

Updated 2020



Mandatory Reporting

For Pastors, Staff, Leaders and Volunteers

BERWICK
CHURCH OF CHRIST

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** It is important that you read these pages to ensure you know and understand the legal requirements you are required to follow.*

Introduction

In 2013, the Victorian Parliament's Family and Community Development Committee delivered its '[Betrayal of Trust](#)' report, following the Inquiry into the Handling of Child Abuse by Religious and other Non-Government Organisations.

The report found that while the vast majority of children involved in non-government organisations are safe, there has been an inadequate response to criminal abuse of children.

The report found there was a need for stronger requirements for organisations to take reasonable steps to protect children. It also recommended criminal and civil law reform, and introduced 'grooming' as a separate offence.

Outcomes of the Inquiry and Report

The Betrayal of Trust report led to some changes and legislative reforms in Victoria. These include:

- The [Reportable Conduct Scheme](#) – to provide central oversight of the way organisations respond to allegations of abuse and misconduct.
- '[Failure to Protect](#)' legislation – which makes it an offence for a person of authority in an organisation to fail to act in reducing the risk of sexual abuse of children.
- New mandatory reporting '[failure to disclose](#)' legislation, which stipulates any adult that suspects child abuse must report it to the police.
- Introduction of a '[grooming](#)' offence – which makes it illegal to communicate with children or their parents or carers with the intent of committing sexual abuse.
- Creation of a Statutory Duty of Care under the Wrongs Amendment Act – more information on this can be found below.

The Statutory Duty of Care

The Statutory Duty of Care applies to any organisations involved in the care and supervision of children. This includes churches, faith organisations, sporting groups, schools and many others. It requires relevant organisations to take reasonable care to prevent child abuse. This also means that if abuse does occur, the organisation could be in breach of the duty – unless it can prove it took 'reasonable precautions' to prevent it.

In addition, while the onus of proof was previously on the victim, under the new duty part of the onus now shifts to the organisation to show it took reasonable child safety precautions.

Other changes in Victoria

As a result of the Parliamentary Inquiry and the Royal Commission into Child Sex Abuse, new minimum [Child Safe Standards](#) have also been introduced in Victoria, and [Working-With-Children Check requirements](#) have been strengthened.

Links for more information

[Fact Sheet on the new duty of care](#)

[CCI articles on child and youth safety](#)

Mandatory Reporting to Child Protection Explained:

What is Mandatory Reporting?

Mandatory reporting refers to the legal requirement of certain professional groups to report a reasonable belief of child physical or sexual abuse to child protection authorities.

People in Religious Ministry are mandated to report in Victoria

People in religious ministry commenced as mandatory reporters on 17 February 2020.

The law makes it mandatory for ministers and other appointed religious leaders to report child abuse, including when it is revealed to them during a confession. Under the law, ministers and religious leaders face up to three years' jail if they don't report child physical and sexual abuse allegations.

IMPORTANT NOTE: *The law clearly states that **any adult** (not just those who are mandatory reporters) who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age **must report that information to police** unless they have a reasonable excuse. A reasonable excuse may include fear for safety or where the information has already been reported.*

How are people in religious ministry defined?

The legislation states that a "person in religious ministry" means a person appointed, ordained, or otherwise recognised as a religious or spiritual leader in a religious institution, whether paid or unpaid.

For example: Church elder, deacon, granthi, imam, religious minister, monk, nun, pastor, priest, pujari, rabbi, religious brother or sister and salvation army officer.

A religious institution means an entity that operates under the auspices of any faith; and provides activities, facilities, programs or services of any kind through which adults interact with children.

Examples may include dioceses, mosques, parishes, synagogues, local religious congregations, schools, post-secondary institutions and religious institutes that may provide activities, facilities, programs or services such as chaplaincy services, early childhood services, outreach support or care services or residential facilities.

Are there any exemptions to mandatory reporting?

No. There are no exemptions under the *Children Youth and Families Act* from the mandatory reporting requirements.

Mandated reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment,
- they form a reasonable belief:
 - that a child has suffered or is likely to suffer significant harm, as a result of physical or sexual abuse **and**
 - the child's parents have not protected or are unlikely to protect the child from harm of that type

The report must be made as soon as practicable after forming the belief and after each occasion on which the mandated reporter becomes aware of any further reasonable grounds for the belief.

Definition of a child

For the purpose of mandatory reporting, **a child is defined as a person who is under the age of 17 years**, unless they are subject to a protection order granted by the Children's Court of Victoria, Family Division, that continues in force until they turn 18 years of age.

What am I required to do?

In Victoria, under the *Children, Youth and Families Act 2005*, mandatory reporters must make a report to child protection, if:

- in the course of practising their profession or carrying out duties of their office, position or employment
- they form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse

When do I have to report?

Make a report to Child Protection as soon as practicable after forming your belief. Make a report each time you become aware of any further reasonable grounds for your belief.

Responsibility for Reporting concerns about children or young people

Everyone associated with Berwick Church of Christ has some responsibility for reporting as set out below.

