees must ask for this advice.**

## Complete guides on information sharing are:

- An information-sharing guide for School Principals and registered teachers in Victoria,

<http://www.cyf.vic.gov.au/every-child-every-chance/library/publications/information-sharing-guidelines>

## ● **Making notes / Information security**

- Teachers in process of “forming a belief” re: Child abuse must keep careful notes.
- Copies to Education Coordinator
- If a referral is made this must be documented and given to Education Coordinator Date/time/place statement made.
- From here on the Education Coordinator is responsible for making notes of all conversations/meetings/phone calls and keeping copies of all emails and letters.
- These are sequentially ordered in a folder and stored in a locked cabinet.

Responding to suspected Child Abuse

Template for note taking. – P41

Link: [PROTECT Responding TemplateSchools.pdf](#)

## 5. Allegations of Sexual abuse by a staff member

- If there are allegations of sexual abuse by an adult to child, the matter must be immediately reported to Victorian Police for investigation.
- Report must be made the same day unless there are exceptional circumstances.
- The Education Coordinator must be notified immediately and must contact the Directors right away.

### School Procedural steps

The College of Teachers Executive/Directors will immediately

- Contact Police
- Seek legal advice from chosen solicitor
- Contact VIT – the solicitor may make this call. It is not to be made just to the ‘open desk’ of VIT – it must go to the right person for privacy reasons – it is still an allegation.
- Talk to legal people at ISV if needed
- Directors should contact Insurance

The School does not investigate. This is a professional area for protective authorities.

- Hear what the person reporting wishes to tell you – don’t ask investigative questions.
- Remove the alleged recipient from all risks

### Record Keeping

- Careful notes must record each step and begin with disclosure
- Directors will assign an Incident Manager who will liaise with Police/VIT/ISV/Insurance and keep careful records of steps taken.
- These records will be filed sequentially in a folder and kept in a locked cabinet

## ● Supporting the alleged perpetrator

- Talk with this person - 2 people
  - teacher plus College Executive member
  - College member plus Director
- Alleged perpetrator given opportunity to have chosen support person
- Inform alleged perpetrator of rights – not prejudged
  - School does not investigate – this is a Police role
  - Strict confidentiality by School
  - Alleged perpetrator can contact Police who have a special central unit to deal with child abuse
  - Inform of necessary actions school must take - Police/VIT
- Take notes during the conversation or write them collaboratively at the end of it. Signed by all present at meeting.
- Discuss removal from risk and alternative duties or leave premises right away.

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# Part 2

## Reporting

- Obligations under The Crimes Act

1. Child Abuse
  2. Failure to Protect
  3. Betrayal of Trust
  4. Failure to disclose
  5. Grooming
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# 1. Child Abuse

- physical
- sexual
- emotional
- neglect
- family violence
- other

- **Mandatory Reporting**

**Mandatory reporting:** *The Children, Youth and Families Act 2005* places an obligation on principals, teachers and others working in schools to make a report to the DHHS if they believe on reasonable grounds that a child is in need of protection from significant harm because of physical or sexual abuse.

Child Protection 1300 369 391 – 24hr Emergency Service

- **Reportable Conduct Scheme**

*The Children Legislation Amendment (Reportable Conduct) Act 2017 (Vic)* requires Principals to report allegations of Child Abuse to the Commission for Children and Young People.

1300 782 978

- **Notifying VIT**

Schools must notify the VIT if a registered teacher is charged with, been convicted or found guilty of a category A or category B sexual offence.

- General enquiries - 1300 888 067
- Principal enquiries - 1300 650 375

## 2. Failure to Protect

### **The offence of failure to protect**

Under the Crimes Act 1958 (Vic), those in positions of authority within the School must take all reasonable steps to remove or reduce the risk of sexual abuse posed by an adult associated with the school. If the responsible person fails to take reasonable steps in these circumstances, this may amount to the person committing a criminal offence.

### **Duty to Protect**

- If you are a staff member and you become aware that an adult associated with the School who poses a substantial risk to any child you must take all reasonable steps to reduce or remove the risk immediately.
- A person is generally taken to know there is a risk if he or she is aware that it exists or will exist in the ordinary course of events.
- If you negligently fail to reduce or remove the risk to the child then this could be a Criminal offence.



### 3. Betrayal of Trust

- The offence requires a person in a position of authority to reduce or remove the risk of sexual abuse of a child by an adult associated with their organisation.

A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

- This applies to all adults who are working with children.  
Eg. The teacher is a person of authority with the class  
The sports coach is a person of authority with students  
A volunteer is a person of authority with the group of children.
- Therefore, if any adult in the School Community is aware of an area of risk then they must remove it/reduce it – right away.
- This person must alert the Education Coordinator to the Risk right away.  
Eg an unhealthy liaison between students.  
An unhealthy liaison between student and adult.  
An environmental hazard – closed room/no visibility.

## 4.Failure to disclose

### **The offence of failure to disclose**

Under the *Crimes Act 1958* (Vic), anyone who has reason to believe that a sexual offence, including grooming and historical offences, has been committed by an adult against a child must make a report to Victoria Police.

This information must be disclosed to a Police officer as soon as practicable to do so unless the person has a reasonable excuse for not doing so.

A reasonable excuse has two facets:

- You fear for your safety or that of another person except the person who was involved in the sexual offence.
- You believe the information has already been reported to the police.
- Failure to disclose information to Victoria Police is a Criminal Offence.

## 5.Grooming

### The offence of grooming

Under the *Crimes Act 1958* (Vic), grooming describes predatory conduct designed to facilitate later sexual activity with a child and applies to persons who are 18 years of age or over. The conduct does not necessarily involve any sexual activity or even discussion of sexual activity and it is immaterial as to whether or not the child responds to the communication.

- Any staff member who sees/hears about actions that could belong to this field of unacceptable behaviour in the School environment must

## Follow the 4 Critical Actions on p 8

- removal of risk may be critical

- Failure to disclose your observations/concerns could be deemed a crime.  
– p23
- Report to the Education Coordinator right away.