



**aquatic achievers**  
swim schools

## **Aquatic Achievers Safeguarding Children and Young People Reporting Policy**

Responsible Officer: General Manager

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### **Document History**

<b>Key Changes</b>	<b>Prepared By</b>	<b>Checked By</b>	<b>Approved By</b>	<b>Date</b>
V1. Policy created for ACF approval	Anita P & Anitha M	ACF	Rob	16.3.22

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## Scope

The Safeguarding Children and Young People Reporting Policy applies to all team members, including all employees, Board and committee members and contractors involved with Aquatic Achievers. This policy applies in all our operational environments and without fail wherever children and young people are participating in our organisation's activities, programs, services and / or facilities.

## Guiding Values

In keeping children and young people safe, the following values are a mechanism for guiding our actions and assisting in decision-making, they are a reference to which team members can refer, to ensure their responsibilities to children and young people are upheld:

- Safeguarding children and young people is a shared responsibility, it is reliant on all individuals within our organisation to keep children and young people safe in our care.
- Any form of abuse or neglect towards children and young people will not be tolerated and immediate action will be taken upon report of any suspected harmful or abusive behaviours
- The best interest of the child will be the primary consideration in all actions and decisions concerning the safety or wellbeing of a child or young person.
- We are accountable to the children and young people we work with by fostering high ethical standards in a culture of openness and transparency.

We empower children by informing them of their rights and responsibilities and support them to speak up about any matters of importance to them, including if something goes wrong. We work to include the participation of children and young people in decision making regarding any services or other matters affecting them.

## Purpose

This policy forms part of our zero-tolerance towards abuse and neglect of children and young people

The purpose of the Safeguarding Children and Young People Reporting Policy is to ensure all instances, allegations, disclosures or reasonable concerns of abuse or neglect involving children and young people, are accurately reported, and responded to in a consistent, timely and sensitive manner.

This policy also outlines the responsibility of team members to report any concern with breaches or actions of other team members within our organisation that contravene our policies and procedures, such as outlined in our Safeguarding Children and Young People Code of Conduct Policy.

Compliance with this policy ensures all incidents are reported and managed in a way that is responsive to the immediate circumstances of the incident, the rights of those involved, and wherever possible, any risks of recurrence are minimised.

This policy assists team members to:

- recognise the different types of abuse and neglect
- respond to the immediate needs of individuals involved in an incident (including team members)
- guide responses to allegations and matters of concern, including breaches of our Safeguarding Children and Young People Code of Conduct Policy

- follow our organisations reporting procedures
- ensure their legal responsibilities when working with children and young people are upheld.

Our policies and procedures reflect child safe legislation and promote best practice and care for the children and young people within our organisation. Our Aquatic Achievers Board approves and endorses our Aquatic Achievers Safeguarding Children and Young People Reporting Policy.

## Responsibilities

All team members within our organisation have a duty of care, and at times a legal obligation, to ensure that 'reasonable steps' are taken to prevent harm to children and young people. All team members are responsible for supporting a transparent culture, whereby any actions by team members that go against our Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct Policy, however minor, are reported and documented.

### Consequences of breaching policy

If our team members fail to report instances, allegations, disclosures, or concerns in relation to abuse or neglect of a child or young person – by team members within our organisation or by others – we view such failure as a serious matter that, depending on the circumstances, may result in disciplinary action or be grounds for dismissal. Failure to report incidents of abuse, neglect and harm of a child or a young person may be classed as a criminal offence under state law.

Our team members are obligated to report any information relating to:

- Incidents, allegations, disclosures, or reasonable concerns in relation to abuse or neglect of a child or young person, either by team members within our organisation or by others
- Any breaches or actions of other team members within our organisation that contravene our policies and procedures, such as outlined in our Safeguarding Children and Young People Code of Conduct Policy.

Our policy prohibits all team members from:

- discussing any concerns or allegations with unauthorised team members – within or outside our organisation – such prohibition not being designed to limit, in any way, their rights and responsibilities to report their concerns or allegations, but rather as part of our organisation's commitment to ensuring privacy, confidentiality and natural justice
- making deliberately false, misleading, or vexatious allegations.

All children and young people within our organisation are informed of our policy and provided with the support and mechanisms to feel empowered to speak up if they feel unsafe, hear something, or see something that doesn't feel right. Our organisation upholds a child's rights to be heard, protected, and supported.

In adhering to this policy, team members of Aquatic Achievers will promote equity and respect diversity of the children and young people and their parents/care givers who access our services and inform children and young people of their rights to feel and be safe. This includes Aboriginal and Torres Strait Islander children, children from culturally and linguistically diverse backgrounds and children, young people with a disability, LGBTQI+ children, and children who cannot live at home. Our organisation

upholds a family's right to have their concern resolved and done so in a culturally respectful and safe way.

The responsibility of each role in relation to the development and compliance of the Aquatic Achievers Safeguarding Children and Young People Reporting Policy is detailed in Roles and Responsibilities section of this policy.

### **Prevention and Preparedness**

All our team members are provided with our Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct Policy which clearly detail the behavioural expectations of team members around children and young people. Team members are advised that any breaches, including minor breaches, to these policies are required to be reported.

It is all team members responsibility to identify and assess potential risks in ongoing programs and one-off activities. Team members should consider the online, physical, or psychological risks associated with activities, and develop and implement risk mitigation strategies to address those risks, in line with our organisations' Risk Management Policy.

Our organisation creates a safe environment for children and young people. Our team members use strategies to support and encourage children and young people to practice safe behaviours amongst team members and their peers and speak up if they feel unsafe.

## **Key Steps**

There are four critical steps that everyone in our organisation must follow regarding all incidents, allegations, disclosures or reasonable concerns of abuse or neglect, or breaches of policy where appropriate:

1. Responding
2. Reporting
3. Sharing of Information
4. Supporting

## **Responding**

### **Responding to an incident**

Immediate responses include the care, support and communication actions that take place immediately following an incident to mitigate further harm and ensure the safety of children and young people / other service users, families, and team members.

Reduce the harm and risk of harm to those impacted by the incident including by:

- making the surroundings safe to prevent immediate recurrence of the incident, for example
- removing potentially harmful person(s)
- increase supervision of children and young people
- move uninvolved children and young people away from incident
- moving to a safe place

- alerting others to risks that extend beyond the local environment, for example, other areas within the organisation
- Calling Emergency Services if required calling 000

Provide immediate care and support to child or young person / other service users, families, team members and others involved in the incident including addressing:

- physical well-being e.g., providing first aid or arranging medical treatment if a person suffers any harm or injury because of the incident; and
- emotional well-being (including psychological) e.g., arranging for coverage of duties and supervision facilitating access to counselling, debriefing and support for others involved in the incident.

Where possible, preserve evidence in situations where allegations or suspicions of abuse and neglect has occurred. This can include:

- ensuring that clothes worn by the person who may have perpetrated the abuse and the child or young person who has been subject to the abuse remain in their clothing, or the clothing is not washed and is sealed securely in a bag
- not cleaning or disturbing the area in which the abuse has occurred
- protecting any physical items such as weapons from being touched or removed.