Who	Role in Reporting
All Volunteers and Leaders in any role	<ul style="list-style-type: none">• Be aware of and act in accordance with policies and procedures.• Agree to and sign the Code of Conduct and abide by it.• Inform your Department Pastor and/or Senior Pastor or the Safety Contact Person immediately and do not discuss this with anyone else.• Raise any issues or concerns by completing a 'Reporting Concerns Form' or 'Risk of Significant Harm Form' located at www.berwickchurchofchrist.org.au/policies and submit the Form to the Safety Contact Person.• Call emergency services 000 if immediate danger is perceived for anyone of any age.
Pastors / Staff	<ul style="list-style-type: none">• Be aware of and act in accordance with policies and procedures.• Agree to and sign the Code of Conduct and abide by it.• Raise any issues or concerns by completing a 'Reporting Concerns Form' or 'Risk of Significant Harm Form' located at www.berwickchurchofchrist.org.au/policies and submit the Form to the Safety Contact Person.• Contact Child FIRST (or Orange Door for Frankston or Mornington areas) if you have significant concerns for the wellbeing of a child or young person under the age of 17, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised.• Report to the Police if you have a reasonable belief that a person who is 18 or older has committed or attempted to commit a sexual offence against a child who is under 16.• Call emergency services 000 if immediate danger is perceived for anyone of any age.• Senior Pastor to report all incidents to the Chair of the Board.
Elders (Board) / Chair of Board	<ul style="list-style-type: none">• Ensure the relevant policies are widely communicated and lived out in the church.• Ensure the church is compliant with regulatory obligations.• The Chair of the Board must report all allegations of child-related misconduct made against any volunteers, leaders, pastors or staff to the Commission for Children and Young People, and must provide evidence to the Safety Contact Person that this report has been made within 72 hours.• Seek help from CCVT where needed.

What is a reasonable belief?

A reasonable belief is formed if a reasonable person, doing the same work, would form the same belief on those grounds, based on the same information. Grounds for forming a belief are matters of which the person has become aware of and any opinions in relation to those matters.

For example, a 'reasonable belief' might be formed when:

- a child states that they have been physically or sexually abused
- a child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves)
- someone who knows a child states that the child has been physically or sexually abused
- professional observations of the child's physical condition and/or behaviour or development leads a professional to form a belief that the child has been physically or sexually abused
- signs of physical or sexual abuse leads to a belief that the child has been physically or sexually abused
- other circumstances lead you to suspect that a child has been abused

When is a child in need of protection?

A child may be in need of protection if they have experienced or are at risk of significant harm, and their parents have not protected, or are unlikely to protect them from that harm. Significant harm may relate to:

- physical injury
- sexual abuse
- emotional or intellectual development
- physical development or health
- abandonment or parental incapacity

Mandatory reporters are required to report in relation to significant harm as a result of physical injury or sexual abuse. They may choose, as can anyone, to report in relation to other types of significant harm.

What will Child Protection do?

The best interests of the child are the paramount consideration. Child Protection will decide when follow up is required and how to classify the report. This may mean providing advice to the reporter, progressing the matter to an investigation, referring the family to support services in the community, or taking no further action.

Contact Child Protection

To make a report, you should contact the child protection intake service covering the local government area (LGA) where the child normally resides. The telephone number to make a report during business hours (8.45am-5.00pm), Monday to Friday, for this area is as follows:

South Division Intake - 1300 655 795

South Division has one child protection intake located at DHHS Dandenong, and covers these areas:

Bass Coast, Baw Baw, Bayside, Cardinia, Casey, East Gippsland, Frankston, Glen Eira, Greater Dandenong, Kingston, Latrobe, Mornington Peninsula, Port Phillip, South Gippsland, Stonnington, Wellington.

For more details on who to contact for other areas go to <https://services.dhhs.vic.gov.au/child-protection-contacts>

For Immediate Help

To report concerns that are life threatening, contact **Victoria Police: 000**

To report concerns about the immediate safety of a child outside of normal business hours, contact the **After Hours Child Protection Emergency Service on 13 12 78.**

What if I'm worried about a child's wellbeing, but I don't believe the child is in need of protection?

Child FIRST or Orange Door

If you have significant concerns for the wellbeing of a child, but do not believe they are at risk of significant harm, and where the immediate safety of the child will not be compromised, a referral to Child FIRST or Orange Door may be appropriate.

Child FIRST, as the access point for family services, is progressively transitioning to Orange Door. The Orange Door is the new access point for families who need assistance with the care and wellbeing of children, including those experiencing family violence, to contact the services they need to be safe and supported.

Referring to Child FIRST or Orange Door would be appropriate where families:

- are experiencing significant parenting problems that may be affecting the child's development
- are experiencing family conflict, including family breakdown
- are under pressure due to a family member's physical or mental illness, substance abuse, disability or bereavement
- are young, isolated or unsupported
- are experiencing significant social or economic disadvantage that may adversely impact on a child's care or development

Local Government Area	Child FIRST / Orange Door referral no.
Cardinia	(03) 9705 3939
Cardinia (Aboriginal children and families)	(03) 9794 5973
Casey	(03) 9705 3939
Casey (Aboriginal children and families)	(03) 9794 5973
Frankston (Orange Door)	1800 319 353
Greater Dandenong	(03) 9705 3939
Greater Dandenong (Aboriginal children and families)	(03) 9794 5973
Knox	1300 369 146
Mornington Peninsula (Orange Door)	1800 319 353
South Gippsland	1800 339 100

Will the family know I have made a report or referral?