### **Responding to a disclosure/allegation**

When responding to a disclosure or allegation by a child or young person, team members should respond by:

- listening to the allegation or disclosure supportively, without dispute
- clarifying the basic details, without seeking detailed information or asking suggestive or leading questions, guided by our organisation's Incident Report Form.
- providing reassurance that the child or young person has done the right thing in telling you, are believed and our organisation will take immediate action in response to the disclosure / allegation.
- explaining to the child or young person that other people may need to be told, in order to stop what is happening. Do not promise to keep any information a secret.
- reporting the matter as per organisational policy requirements to the Centre Manager.
- record notes as early as possible to ensure all information is captured before completing our organisation's Incident Report Form.

In your responses you will need to consider the specific needs of the child or young person. Consider the unique qualities of a child including, for example, whether the child is Aboriginal or Torres Strait Islander, has a disability, identifies as LGBTQI+ has a culturally and linguistically diverse background and/or is unable to live at home.

### **Responding to a breach of policy or procedure**

Whilst an incident and or disclosure / allegation could include a breach of the Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct Policy, if there is no immediate response required as identified above, it is still deemed an incident, and therefore required to be reported and documented as with all other incidents.

## Reporting

Once the immediate response to the situation is completed, it is important to fulfill the internal and external reporting requirements.

Our team members are required to report any reasonable concerns or instances of abuse or neglect (cases in which a child or young person has suffered, or is likely to suffer, significant harm from abuse or neglect) by any person immediately, or if that is not possible, no later than before ending that person's shift or session of work within our organisation.

Team members are also required to formally report any concerns for breaches to our organisation's policies and procedures by other team members within our organisation.

It is not the role of our team members to identify or investigate an allegation / concern, however team members must continually report each new instance of suspicion of harm and / or breach of policy as they become aware, and to seek advice from their manager when they are unsure.

Team members should follow the guidance on the Incident Report Form to complete the form accurately and to the best of their ability. All reports must be documented fully and written factually and objectively. Clear and accurate reporting can assist to support any internal or external investigation which may be required after an incident.

Key Reporting Contacts	
Primary Key Internal Contact	<ul style="list-style-type: none"><li>• Manager</li></ul>
Alternate Key Internal Contact If the primary contact is not available or subject to the complaint	<ul style="list-style-type: none"><li>• Area Lead or Head of Operations or General Manager</li></ul>
Key External Contact	<ul style="list-style-type: none"><li>• Refer to appendix 5</li></ul>

### Internal reporting requirements

Incident Report Form templates are accessible to all team members. All team members are trained in the reporting requirements, location and completion of forms and notification requirements and support available. All incidents including minor incidents must be recorded on an Incident Report Form which is forwarded to the manager. All incidents are entered into the Incident Register.

In adherence to internal reporting requirements, team members must:

- Report any safety or wellbeing concerns for a child or young person, and / or breach of policy and procedures to the manager.
- If a person does not feel comfortable making a report to the Manager, or the report is about that person, they must report their concern directly to the Area Lead or Head of Operations or the General Manager.
- An Incident Report Form should be completed as soon as possible following an incident by the attending team member and signed off by Manager. Reports must include:
  - details of the person/s involved

- date, time, location of the incident/disclosure/allegation
- incident type and how incurred
- what was said, and relevant factual information without assumptions (where possible, noting the exact words used by the person making the allegation / disclosure)
- actions taken including treatment

Where appropriate, details of the incident should also be recorded in the child / young person's file.

The Manager is responsible for:

- ensuring the immediate response was sufficient and take any further action needed
- assessing and categorising the incident / breach of policy as Minor, Moderate or Critical. Definitions to be found in Appendix 3 ensuring an Incident Report Form is completed fully and logged on the Incident Register
- notifying Area Lead or Head of Operation or General Manager where required
- providing confirmation to the reporter that all required steps have been completed to manage the incident as necessary. Where appropriate, the reporter should continue to be updated as the incident is further managed, until closed off, whilst maintaining privacy and confidentiality obligations.
- The General Manager will take appropriate action to mitigate further potential harm and ensure the safety of the customers. This may include standing team members down from the position pending a formal investigation of the allegations.

Moderate incidents and critical incidents must be reported to the Head of Operation or General Manager immediately. In the case of critical incidents, the General Manager may establish a Critical Incident Response Team comprised of Managers for the effected program/s and team members as well other parties deemed appropriate by the General Manager. The Critical Incident Response Team's role is to ensure that immediate responses are coordinated and effective and to deploy resources to support this end. The Critical Incident Response Team is a central point for supporting responses to incidents and in managing and collecting information on incidents.

### **External reporting requirements**

In addition to our internal reporting process, our organisation has external reporting requirements to fulfil, including legal reporting obligations. This includes reporting to the Police, child protection authorities, other relevant government bodies including any professional bodies and / or accrediting/regulatory bodies. All incidents that require external authority notification must be reported to the General Manager. External notifications required by organisational policy and governing legislation must be initiated by the General Manager.

### **Mandatory reporting**

Mandatory reporting requirements are the legal obligations of specified professionals to report incidence of child abuse and /or neglect where they have reasonable belief that abuse has, or is likely to, occur.

Refer appendix 5

If the incident meets mandatory reporting thresholds or if unsure, team members within our organisation who are Mandatory Reporters must, as soon as practicable and before the end of the shift, notify the prescribed child protection authority of their suspicion and its basis. Incidents involving team members within our organisation or others (i.e., family members) must be reported to child protection authorities.



The above does not preclude other non-mandated individuals from making a report to the child protection authority or the police if they have reasonable concerns for the safety and wellbeing of a child.

### **Criminal Offences under Mandatory Reporting**

It is a criminal offence for a mandated reporter to fail to report abuse where they have a reasonable belief that abuse has, or is likely to, occur.

### **Reportable Conduct**

Where our organisation falls within the jurisdiction of NSW / VIC / ACT where a Reportable Conduct Scheme requires our organisation to notify their prescribed reportable conduct authority if there is an allegation of 'reportable conduct' made against one of its team members, including employees, casual employees, Board or committee members, contractors, sub-contractors, or authorised carers.

Reportable conduct is the mistreatment of a child or young person, or misconduct by team member within our organisation, including contractors and personnel from partner organisations, which breaches the Safeguarding Children and Young People Policy and / or Code of Conduct-Children and Young People. This includes, but is not limited to, a sexual offence, sexual misconduct, ill-treatment, neglect, assault, and behaviour that causes significant emotional or psychological harm to a child.

Under legislation, the General Manager is the person who is primarily responsible for our organisation's compliance with the Reportable Conduct Scheme. Where there is an allegation involving a member of our organisation's team, the General Manager will consider if such conduct contravenes the Safeguarding Children and Young People Policy and / or Safeguarding Children and Young People Code of Conduct Policy and act in accordance with the Scheme, this policy and our organisation's Incident Management Policy.

Where our organisation falls within the jurisdiction of QLD the Reportable Conduct Scheme is not applicable.