The identity of a reporter to Child Protection or a referrer to Child FIRST or Orange Door must remain confidential, unless:

- the reporter or referrer chooses to inform the child or family of the report or referral
- the reporter or referrer consents in writing to their identity as the reporter being disclosed
- a court or tribunal decides it needs this information in order to ensure the safety and wellbeing of the child
- a court or tribunal decides that in the interests of justice the evidence needs to be given

It is often considered best practice to inform the family that you have made a report or referral, where appropriate. Being transparent about your concerns and making a report to child protection or referral to Child FIRST or The Orange Door, in circumstances where it is safe and appropriate to do so, can be beneficial for the young person, the family and your ongoing role with them.

However, in some circumstances, discussing your concerns may increase risk of harm for a child, or may compromise a child protection or police investigation. As such, seek advice at the time of making the report or referral.

Betrayal of Trust Factsheet: The new organisational duty of care to prevent child abuse

The Victorian Government believes it is important that organisations are subject to a well-defined legal duty to prevent child abuse within organisations.

A statutory duty of care under the *Wrongs Amendment (Organisational Child Abuse) Act 2017* (see Part XIII of [Wrongs Act 1958](#)) has been created to ensure there is a clear legal duty placed on organisations to take reasonable steps to minimise the risk of child abuse, perpetrated by organisational representatives.

This means a child abuse survivor (plaintiff) will have a clear course of action when commencing legal proceedings against an organisation for the sexual and/or physical abuse of a child. It is then up to the organisation to prove that it took reasonable precautions to prevent the abuse.

This duty provides clarity for both organisations and survivors of abuse.

1. Why is the duty necessary?

The Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations delivered the [Betrayal of Trust](#) report on 13 November 2013. One of the matters considered by the Parliamentary Inquiry was whether law reform was required to help prevent and respond to child abuse in organisations.

The Betrayal of Trust report found that perpetrators of child abuse in organisations often obtained credibility, trustworthiness, and easy access to children from their position within the organisation. It also found that instances of organisational child abuse have been facilitated by the trusting relationships that are created by a perpetrator's association with an organisation.

While it was already possible under the law for an organisation to be liable for child abuse committed by its personnel, the circumstances in which this liability could be established was both unclear and limited. The Betrayal of Trust report stated that:

- organisations should have a clear legal duty to take appropriate measures to minimise the risk of abuse that arises because of the creation of relationships of trust for which they are responsible, and
- there is a clear need to recognise the legal obligation of organisations to reasonably ensure the safety of children who come into contact with their members".

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) has made similar recommendations.

The duty allows organisations to be held liable for child abuse, and it also encourages organisations to take reasonable precautions to prevent abuse.

2. What is the duty?

A stand-alone statutory duty of care has been created to allow an organisation to be held liable in negligence for certain contexts of organisational child abuse. This does not alter other duties under the law of negligence, vicarious liability, or non-delegable duties.

Under the duty, organisations are required to take reasonable precautions to prevent the abuse of a child by an individual associated with the organisation while the child is under the care, supervision or authority of the organisation.

If child abuse occurs, the organisation is presumed to have breached the duty unless it proves it took 'reasonable precautions' to prevent the abuse.

3. Which organisations are subject to the duty?

The duty applies to all organisations that exercise care, supervision or authority over children, and are capable of being sued.

This includes, but is **not limited** to:

- community service organisations providing services to children
- out-of-home care services
- religious bodies
- government agencies or departments providing services for children
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- schools and other educational institutions
- sporting groups
- youth organisations
- local councils
- charities and benevolent organisations providing services for children
- housing services and homeless services
- health services including public and private hospitals
- drug and alcohol treatment services
- disability services providers.

The above list of example organisations is not exhaustive. The duty applies to any organisation that exercises care, supervision or authority over children.

Organisations that are not capable of being sued can nominate a legal entity to act as a proper defendant for child abuse claims.

The term 'authority' includes 'ostensible authority' because it is important to cover situations where organisational personnel have leveraged the trust created by their position of authority in order to commit abuse. Organisations should consider the ways that persons in positions of organisational authority can misuse that authority to, for example, groom a child for later abuse.

The Government is currently developing further law reforms to implement separate recommendations from the *Betrayal of Trust* report on the legal status of unincorporated organisations.

4. What types of abuse are organisations required to prevent under the duty?

Under the duty, organisations exercising care, supervision or authority over children must take reasonable precautions to prevent sexual abuse and/or physical abuse of a child.

Sexual abuse

Some examples of sexual abuse include sexual penetration, sexual touching, or taking part in a sexual act.

Physical abuse

Some examples of physical abuse include the infliction of physical violence, beating, burning, torture, cruelty, and assault with objects.

The courts will determine the meaning of physical abuse, given each incident of abuse will have its individual circumstances.

Guidance of what actions or omissions could constitute physical abuse can be drawn from sources such as the *Betrayal of Trust* report and the Royal Commission.

5. For whose conduct are organisations liable?

The duty relates to child abuse committed by an individual associated with the organisation.