### **Reporting to Working With Children Check (or equivalent) Authorities**

Should there be reasonable concern that an individual has acted in a way and or / been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work, WWCC authorities may need to be notified.

### **Reporting to the Australian Childhood Foundation (ACF)**

As a Safeguarding Children Accredited organisation by the ACF), reports must be made to ACF by completing the Child Abuse Incident- ACF Report Form as follows:

- All critical incidents to be verbally reported to ACF within 24 hours; and
- Any allegations of child abuse or neglect, that involves our team members within 28 days of the incident in accordance with the requirements of the Safeguarding Children Program.

Reports to the ACF will be made by our General Manager.

## Sharing of Information

### Confidentiality and Privacy

Our organisation maintains the confidentiality and privacy of all concerned (including the alleged perpetrator), except if doing so would compromise the safety or wellbeing of the child or young person and/or investigation of the allegation.

After an incident has been reported and where appropriate, the information sharing process with child/ young person, their families and involved team member will begin as soon as reasonably possible. The process will be adapted to fit child/ young person, family, and team members.

Where police and/or child protection are involved, our organisation will provide the authorities with information about the incident to assist them in their investigations.

Where team members are involved in breaches of Safeguarding Children and Young People Policy and / or Safeguarding Children and Young People Code of Conduct Policy, the General Manager will advise on internal communications regarding action taken, if appropriate.

If the incident has reached the threshold to report to external agencies, our organisation will consult with the relevant child protection authority / police to determine what information can be shared with parents / care givers. This can include:

- Not contacting the parents / care givers in circumstances where they have alleged to have been engaged in the abuse, or the child is a mature minor and does not wish their parent/care giver to be contacted.
- To contact the parents / care givers and provide agreed information as soon as possible.

Police and/or child protection will be consulted about the disclosing of information to child / young person, their/ families, and team member.

The decision to share information will consider:

- whether the ongoing safety of those involved in or impacted by the incident is compromised by the sharing or non-sharing of information
- the advice of police and child protection (care will be taken not to compromise their investigations)
- the rights of those impacted by the incident to privacy, confidentiality, procedural fairness, and a presumption of innocence in accordance with organisational policies and employment law, and
- the need (of those potentially impacted by the incident) to know of the incident

## Supporting

It is important to address the support needs of those impacted by the incident including considerations of cultural safety for:

- the child/young person and their family (this includes any specific support needs for those from an Aboriginal and Torres Strait Islander; Culturally and Linguistically Diverse; or person with a disability background; LGBTQI+, or a child or young person who is unable to live at home)
- other children or young people as witnesses to incident

- Team members who witness and/or reported the incident
- any team member against whom a complaint is made, for example, offering professional counselling
- other team members impacted by the incident

It is further important to make clear to all other team members who are aware of the incident that:

- any allegation does not mean the person is guilty, and that the allegation will be properly investigated and will include the right to 'procedural fairness'
- they are not to discuss the matter with any person, except as directed by police, child protection authorities and/or our Manager and only in direct relation to investigation of the allegation.

## Records and Documentation

All Incident Report Forms will be recorded on the Incident Register and are regularly reviewed by senior management to ensure the effectiveness of actions taken and to identify areas for improvement.

Our Manager will oversee the administration of completed Incident Report Form and any other documentation relating to the allegation and subsequent action.

To prevent access by unauthorised persons, our organisation stores any documentation associated with an allegation of abuse or neglect of a child or young person and breaches of policy by having:

- hard-copy documentation stored in a locked filing cabinet (or similar)
- electronic documentation stored in a password-protected folder (or similar).

We maintain and regularly monitor records of Incident Reports as part of our Incident Management processes to ensure that they are responded to effectively in accordance with this policy and that requirements for reporting to external authorities are complied with. These records will inform reviews of the policy as detailed in Monitoring and Review section.

## Communication and Training

We communicate our Safeguarding Children and Young People Reporting policy and its requirements to children, young people and their families and our team members.

Our organisation ensures all new team members are informed and supported to understand our organisation's safeguarding children and young people policies and procedures, paying particular attention to the practices detailed in this Safeguarding Children and Young People Reporting Policy.

Copies of this Safeguarding Children and Young People Reporting policy and our organisation's Safeguarding Children and Young People Policy and Safeguarding Children and Young People Code of Conduct Policy are provided directly to team members they are also publicly accessible and available in child-friendly versions.

Our organisation provides training and guidance relating to an individual's safeguarding responsibilities and offers opportunities to seek clarity in relation to the commitments and behavioural expectations set out in our safeguarding policies.

We provide regular ongoing training of our team members in relation to how keeping children and young people safe will be fulfilled, including training regarding children and young people’s rights, voices and participation, cultural safety, and humility.

## Supporting Resources

- Appendix 1 Definitions
- Appendix 2 Key Indicators of Abuse
- Appendix 3 Categories of Incidents
- Appendix 4 Reporting Flow Chart- Four Critical Actions
- Appendix 5 Incident Report Form
- Appendix 6 Jurisdictional Information

## Related Policies and Documents

- Safeguarding Children and Young People Information for Parents/Care Givers
- Safeguarding Children and Young People Commitment Statement
- Safeguarding Children and Young People Code of Conduct
- Safeguarding Children and Young People Policy
- Safeguarding Children and Young People Incident Management Policy
- Safeguarding Children and Young People Guideline for Parents & Carers
- Discipline and Termination Policy

## Related Frameworks and Legislation

Our Policy complies with relevant legislation and frameworks.

- United Nations Convention on the Rights of the Child
- National Framework for Protecting Australia’s Children 2009-2020
- Australian Human Rights Commission National Principles for Child Safe Organisations

## Roles and Responsibilities

The responsibilities of each role in relation to the development, implementation and compliance of the Aquatic Achievers Reporting Policy are detailed below:

Position	Responsibility
WHSP Aquatic Achievers Pty Ltd Board	<ul style="list-style-type: none"> <li>• Provide oversight and endorsement of this policy</li> <li>• Receiving incident reports for specified categories of incidents, provide support and advice as appropriate, and utilise data to inform organisation incident and risk management strategies</li> </ul>
General Manager	<ul style="list-style-type: none"> <li>• Implement policies and procedures across the organisation</li> <li>• Ensure team members have access to and understand this policy and related procedures</li> <li>• Ensure all managers/supervisors have access to support, advice, and resource to understand and implement this policy and related procedures</li> <li>• Reportable Conduct responsibility</li> <li>• Establish CIRT Term in response to Moderate and Critical Incidents</li> <li>• Initiates external reporting</li> </ul>
Managers and Assistant Managers	<ul style="list-style-type: none"> <li>• Ensure this policy and related procedure is followed and implemented</li> <li>• Receive and manage incident reports</li> </ul>

	<ul style="list-style-type: none"> <li>• Assess each situation reported and notify appropriate team members of the incident as indicated on this policy</li> <li>• Responsible for the response and recovery coordination of an incident</li> <li>• Report to the Critical Incident Response Team where required</li> <li>• Provide support and advice in the application of this policy</li> </ul>
Team members Contractors	<ul style="list-style-type: none"> <li>• Awareness of and compliance with this policy and related procedure.</li> <li>• Immediately control the situation including liaising with key stakeholders, obtaining and documenting details of the incident</li> <li>• Complete incident report form and escalate to Safeguarding Coordinator/Manager</li> </ul>

## Review and Approval

This Safeguarding Children and Young People Reporting Policy will be reviewed every 3 years, or more frequently as required. Any significant proposed changes are to be approved by Aquatic Achievers Board and/or General Manager.