Individuals associated with the organisation can include, but is **not limited** to:

- employees
- volunteers
- office holders
- contractors
- ministers of religion
- religious leaders
- foster or kinship carers

Organisations cannot avoid their duty by delegating their care, supervision or authority of children to other organisations. For example, if a school sends its students to a privately run camp and a member of the camp's staff abuses a student, the school is required to prove that it took reasonable precautions to prevent that abuse.

6. Who bears the responsibility for proving the claim?

Previously, the person bringing the civil claim (plaintiff) against the organisation had responsibility (onus of proof) for proving that the abuse occurred and the organisation is liable.

Under the duty, this responsibility is reversed. This means that once a plaintiff proves that child abuse within the scope of the duty has occurred, the onus of proof shifts onto the organisation, which is deemed to have breached the relevant duty unless it can prove that it took 'reasonable precautions'.

7. What are reasonable precautions?

'Reasonable precautions' has not been defined to allow organisations to flexibly take the necessary steps that are suitable for them. This might depend on a range of factors such as the nature of the organisation, the role of the perpetrator in that organisation, and the relationship between the organisation and the child.

Organisations will need to consider the necessary steps that are suitable for them. As examples, the following measures are what courts have previously considered to be reasonable precautions in the context of organisational child abuse:

- employment screening and referencing checking
- supervision and training
- implementing systems to provide early warning of possible offences
- random and unannounced inspections to deter misconduct, and
- encouraging children and adults to notify authorities or parents about any signs of aberrant or unusual behaviour

A court's interpretation will vary depending upon the facts of each individual claim. For instance, the standard of what is reasonable may be lower in circumstances where an organisation may not have had direct control over either the child in question, or the perpetrator of the abuse.

8. Preventing the abuse in question

While common law requires organisations to prevent child abuse generally, the duty expands on this by requiring organisations to prove that 'reasonable precautions' were taken to prevent the child abuse in question. It is important to require examination of the specific circumstances surrounding the incident of abuse, in order to ensure that organisations proactively turn their minds to the ways in which perpetrators of abuse can misuse their positions within organisations to commit child abuse. However, examining the abuse in question may also involve an examination of general risk prevention practices.

9. From when does the duty apply?

The duty commenced on 1 July 2017. It will only apply to sexual abuse and/or physical abuse of a child that has occurred on or after this date.

For other civil claims involving other forms of child abuse, the pre-existing common law continues to apply.

10. Further information

To ensure compliance with the duty, organisations should make appropriate assessments based on the nature of their organisations and develop any internal policies or protocols to best minimise risks. There are existing regulatory mechanisms which could assist in guiding organisations about prevention and response on child abuse. These include the Child Safe Standards, the reportable conduct scheme, and the Working with Children Check.

For information in relation to community service and other organisations, see [Appendix A](#).

Appendix A – Community service and other organisations

Child Safe Standards

The Child Safe Standards (the Standards) are compulsory minimum requirements to create and maintain a child safe environment and better protect children from the risks of abuse and apply to organisations that provide services for children.

The Standards aim to drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice.

Community service organisations that provide services to children are required to comply with the Standards. Complying with the Standards will help organisations demonstrate they have taken appropriate actions to identify and reduce or remove risks of child abuse. Further information about the Standards can be found on the Department of Health and Human Services website:

<http://www.dhs.vic.gov.au/about-the-department/documents-and-resources/policies,-guidelines-and-legislation/child-safe-standards-resources>

<http://www.dhs.vic.gov.au/facs/bdb/fmu/service-agreement/4.departmental-policies-procedures-and-initiatives/4.25-child-safe-standards>

The Commission for Children and Young People is responsible for monitoring organisations' compliance with the Standards and has a range of resources to help organisations available on its website:

<http://www.ccyv.vic.gov.au/child-safe-standards/index.htm>

Departmentally-funded organisations are still required to comply with all terms and conditions set out in their service and funding agreements, including compliance with the Human Services Standards, as relevant, and safety screening checks such as:

- obtaining Working with Children Checks for relevant staff
- undertaking a Disqualified Carer Check on all prospective out-of-home carers
- registering a carer on the Carer Register
- revoking a carer's registration when ceasing to be a carer.

Further information on safety screening is available here:

<http://www.dhs.vic.gov.au/facs/bdb/fmu/service-agreement/4.departmental-policies-procedures-and-initiatives/4.6-safety-screening-for-funded-organisations>

Reportable conduct scheme

A Victorian reportable conduct scheme commenced operation on 1 July 2017, and is administered by the Commission for Children and Young People.

The scheme requires organisations that have a high level of responsibility for children to report allegations of child abuse and child related misconduct to the Commission for Children and Young People. Certain community service organisations funded by the Department of Health and Human Services will be covered by the scheme.

Central oversight of how organisations respond to allegations of reportable conduct will help embed a child-safe culture across all organisations.

Further information about the reportable conduct scheme, including a full list of organisations covered by the scheme, is available on the websites of the Commission for Children and Young People and the Department of Health and Human Services:

- <https://ccyp.vic.gov.au/reportable-conduct-scheme/>
- <http://www.dhs.vic.gov.au/about-the-department/plans,-programs-and-projects/projects-and-initiatives/children,-youth-and-family-services/creating-child-safe-organisations>

Working with Children Checks

The Working with Children Check is one of the safety measures organisations need to put in place to protect children from sexual and physical harm.