Approved by:



Rob Macfarlane  
**General Manager**

This document was reviewed and approved by the General Manager on 16<sup>th</sup> March 2022.

## Appendix 1 – Definitions

Term	Definition
Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ul style="list-style-type: none"> <li>• Verbal (name calling, put downs, threats);</li> <li>• Physical (hitting, punching, kicking, scratching, tripping, spitting);</li> <li>• Social (ignoring, excluding, ostracising, alienating); and/or</li> <li>• Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ul>
Child or young person	A person under the age of eighteen years.
Emotional or psychological abuse	<p>Emotional or psychological abuse occurs when a child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child's physical, intellectual, or emotional wellbeing and development.</p>
Family Violence	<p>Family violence occurs when children are forced to live with violence between adults in their home. It is harmful to children. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children and young people at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.</p>
Grooming	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child with a view to abusing them at some stage. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period of time before the abuse begins. The child may be given special attention and, what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour. Other perpetrators may draw a child in and abuse them relatively quickly. Some abusers do not groom children but abuse them without forming a relationship at all. Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports, and religious activities, or in internet chatrooms, in social media or by other technological channels.</p>
Harm	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• physical, psychological, or emotional abuse or neglect.</li> <li>• sexual abuse or exploitation.</li> <li>• a single act, omission, or circumstance; and</li> <li>• a series or combination of acts, omissions, or circumstances.</li> </ul>
National criminal history record check	Involves identifying and releasing any relevant Criminal History Information (CHI) subject to relevant spent convictions/non-disclosure legislation and/or information release policies
Neglect	<p>Neglect is the persistent failure or deliberate denial to provide the child with the necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect, and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.</p>

Team Members	All who work for the organisation whether in a paid or unpaid capacity, including employees, casual employees, volunteers, Board and committee members and contractors
Physical abuse	Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol, or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt. Physical abuse also includes threats to physically harm.
Reasonable belief	A reasonable belief is more than suspicion. There must be some objective basis for the belief. However, it is not the same as having proof and does not require certainty. For example, a person is likely to have a reasonable belief if they; observed the conduct themselves, heard directly from a child that the conduct occurred, received information from another credible source (including another witness)
Reasonable steps	Team members may breach duty of care towards a child or young person if they fail to act in the way a reasonable or diligent professional would have acted in the same situation. In relation to suspected child abuse, reasonable steps may include (but are not necessarily limited to): acting on concerns and suspicions of abuse as soon as practicable seeking appropriate advice or consulting with other professionals or agencies when the unsure of what steps to take, reporting the suspected child abuse to appropriate authorities such as Police or Child Protection, arranging counselling and/or other appropriate support for the child, providing ongoing support to the child and sharing information with other team members who will also be responsible for monitoring and providing ongoing support to the child or young person.
Sexual abuse	Sexual abuse occurs when an adult or a person of authority (e.g., older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
Sexual exploitation	Sexual exploitation is a form of sexual abuse where offenders use their power, (physical, financial, or emotional) over a child or young person, or a false identity, to abuse them sexually or emotionally. It often involves situations and relationships where children and young people receive something (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) in return for participating in sexual activities. Sexual exploitation can occur in person or online, and sometimes the child or young person may not even realise they are a victim.

## Appendix 2 – Key Indicators of Abuse

Abuse	Physical Indicators	Behavioural Indicators
<b>Physical</b>	<ul style="list-style-type: none"> <li>unexplained cuts, abrasions, bruising or swelling</li> <li>unexplained burns or scalds, cigarette burns</li> <li>rope burns or marks on arms, legs, neck, torso</li> <li>unexplained fractures, strains, or sprains; dislocation of limbs</li> <li>recurrent injuries</li> <li>bite marks</li> <li>mouth and dental injuries</li> <li>ear or eye injuries</li> <li>disclosure of physical threats being made</li> <li>consistent sickness/nausea from potential poisons</li> <li>covering themselves with clothes inappropriate to weather conditions</li> </ul>	<ul style="list-style-type: none"> <li>avoidance of particular staff, fear of a particular person</li> <li>sleep disturbances</li> <li>changes in behaviour (e.g., unusual mood swings, uncharacteristic aggression)</li> <li>changes in daily routine, changes in appetite</li> <li>unusual passivity, withdrawal</li> <li>self-harm, suicide attempts</li> <li>inappropriate explanations of how injuries occurred</li> <li>excessive compliance to staff</li> <li>Rough handling</li> </ul>
<b>Sexual</b>	<ul style="list-style-type: none"> <li>direct or indirect disclosure of abuse or assault</li> <li>trauma to the breasts, buttocks, lower abdomen, or thighs</li> <li>difficulty walking or sitting</li> <li>pain or itching in genital and/or anal area; bruising, bleeding, or discharge</li> <li>self-harm, abuse, suicide attempts</li> <li>torn, stained or blood-stained underwear or bedclothes</li> <li>sexually transmitted diseases, pregnancy</li> <li>unexplained money or gifts</li> <li>recurrent pain on passing urine or faeces</li> </ul>	<ul style="list-style-type: none"> <li>sleep disturbances</li> <li>changes in eating patterns</li> <li>inappropriate or unusual sexual behaviour or knowledge</li> <li>changes in social patterns</li> <li>sudden or marked changes in behaviour or temperament</li> <li>anxiety attacks, panic attacks, clinical depression</li> <li>refusal to attend usual places (e.g., work, school, respite)</li> <li>going to bed fully clothed</li> <li>excessive compliance to staff</li> <li>inappropriate or excessive masturbation</li> </ul>
<b>Psychological</b>	<ul style="list-style-type: none"> <li>speech disorders</li> <li>in the case of a child, lags in physical development, failure to thrive</li> <li>injuries sustained from self-harm or abuse</li> <li>suicide attempts</li> <li>anxiety attacks</li> </ul>	<ul style="list-style-type: none"> <li>self-harm or self-abusive behaviours</li> <li>challenging/extreme behaviours</li> <li>excessive compliance to staff</li> <li>very low self-esteem, feelings of worthlessness</li> <li>clinical depression</li> <li>marked decrease in interpersonal skills</li> <li>extreme attention-seeking behaviour</li> </ul>
<b>Neglect</b>	<ul style="list-style-type: none"> <li>physical wasting, unhealthy weight levels</li> <li>poor dental health</li> <li>food from meals left on face and/or clothes throughout the day</li> <li>dirty, unwashed body and/or face, body odour</li> <li>person always wearing the same clothes</li> <li>ill-fitting and/or unwashed clothes</li> </ul>	<ul style="list-style-type: none"> <li>constant tiredness</li> <li>persistent hunger</li> <li>unexpectedly poor social/interpersonal skills</li> <li>signs of loss of communication and other skills</li> <li>staff member, service provider, carer or support person consistently fails to bring the</li> </ul>