- <http://www.workingwithchildren.vic.gov.au/home/resources/>

A list of additional resources can be found on the website for Commission for Children and Young People, including tip sheets on what to look for in a child safe organisation:

<https://ccyp.vic.gov.au/child-safety/resources/guides-and-information-sheets/>

A guide to creating child safe organisations can be found on the Commission for Children and Young People's website: <https://ccyp.vic.gov.au/assets/resources/ChildSafeGuide.pdf>.

Betrayal of Trust Factsheet: Failure To Disclose Offence

In 2014, the law in Victoria was changed to create the failure to disclose offence.

The failure to disclose offence applies to you if:

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

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

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

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

The failure to disclose offence helps to ensure that protecting children from sexual abuse is the responsibility of the whole community. On this page you can learn more about:

- what a 'reasonable belief' of child sexual abuse means
- when you have a 'reasonable excuse' for not reporting information to police
- when you are exempt from the failure to disclose offence
- how to make a report to police.

The failure to disclose offence was introduced in Victoria in response to the [Betrayal of Trust report](#) in 2013.

You can find information about how the offence may affect the reporting obligations of organisations funded by the [Department of Health and Human Services on their website \(External link\)](#)

Reporting historical information about child sexual abuse

You must report information about child sexual abuse to police only if the alleged victim was still aged under 16 on 27 October 2014, when this offence came into effect.

As of 17 February 2020, if you are a religious minister who hears information in religious confession that leads you to form a reasonable belief of child sexual abuse, you must report that information to police.

Reasonable belief and child sexual abuse

You only need to report to police when you have seen or heard something that has led you to form a 'reasonable belief' that an adult has sexually abused a child.

You have a 'reasonable belief' if a reasonable person in the same circumstances as you would believe that an adult had sexually abused a child, for the same reasons you believed it. For example, you might form a reasonable belief that a child has been sexually abused if:

- the child tells you they have been sexually abused
- the child tells you they know someone who has been sexually abused (which may be a way of talking about themselves)
- someone who knows the child tells you the child has been sexually abused
- you observe signs of sexual abuse in the child
- you are a qualified professional who observes the child's behaviour or development, which leads you to believe the child has been sexually abused.

You do not need to report rumours or unfounded suspicions.

Reasonable excuses for not reporting to police

You may have a 'reasonable excuse' for not reporting information about child sexual abuse to police if, for example:

- you fear for your safety, or the safety of another person, or
- you believe the information has already been reported to the police.

If you are charged with the failure to disclose offence, a court or jury may consider whether it was reasonable for you not to report to police in the circumstances.

You will not be guilty of an offence if you have a reasonable excuse for not reporting.

Reasonable excuse – Fear for safety

You have an excuse for not reporting to police if:

- you reasonably fear for your safety or the safety of another person, except the person you believe committed, or was involved in, the sexual offence, and
- your failure to report is a reasonable response in the circumstances.

This excuse helps to protect children, their families and others from harm where reporting information might risk people's safety. For example, a mother may decide not to report her partner sexually abusing her child because she fears violence against her or her child.

The fear must be reasonable from the perspective of that person in those circumstances. This recognises that this person is best placed to judge whether their safety, or the safety of another person, is endangered.

Reasonable excuse – Belief that the information has already been disclosed

You have an excuse for not reporting to police if:

- you believe on reasonable grounds that another person has already disclosed the information to police, and
- you have no further information to add.

For example, you may have this belief if you have disclosed the information in a 'mandatory report' to Department of Health and Human Services Child Protection under the [Children, Youth and Families Act 2005 \(External link\)](#), as Child Protection will provide the information you have reported to them to police.

People who must make mandatory reports are:

- teachers and school principals
- doctors, nurses and midwives
- out-of-home care workers (excluding volunteer foster carers and kinship carers)
- early childhood teachers and workers
- registered psychologists
- youth justice workers
- school counsellors
- people in religious ministry.

This excuse means that people do not need to report the same information to different agencies.

For further information about mandatory reporting obligations, visit the [Department of Health and Human Services website \(External link\)](#)

Excuses that are not reasonable

You do not have a reasonable excuse for failing to disclose information if you are only concerned about the 'perceived interests' of:

- the person you believe committed, or was involved in, the sexual offence, or
- any organisation.

'Perceived interests' includes reputation, legal liability and financial status. For example, a religious minister's concern for the reputation of a church where an adult sexually abused a child is not a reasonable excuse for not reporting to police.

This ensures that a child's best interests are placed first.

Exemptions from the offence

You may be exempt from the offence if:

- a victim aged 16 or over has provided the information and requests confidentiality
- you were a child when you received the information
- the information would be privileged
- the information is a 'confidential communication'
- the information is in the public domain
- you are a police officer acting in the course of your duty.

Exemptions are important because they can:

- help to protect victims of family violence from the risk of further harm
- enable victims of sexual abuse to seek help and treatment, even if they do not want to report the abuse
- enable professionals to help and treat victims of sexual abuse.

A victim aged 16 or over requests confidentiality

A victim may decide they do not want the sexual abuse to be reported. Where a victim is capable of making an informed decision, the law does not require the abuse to be reported.

This means you do not need to report to police:

- if the information comes from a victim aged 16 or over, and
- the victim requests that the information not be reported.

The law recognises that a child under 16 is not able to make this kind of decision, as they may not fully understand the effects of abuse.

You will still need to report to police if:

- the victim had an intellectual disability when they provided the information, and
- the victim did not have the capacity to make an informed decision about disclosure when they provided the information, and
- you are aware or should reasonably have been aware of these facts.

You were a child when you received the information

If you were under 18 when you received the information, you do not have to report it when you turn 18.

This exemption protects children from the burden of knowing they will have to report the information to police when they turn 18.

The information would be privileged

You will not be required to report information that would be privileged, including information protected under:

- client legal privilege
- journalist privilege.

The religious confessions privilege no longer applies to this offence.

The information is a 'confidential communication'

You do not need to report to police if:

- you are a registered medical practitioner **or counsellor**, and
- you obtain the information from a victim or alleged victim of a sexual offence while treating them.

This exemption aims to protect registered medical practitioners and counsellors from criminal liability when they are treating a victim or alleged victim of sexual offending.

If you are a registered medical practitioner, you must still make a 'mandatory report' to Child Protection where required.

The information is in the public domain

You do not have to report to police if:

- you receive the information only through the public domain, or
- you form a reasonable belief only from information in the public domain.

Information may be in the public domain if, for example, it is on television or radio, in the newspaper or on the internet.

You are a police officer acting in the course of your duty

You do not need to report information if you are a police officer acting in the course of your duty in respect of the victim of the alleged sexual offence.

Protections for people who report child sexual abuse

If you disclose information about child sexual abuse to police, evidence may be given about that information in a legal case. Evidence that identifies, or could identify, you will be confidential unless:

- you consent in writing to the evidence being given, or
- a court or tribunal decides it is necessary in the interests of justice for the evidence to be given.

If you report to police in good faith, your report does not:

- amount to unprofessional conduct or a breach of your professional ethics, or
- subject you to any liability in relation to the report.

How to make a report to police

If you want to report to police that a child is in immediate risk of being sexually abused please **call Triple Zero (000)**.

Alternatively, you can the Narre Warren Police Station on (03) 9705 3111.

If you or someone you know has experienced child sexual abuse in an institution, we encourage you to contact Victoria Police's Sano Taskforce via email sanotaskforce@police.vic.gov.au ([External link](#))

Betrayal of Trust Factsheet: Failure to Protect – a new criminal offence to protect children from sexual abuse

In response to the Betrayal of Trust report the Victorian Government has strengthened laws to protect our children from sexual abuse and exposure to sexual offenders. This is in recognition of the shared community responsibility to protect children from abuse and to provide a safe environment for children to develop, learn and play.

A new criminal offence for failing to protect a child under the age of 16 from a risk of sexual abuse commenced on 1 July 2015.

The offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that 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 fail to do so.

This offence encourages organisations to actively manage the risks of sexual offences being committed against children in their care to protect them from harm.

1. What is the offence of failing to protect a child from a sexual offence?

The offence provides that a person who:

- a. by reason of the position he or she occupies within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a relevant child will become the victim of a sexual offence committed by a person of or over the age of 18 years who is associated with the relevant organisation; and
- b. knows that there is a substantial risk that the person will commit a sexual offence against a relevant child –

must not negligently fail to reduce or remove that risk.

2. What is a 'relevant organisation'?

The offence applies to people in authority within a *relevant organisation*. A relevant organisation is one that exercises care, supervision or authority over children, whether as part of its primary function or otherwise.

Relevant organisations include, but are not limited to:

- churches
- religious bodies
- education and care services (such as childcare centres, family day care services, kindergartens and outside school hours care services)
- licensed children's services such as occasional care services
- schools and other educational institutions
- organisations that provide accommodation to children and young people, such as boarding schools and student hostels
- out-of-home care services
- community service organisations providing services for children
- hospitals and other health services
- government agencies or departments providing services for children
- municipal councils (for example those that deliver Maternal and Child Health services)
- sporting groups

- youth organisations
- charities and benevolent organisations providing services for children

3. Who is a person in authority in an organisation?

A person in authority is someone whose, position within a relevant organisation, means that they have the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation.

Whether someone is considered to be a person in authority will depend on the degree of supervision, power or responsibility the person has to remove or reduce the substantial risk posed by an adult associated with the organisation. People in authority will usually have the ability to make management level decisions, such as assigning and directing work, ensuring compliance with the organisation's volunteer policy and other operational arrangements.

Examples of people in authority may include residential house supervisors, CEOs, board, council or committee members, school principals, service managers and religious leaders. It may also apply to people with less formal involvement in an organisation. For example, a volunteer parent coach responsible for the supervision of a junior sports team may be a person in authority, even if their role is informal or limited.

4. Who is a relevant child?

A person in authority will commit an offence if he or she negligently fails to reduce or remove a substantial risk to a relevant child, or children. A 'relevant' child is a child under the age of 16 who is, or may come, under the care, supervision or authority of a relevant organisation.

The child does not need to be identified. This means that the risk is not that a particular child will become the victim of sexual abuse. Instead, the substantial risk could be posed to any child who is, or who may be in the future, under the organisation's care, supervision or authority.