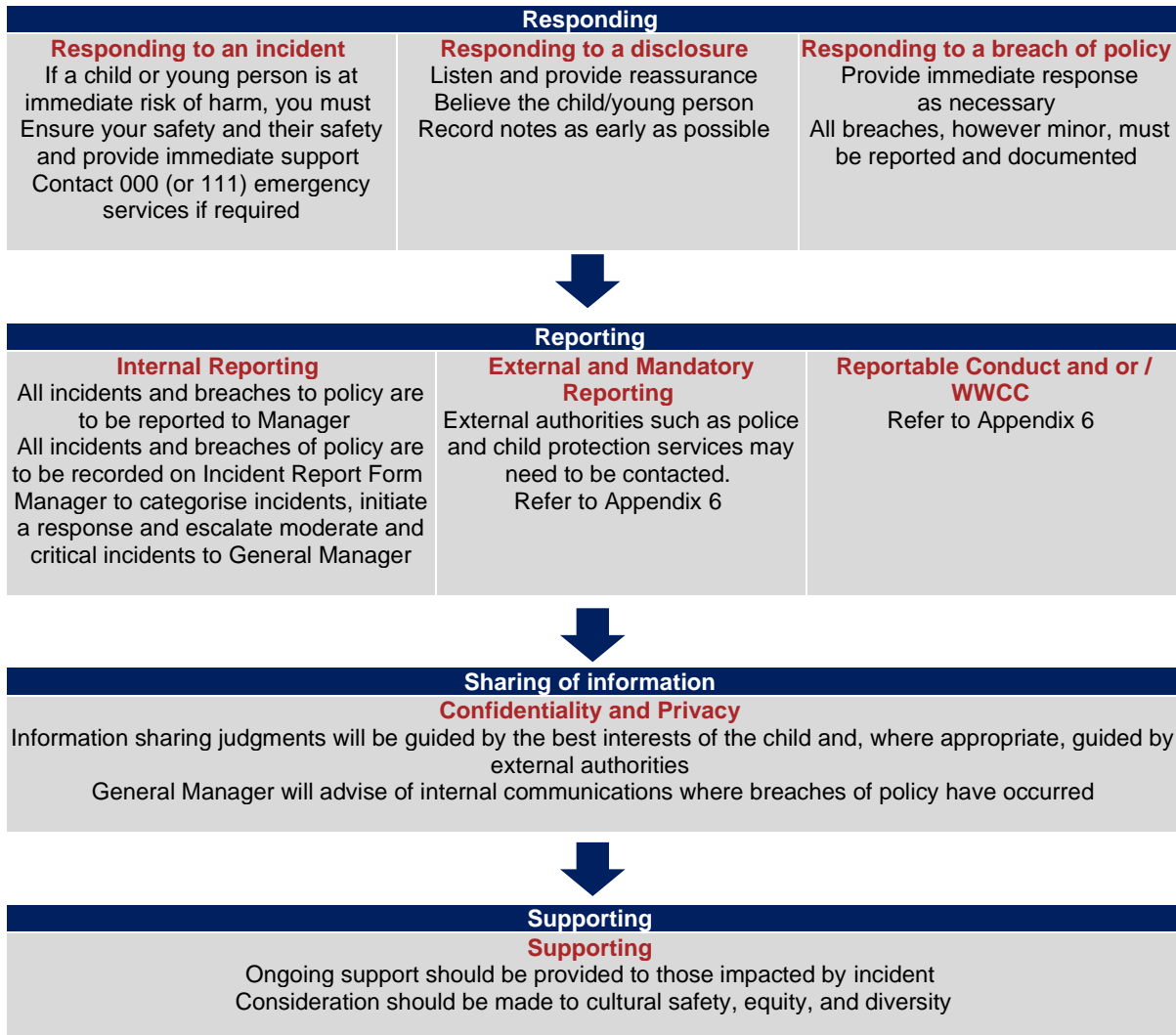


	<ul style="list-style-type: none"> <li>• person is always over- or underdressed for the weather conditions</li> <li>• food is consistently poor quality, insufficient, inedible and/or unappetising</li> <li>• persistent illnesses without appropriate medical treatment</li> <li>• suffering persistent infestations such as scabies or headlice</li> <li>• disclosure of being left alone for long periods of time that are inappropriate to age or maturity</li> </ul>	<p>person to appointments, events, activities</p> <ul style="list-style-type: none"> <li>• person is persistently denied opportunities to socialise with others in the community</li> <li>• excessively clingy or fearful</li> </ul>
<p><b>Family Violence</b></p>	<ul style="list-style-type: none"> <li>• eating and sleeping difficulties</li> <li>• concentration problems</li> <li>• inability to play constructively</li> <li>• clinginess</li> <li>• defiant behaviour</li> <li>• rebelliousness</li> <li>• temper tantrums</li> <li>• cruelty to pets</li> <li>• physical abuse of others</li> <li>• avoidance of peers</li> <li>• dropping out of school</li> <li>• academic failure</li> <li>• delinquency/offending</li> <li>• eating disorders</li> <li>• substance misuse</li> <li>• depression</li> <li>• suicide ideation</li> </ul>	<ul style="list-style-type: none"> <li>• fearfulness</li> <li>• numbing</li> <li>• increased arousal</li> <li>• adjustment problems</li> <li>• developmental delay</li> <li>• physical complaints</li> <li>• overly compliant behaviour</li> <li>• withdrawal</li> <li>• loss of interest in social activities</li> <li>• self-harm</li> <li>• poor school performance</li> <li>• use of controlling behaviours</li> <li>• distrust of adults</li> <li>• violent behaviours</li> <li>• violence toward a parent/care giver (particularly their mother)</li> <li>• early pregnancy</li> </ul>