5. Who is a 'person associated with' an organisation?

The offence requires a person in authority to act if they know that a person associated with their organisation poses a substantial risk to a relevant child. This may include a person who is an officer, office holder, employee, manager, owner, volunteer, contractor or agent of the organisation. This definition does not include a person who solely receive services from the organisation.

For example, a parent of a child who is involved with receiving child protection services or who has a child in out-of-home care, and who may pose a risk of sexual abuse to a child, would not be considered to be 'associated with' the Department of Health and Human Services (DHHS) under the offence. Similarly, parents of children attending a school or service will generally only be 'associated with the organisation' if they are also engaged as a volunteer, for example to assist in the classroom or attend an excursion or camp.

The offence relates to risk of sexual abuse by adults. Children under the age of 18 who pose a risk of sexually abusing other children are not covered by this offence.

6. What is a 'substantial risk'?

The offence requires a person in authority to reduce or remove a known 'substantial' risk that an adult associated with the organisation may commit a sexual offence against a relevant child. It does not make it a criminal offence to fail to address every possible risk that a sexual offence may be committed against a child.

There are a number of factors that may assist in determining whether a risk is a substantial risk. These include:

- the likelihood or probability that the child will become the victim of a sexual offence
- the nature of the relationship between a child and the adult who may pose a risk to the child
- the background of the adult who may pose a risk to the child, including any past or alleged misconduct
- any vulnerabilities particular to a child which may increase the likelihood that they may become the victim of a sexual offence
- any other relevant fact which may indicate a substantial risk of a sexual offence being committed against a child.

When determining whether a risk is substantial, the courts will consider a variety of factors, which may include those listed above. The courts will consider all the facts and circumstances of the case objectively, and will consider whether a reasonable person would have judged the risk of a sexual offence being committed against the child abuse as substantial. It is not necessary to prove that a sexual offence, such as indecent assault or rape, was committed.

7. When does a person 'know' there is a risk of child sexual abuse?

This offence requires a person in authority to act if they *know* that there is a substantial risk that a child may become the victim of a sexual offence. A person is generally taken to know that there is a risk if he or she is aware that it exists or will exist in the ordinary course of events. This is more than merely holding a tentative belief or suspicion.

However, it is expected that a person in authority will take steps to follow up on a suspicion or belief that children in their organisation were at risk of harm.

8. When does a person negligently fail to reduce or remove a substantial risk?

Under the offence, a person is taken to have negligently failed to reduce or remove a substantial risk if that failure involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances. The offence does not require a person in authority to eliminate all possible risks of child sexual abuse.

For example, a person in authority who knows that an adult associated with the organisation poses a substantial risk to children, and moves that adult from one location in an organisation to another location where they still have contact with children, is likely to be committing the offence. Another example is where a person in authority employs someone in a role that involves contact with children, when the person in authority knows the employee left their last job because of allegations of sexually inappropriate behaviour involving children.

9. Does this criminalise mistakes made by adults who are caring for or working to protect children?

This law is aimed at protecting children and compelling those in authority to remove or reduce known substantial risks that children may become victims of sexual abuse.

As previously noted, the offence applies to a person in authority whose failure to protect a child from sexual abuse involves a great falling short of the standard of care that a reasonable person would exercise in the same circumstances.

The offence is unlikely to be committed where a person takes reasonable steps to protect a child from the risk of sexual abuse, for example, where an allegation is reported to appropriate authorities and the individual is removed from any role involving unsupervised contact with children pending an investigation.

10. What should a person in authority do to reduce or remove the risk of child sexual abuse posed by an adult associated with their organisation?

A person in authority in an organisation must take reasonable steps to reduce or remove a known substantial risk that an adult associated with their organisation will commit a sexual offence against a child. For example:

- A current employee who is known to pose a risk of sexual abuse to children in the organisation should be immediately removed from contact with children and reported to appropriate authorities and investigated.
- A community member who is known to pose a risk of sexual abuse to children should not be allowed to volunteer in a role that involves direct contact with children at the organisation.
- A parent who is known to pose a risk of sexual abuse to children in a school should not be allowed to attend overnight school camps as a parent helper.

If you want to report a child in **immediate** risk or danger of a sexual offence please call Triple Zero (000).

11. How can you improve child safety in your organisation, and remove or reduce the risk of harm?

There are a range of measures that organisations can adopt to improve child safety and reduce the risk of harm to children. The child-safe standards provide a framework to assist in ensuring child safety in the organisation. Under the standards, organisations are expected to have policies, procedures and systems in place to protect children from abuse, including appropriate pre-employment screening arrangements and systems for reporting and responding to allegations of abuse.

Organisations are encouraged to create and implement risk management strategies suitable to their environment to reduce the risk of harm to children. These may include:

- Adopting a child safety policy that outlines a commitment to child safety and provides guidance on how to create a child safe environment.
- Enforcing a code of conduct that sets clear expectations about appropriate behaviour towards children and obligations for reporting a breach of the code.
- Ensuring all new staff and volunteers are appropriately screened, including reference checks, before commencing employment with the organisation (in addition to Working with Children Checks or Victorian Institute of Teaching registration).
- Providing training to staff in prevention, identification and response to child safety risks, including reporting requirements and procedures

The Reportable Conduct Scheme commenced implementation on 1 July 2017 and requires organisations that have a high level of responsibility for children to report allegations of child abuse and how they have been investigated and managed centrally to the Commission for Children and Young People.