## Appendix 3 – Categories of Incidents

Incident Type	Description	Managed/escalated to
Minor Incident	<p>Events which cause or may cause minor physical stress and or emotional stress to team members or clients/service users.</p> <p>Near misses and minor breaches of professional standards or agency policy (for example the Code of Conduct-Children and Young People) that do not compromise the health and safety of clients/service users, including children and young people and team members.</p>	<p>Centre Management or Area Lead</p> <p>SCYP Officer</p>
Moderate Incident	<p>Events which cause or are likely to cause physical stress or emotional distress to team members or clients/service users.</p> <p>Near misses and criminal behaviour or breaches of professional standards or agency policy (for example the Code of Conduct-Children and Young People) by team members that may compromise the health and safety of clients / service users, including children and young people and team members.</p>	<p>General Manager and/or Head of Operations</p> <p>SCYP Officer</p>
Critical Incident	<p>Criminal behaviour, breaches of professional standards or organisational policy (for example Safeguarding Children and Young People Code of Conduct Policy) by team members that cause harm to or significantly compromise the health and safety of including client / service users, including children and young people and personnel.</p> <p>A critical Incident, in relation to a child under the care of the Organisation (whether at the relevant time the child is on premises controlled by the Organisation or is otherwise under the physical supervision of the Organisation) includes the occurrence of any of the following events or any similar event:</p> <ul style="list-style-type: none"> <li>• the child dies and: <ul style="list-style-type: none"> <li>○ abuse or neglect is known or suspected to be a factor in the death.</li> <li>○ the death is, or appears to be, the result of suicide or accident.</li> <li>○ the death is, or appears to be, the result of alleged murder, homicide, reckless conduct, or an act of violence; or</li> </ul> </li> <li>• the child is under statutory care.</li> <li>• a child has not died but has sustained significant harm or is at risk of harm under the categories described in the relevant jurisdictional legislation of abuse and neglect.</li> <li>• ACF notifies the Organisation that a child has been, in the opinion of ACF, subjected to cumulative inaction or wrong action; or</li> <li>• ACF notifies the Organisation that an incident and or accumulation of incidents has occurred in relation to the child that, in ACF's opinion, gives rise to serious concerns about the adherence by the Organisation, or any employee or contractor of the Organisation, to any part of the Safeguarding Children Program</li> </ul>	<p>General Manager. If not available Head of Operations.</p> <p>GM will determine the need to establish a Critical Incident Response Team (CIRT Coordinator) and Board</p>

## Appendix 4 – Responding to Incidents: Four Critical Actions



## Appendix 5 – Jurisdictional Information

### Australian Capital Territory

#### ACT Related Legislation Table

<b>Australian Capital Territory</b>	Children and Young People Act 2008 (ACT)	Adoption Act 1993 (ACT) Children and Young People Act (ACT Childcare Services) Standards 2009 (No. 1) Children and Young People (Employment) Standards 2011 (No. 1) Crimes (Child Sex Offenders) Act 2005 (ACT) Family Violence Act 2016 (ACT) Ombudsman Act 1989 (ACT) Working with Vulnerable People (Background Checking) Act 2011 (ACT)
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#### Mandatory Reporting Guidance Resource

Mandatory reporting laws require specified people to report suspected abuse and neglect to government child protection services in Australia.

Australian Capital Territory mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Section 356 of the <i>Children and Young People Act 2008</i> (ACT)
Who is mandated to report?	A person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a psychologist; a teacher at a school; a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the <i>Education Act 2004</i> ; a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor; a public servant who, in the course of employment as a public servant, works with, or provides services personally to children and young people or families; the public advocate; an official visitor; a minister of religion, religious leader or member of the clergy of a church or religious denomination; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.
What must be reported?	A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the reasons for the belief arise from information obtained by the person during, or because of, the person's work (whether paid or unpaid)
Abuse and neglect types that must be reported	Physical abuse Sexual abuse

#### For immediate help

- To report concerns that are life threatening, ring ACT Police: 000
- To report concerns about the safety of a child contact Care and Protection Services.
  - General Public line: 1300 556 729
  - Mandated Reporters Line: 1300 556 728

- Online: For less serious concerns, complete an online child concern report.
- Email: For less serious concerns, contact Child Protection Reports
- Care and Protection Services is open 24 hours a day, 7 days a week

## Working with Children

Jurisdiction	Principal act	Type of program:
ACT	<i>Working with Vulnerable People (Background Checking) Act 2011</i>	<p>The ACT Working With Vulnerable People Background Check requires that individuals engaging in regulated activities or services, including where these are provided to children, must be registered. A statutory Screening Unit within the Office of Regulatory Services, Justice and Community Safety Directorate is responsible for applications for registration. There are three types of registration administered to individuals: general registration, which is transferable across all roles and organisations; role-based registration; and conditional registration.</p> <p>People aged 16 years and over who have contact with vulnerable people while engaging in regulated activities and services require a WWVP Check Individuals are responsible for their own application through Access Canberra.</p> <p>Organisations should keep a record of registration details for each worker and set reminders for registration expiry to ensure workers do not continue work without a valid WWVP registration. Evidence of WWVP registration is required and any restrictions upon the employee card should be adhered to Valid for: 3 years</p>

In ACT it is an offence for an employer to knowingly engage a child-related worker, volunteer or contractor who does not hold a With Vulnerable People Background Check (or equivalent) or who has a bar.

Personnel who are engaged with our organisation in a child-related work are required to:

- Hold and maintain a valid Working with Vulnerable People registration (or equivalent).
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar; and
- Report to the Head of Relevant Entity if they are no longer eligible for With Vulnerable People Background Check (or equivalent), the status of their With Vulnerable People Background Check (or equivalent) changes or are notified by the administering body that they are subject of risk assessment.

## Reportable Conduct Scheme

Reportable conduct is defined as:

- a sexual offence with or in the presence of a child,
- sexual misconduct with, or in the presence of a child,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child, or,
- behaviour that causes significant emotional or psychological harm to a child.

The reportable conduct scheme monitors how organisations manage allegations made against personnel. Specific organisations, agencies or bodies have obligations under the reportable conduct scheme, dependent on States or Territories.

For more information on ACT Reportable Conduct Scheme see <https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>

## Failure to Report

Personnel within organisations have a moral obligation to report child abuse. In certain States and Territories, failing to prevent child abuse or concealing child abuse behaviour that causes emotional or psychological harm and may fall under the reportable conduct scheme and result in legal implications.

## New South Wales

### NSW Related Legislation Table

<b>New South Wales</b>	<i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>	<i>Adoption Act 2000 (NSW)</i> <i>Advocate for Children and Young People Act 2014 (NSW)</i> <i>Child Protection (International Measures) Act 2006 (NSW)</i> <i>Child Protection (Offenders Prohibition Orders) Act 2004 (NSW)</i> <i>Child Protection (Offenders Registration) Act 2000 (NSW)</i> <i>Child Protection (Working with Children) Act 2012 (NSW)</i> <i>Crimes (Domestic and Personal Violence) Act 2007 (NSW)</i> <i>Industrial Relations (Child Employment) Act 2006 (NSW)</i> <i>Ombudsman Act 1974 (NSW)</i> <i>Young Offenders Act 1997 (NSW)</i> <i>Children's Guardian Act 2019 (NSW)</i>
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## Mandatory Reporting Guidance Resource

Mandatory reporting laws require specified people to report suspected abuse and neglect to government child protection services in Australia.

New South Wales' mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 23 and 27 of the <i>Children and Young Persons (Care and Protection) Act 1998 (NSW)</i>
Who is mandated to report?	<p>A person who, during his or her professional work, or other paid employment, delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.</p> <p>A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children.</p> <p>A person in religious ministry, or a person providing religion-based activities to children.</p> <p>A registered psychologist providing a professional service as a psychologist.            Note: Children's services means either or both of the following (subject to the regulations): (a) an education and care service within the meaning of the Children</p>

	(Education and Care Services) National Law (NSW); (b) a State regulated education and care service within the meaning of the Children (Education and Care Services) Supplementary Provisions Act 2011.
What must be reported?	Suspicion on reasonable grounds, obtained during the course of or from the person's work, that a child is at risk of significant harm because of the presence to a significant extent of circumstances of neglect, physical abuse, sexual abuse, psychological abuse, risk of harm through exposure to domestic violence, and failure to engage with services after a pre-natal report.
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> <li>• Physical abuse</li> <li>• Sexual abuse</li> <li>• Emotional/psychological abuse</li> <li>• Neglect</li> <li>• Exposure to domestic violence</li> </ul>

### For immediate help

- To report concerns that are life threatening, ring NSW Police: 000
- To report concerns about the safety of a child contact the Child Protection Helpline 13 2111 (NSW)
- For interstate child protection reporting. If you are calling from an international number call: +61 2 9765 5117. The Helpline is open 24 hours a day, 7 days a week

### Working with Children

Jurisdiction	Principal act	Type of program:
NSW	<i>Child Protection (Working With Children) Amendment (Statutory Review) Act 2018 (NSW)</i>	<p>Individuals are responsible for their own application for certification and are also legally required to update their contact details, including any name or address changes within three months.</p> <p>Employers must verify that their workers or volunteers who work with children have had a check or applied for one.</p> <p>Employers operating within a child-related industry are required to register online with the NSW Office of the Children's Guardian (OCG) and are required to subsequently conduct online verification of new paid employees' clearance.</p> <p>Existing paid workers and all volunteers (new and current) also need to have their clearance validated online.</p> <p>Parent volunteers attending overnight children's camps are required to have a WWCC.</p> <p>NGOs are required to provide information relevant to an assessment of whether a person poses a risk to the safety of children in response to a request from the OCG.</p> <p>Valid for: 5 years</p>

In NSW it is an offence for an employer to knowingly engage a child-related worker, volunteer or contractor who does not hold a Working with Children Check Clearance (or equivalent) or who has a bar.

Personnel who are engaged with our organisation in a child-related work are required to:

- Hold and maintain a valid Working with Children Check clearance (or equivalent)
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar

- Report to the Head of Relevant Entity if they are no longer eligible for Working with Children Check clearance (or equivalent), the status of their Working with Children Check clearance (or equivalent) changes or are notified by the administering body that they are subject of risk assessment; and
- Notify the administering body of any changes to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

### Reportable Conduct Scheme

Reportable conduct is defined as:

- a sexual offence with or in the presence of a child,
- sexual misconduct with, or in the presence of a child,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child, or,
- behaviour that causes significant emotional or psychological harm to a child.

The reportable conduct scheme monitors how organisations manage allegations made against personnel. Specific organisations, agencies or bodies have obligations under the reportable conduct scheme, dependent on States or Territories.

For more information on NSW Reportable Conduct Scheme see:

<https://www.kidsguardian.nsw.gov.au/child-safe-organisations/reportable-conduct-scheme>

### Failure to Report

Personnel within organisations have a moral obligation to report child abuse. In certain States and Territories, failing to prevent child abuse or concealing child abuse behaviour that causes emotional or psychological harm and may fall under the reportable conduct scheme and result in legal implications.

### Failure to Protect

In NSW, failure to protect is an offense where:

- personnel believe there is a significant risk of harm to children (under the age of 18) by other personnel in the organisation
- they are in a position of authority to remove or reduce that risk; and
- they fail to do so.

Failure to protect may result in legal implications, including imprisonment

## Queensland

### QLD Related Legislation Table

<b>Queensland</b>	<p><i>Child Protection Act 1999 (Qld)</i></p>	<p><i>Adoption Act 2009 (Qld)</i>  <i>Child Employment Act 2006 (Qld)</i>            Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017  <i>Child Protection (International Measures) Act 2003 (Qld)</i>            Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2017 (Qld)  <i>Child Protection Reform Amendment Act 2017 (Qld)</i>  <i>Child Protection Reform Amendment Act 2014 (Qld)</i></p>
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	<p><i>Commission for Children and Young People and Child Guardian Act 2000 (Qld)</i>  <i>Director of Child Protection Litigation Act 2016 (Qld)</i>  <i>Domestic and Family Violence Protection Act 2012 (Qld)</i>  <i>Education and Care Services Act 2013 (Qld)</i>  <i>Education (General Provisions) Act 2006 (Qld)</i>  <i>Family and Child Commission Act 2014 (Qld)</i>  <i>Family Responsibilities Commission Act 2008 (Qld)</i>  <i>Guardianship and Administration Act 2000 (Qld)</i>  <i>Ombudsman Act 2001 (Qld)</i>  <i>Police Powers and Responsibilities Act 2000 (Qld)</i>  <i>Public Guardian Act 2014 (Qld)</i>  <i>Public Health Act 2005 (Qld)</i></p> <p><i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>  <i>Youth Justice Act 1992 (Qld)</i></p>
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### Mandatory Reporting Guidance Resource

Mandatory reporting laws require specified people to report suspected abuse and neglect to government child protection services in Australia.

Queensland mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Part 1AA, section 13F of the <i>Child Protection Act 1999</i> (Qld)	Part 1AA, section 13E of the <i>Child Protection Act 1999</i> (Qld)	Sections 364, 365, 365A, 366, 366A of the <i>Education (General Provisions) Act 2006</i> (Qld)
Who is mandated to report?	An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service	Doctors; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the <i>Police Service Administration Act 1990</i> , is responsible for reporting under this section; a person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i> ; early childhood education and care professionals.	School staff
What must be reported?	A reasonable suspicion that a child in care (a child placed in the care of an entity conducting a departmental care service or a licensee) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse	A reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm	Awareness or reasonable suspicion that a child has been or is likely to be sexually abused; and the suspicion is formed in the course of the person's employment
Abuse and neglect types that must be reported	<ul style="list-style-type: none"> <li>• Physical abuse</li> <li>• Sexual abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Physical abuse</li> <li>• Sexual abuse</li> </ul>	<ul style="list-style-type: none"> <li>• Sexual abuse</li> </ul>

### For immediate help

- To report concerns that are life threatening, ring QLD Police: 000
- To report concerns about the safety of a child contact the Child Safety Service Centres: Regional Intake Services
- Out Of Hours Service Centre - 1800 177 135 or (07) 3235 9999

### Working with Children

Jurisdiction	Principal act	Type of program:
QLD	<i>Working with Children (Risk Management and Screening) Act 2000</i>	Individuals are required to apply for a WWCC, known as a 'Blue Card' in Queensland. Blue Cards allow individuals to engage in child-related occupations/volunteering. Organisations providing child-related services must also have policies and procedures in place to identify and minimise the risk of harm to children. Individuals are responsible for their own application for a Blue Card and are also legally required to update their contact details, including any name or address changes. Employers must verify that their workers or volunteers who work with children hold a valid Blue Card before commencement of work with children. Organisations which fall within a category of regulated business in the Working with Children (Risk Management and Screening) Act 2000, must hold a blue card or an exemption card. These policies and procedures are monitored by the Public Safety Business Agency. Valid for: 3 years

In QLD it is an offence for an employer to knowingly engage a child-related worker, volunteer or contractor who does not hold a valid Blue Card or exemption card.

Personnel who are engaged with our organisation in a child-related work are required to:

- Hold and maintain a valid Blue Card or exemption card
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar
- Advise if role with children has moved from volunteer to regulated employee or regulated business
- Report to the Head of Relevant Entity if they are no longer eligible for Blue Card clearance (or equivalent), the status of their Blue Card clearance (or equivalent) changes or are notified by the administering body that they are subject of risk assessment; and
- Notify the administering body of any changes to their personal details within 14 days of the change occurring. Failure to do so may result in a fine.

### Reportable Conduct Scheme

Reportable conduct is defined as:

- a sexual offence with or in the presence of a child,
- sexual misconduct with, or in the presence of a child,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child, or,
- behaviour that causes significant emotional or psychological harm to a child.

The reportable conduct scheme monitors how organisations manage allegations made against personnel. Specific organisations, agencies or bodies have obligations under the reportable conduct scheme, dependent on States or Territories.

Currently Queensland is not subject to the Reportable Conduct Scheme.

### Failure to Report

Personnel within organisations have a moral obligation to report child abuse. In certain States and Territories, failing to prevent child abuse or concealing child abuse behaviour that causes emotional or psychological harm and may fall under the reportable conduct scheme and result in legal implications.

### Victoria

#### Victoria Legislation Table

<b>Victoria</b>	<i>Children, Youth and Families Act 2005 (Vic.)</i>	<i>Adoption Act 1984 (Vic.)            Child Employment Act 2003 (Vic.)            Child Wellbeing and Safety Act 2005 (Vic.)            Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)            Commission for Children and Young People Act 2012 (Vic.)            Family Violence Protection Act 2008 (Vic.)            Sex Offenders Registration Act 2004 (Vic.)            Working with Children Act 2005 (Vic.)</i>
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#### Mandatory Reporting Guidance Resource

Mandatory reporting laws require specified people to report suspected abuse and neglect to government child protection services in Australia.

Victoria's mandatory reporting laws cover an extensive list of professions, and the details of the reporting requirements are provided in the table below.

Legal provisions	Sections 182(1), 184 and 162(1)(c)-(d) of the <i>Children, Youth and Families Act 2005 (Vic.)</i>
Who is mandated to report?	Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the <i>Education and Training Reform Act 2006</i> or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the <i>Education and Training Reform Act 2006</i> ; police officers, a person in religious ministry, out-of-home care workers (excluding voluntary foster and kinship carers), early childhood workers, youth justice workers and registered psychologists.
What must be reported?	Belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(1)(c) or 162(1)(d), formed in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief

Abuse and neglect types that must be reported	<ul style="list-style-type: none"> <li>• Physical injury</li> <li>• Sexual abuse</li> </ul> <p>Note that technically, under s. 162, the duty is limited to instances of physical injury and sexual abuse where 'the child's parents have not protected, or are unlikely to protect, the child from harm of that type'.</p>
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### For immediate help

- To report concerns that are life threatening, ring Victoria Police: 000
- To report concerns about the immediate safety of a child after hours, call the After-Hours Child Protection Emergency Service: 13 12 78.

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides.

Telephone numbers to make a report during business hours (8.45am -5.00pm), Monday to Friday, are listed below.

- North Division intake: 1300 664 977
- South Division intake: 1300 655 795
- East Division intake: 1300 360 391
- West Division intake - metropolitan: 1300 664 977
- West Division intake - rural and regional: 1800 075 599

If you are not sure which number to call, check the Child Protection Contacts Page for details on the LGAs covered by each intake service.

It is a criminal offence not to report in these circumstances.

### Working with Children

Jurisdiction	Principal act	Type of program:
Vic.	<i>Working With Children Act 2005 (Vic.)</i>	Individuals are required to apply for a WWCC. The check allows individuals to engage in child-related occupations/volunteering and practical training. Valid for: 5 years.

Legislation on working with children ensures that adults who work with, or care for, children are subject to screening processes to protect children from physical and sexual harms.

To ensure that all employees, and volunteers involved in activities and contact with children and young people are responsible and of sound character and comply with the requirement of the Working With Children Act of 2005.

Any personnel whose duties usually involve or are likely to involve work with children and young people (paid or unpaid) is engaged in 'child-related work' and must be compliant with the Working with Children Act.

Our organisation is required to:

- Verify online and record the status of each child-related worker's Working with Children Check clearance (or equivalent).

- Only employ or engage child-related workers or eligible volunteers who have a valid Working with Children Check clearance (or equivalent); and
- Where a Reportable Conduct Scheme (or equivalent) is applicable, advise our administering body of any findings after completing an investigation of reportable conduct. Any findings in relation to sexual misconduct, a sexual offence or serious physical assault must be referred to the Working with Children Check Clearance (or equivalent) Directorate

It is an offence for an employer to knowingly engage a child-related worker who does not hold a Working with Children Check Clearance (or equivalent) or who has a bar.

Personnel who are engaged with our organisation in a child-related work are required to:

- Hold and maintain a valid Working with Children Check clearance (or equivalent).;
- Not engage in child-related work at any time that they are subjected to an interim bar or a bar;
- Report to the Head of Relevant Entity if they are no longer eligible for Working with Children Check clearance (or equivalent), the status of their Working with Children Check clearance (or equivalent) changes or are notified by the administering body that they are subject of risk assessment; and
- Notify the administering body of any changes to their personal details within 3 months of the change occurring. Failure to do so may result in a fine.

It is an offence for an employee, volunteer, contractor and where identified sub-contractor to engage in child related work when they do not have clearance or if they are subject to a bar.

### **Reportable Conduct Scheme**

Reportable conduct is defined as:

- a sexual offence with or in the presence of a child,
- sexual misconduct with, or in the presence of a child,
- ill-treatment of a child,
- neglect of a child,
- an assault against a child, or,
- behaviour that causes significant emotional or psychological harm to a child.

The reportable conduct scheme monitors how organisations manage allegations made against personnel. Specific organisations, agencies or bodies have obligations under the reportable conduct scheme, dependent on States or Territories.

For more information on VIC Reportable Conduct Scheme see <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

### **Failure to Report**

Personnel within organisations have a moral obligation to report child abuse. In certain States and Territories, failing to prevent child abuse or concealing child abuse behaviour that causes emotional or psychological harm and may fall under the reportable conduct scheme and result in legal implications.

In Victoria, it is a criminal offence for personnel of an organisation to fail to protect children under the age of 16, from sexual abuse by another personnel from that organisation.

## **Failure to Protect**

In Victoria, failure to protect is an offense where:

- personnel believe there is a significant risk of harm to children (under the age of 18) by other personnel in the organisation
- they are in a position of authority to remove or reduce that risk; and
- they fail to do so.

Failure to protect may result in legal implications, including imprisonment.