For further information and guidance on how organisations may reduce the risk of harm, refer to Appendix A and Appendix B of this fact sheet.

12. Does the offence criminalise members of the public who fail to protect a child from a risk of sexual abuse?

No — the failure to protect offence applies to people in authority within an organisation that exercises care, supervision or authority over children. It does not apply to parents or other individuals not connected to these organisations. However, as noted above, a parent who volunteers in an organisation (for example as a sporting coach) may be in a position of authority and subject to the offence.

A separate '[failure to disclose](#)' offence applies to any adult who fails to report a reasonable belief to Victoria Police that a sexual offence has been committed against a child under the age of 16, unless there is a reasonable excuse for not doing so.

13. How does the failure to protect offence interact with mandatory reporting obligations?

This offence is in addition to existing mandatory reporting obligations for specified staff under the *Children, Youth and Families Act 2005*. It applies to any person in authority within a relevant organisation, not just mandatory reporters.

14. What is the penalty for failing to protect a child?

The maximum penalty is five years' imprisonment.

15. How do I contact Victoria Police?

If you want to report a child in **immediate** risk or danger of a sexual offence please **call Triple Zero (000)**.

If the report is not in relation to an immediate risk, contact the Narre Warren Police Station on (03) 9705 3111 or call Crime Stoppers on 1800 333 000.

Appendix A – Reportable conduct scheme, Working with Children Checks and organisational duty of care

Reportable conduct scheme

A Victorian reportable conduct scheme will commence operation on 1 July 2017, and it will be administered by the Commission for Children and Young People.

The scheme will require organisations that have a high level of responsibility for children to report allegations of child abuse and child related misconduct to the Commission for Children and Young People. Certain community service organisations funded by the Department of Health and Human Services will be covered by the scheme.

Central oversight of how organisations respond to allegations of reportable conduct will help embed a child-safe culture across all organisations.

Further information about the reportable conduct scheme, including a full list of organisations covered by the scheme, is available on the websites of the:

- [Commission for Children and Young People](#)
- [Department of Health and Human Services](#)

Working with Children Checks

The [Working with Children Check](#) is one of the safety measures organisations need to put in place to protect children from sexual and physical harm.

A list of additional resources can be found on the website for Commission for Children and Young People, including:

- [tip sheets on what to look for in a child safe organisation](#)
- [a guide to creating child safe organisations](#)

Organisational duty of care

A new 'organisational duty of care to prevent child abuse' applies to any organisation that exercises care, supervision or authority over children in Victoria.

This duty of care creates a presumption of liability, such that certain organisations will need to prove that they took "reasonable precautions" to prevent child abuse if they are defending a legal claim.

The duty does not change existing duties that schools and teachers already have, but instead reinforces the importance of ensuring that schools take reasonable precautions to minimise the risk of child abuse.

Appendix B – Child safe standards resources

The child safe standards (the standards) are compulsory minimum requirements to create and maintain a child safe environment and better protect children from the risks of abuse and apply to **organisations** that provide services for children.

The standards aim to drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice.

The Commission for Children and Young People is responsible for monitoring organisations' compliance with the standards and has [a range of resources to help organisations](#) available on its website.

Community service organisations

Further information about the Standards for Community service organisations can be found on the Department of Health and Human Services website:

- [Child safe standards resources](#)
- [Child safe standards information in the Service Agreement Information Kit for Funded Organisations](#)

Departmentally-funded organisations are still required to comply with all terms and conditions set out in their service and funding agreements, including compliance with the Human Services standards, as relevant, and safety screening checks such as:

- obtaining [Working with Children Checks](#) for relevant staff
- undertaking a Disqualified Carer Check on all prospective out-of-home carers
- registering a carer on the Carer Register
- revoking a carer's registration when ceasing to be a carer.

Further information on [safety screening](#) is available on the Department of Health and Human Services website.

Schools, Early Childhood Services, VET and Higher Education and other Education Providers

Further information about the child safe standards for schools, early childhood services and other education providers is available from the websites of the [Department of Education and Training](#) and the [Victorian Registration and Qualifications Authority](#)

Fact sheets and other resources to assist approved providers and education and care services [comply with the requirements of the National Quality Framework](#) are also available from the Department of Education and Training.

As for community service organisations, departmentally-funded organisations education providers are still required to comply with all terms and conditions set out in their service and funding agreements.

Betrayal of Trust Factsheet: The 'Grooming' Offence

The Crimes Amendment (Grooming) Act 2014, which commenced in Victoria on 9 April 2014, introduce the offence of Grooming for sexual conduct with a child under the age of 16 years. This offence targets predatory conduct designed to facilitate later sexual activity with a child.

The Betrayal of Trust report recommended the grooming offence, given the way in which many sex offenders target their victims. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

Many perpetrators of sexual offences against children purposely create relationships with victims, their families or carers in order to create a situation where abuse could occur. For this reason, parents, carers or other family members who have been targeted by perpetrators in order to gain access to a child are also victims.

The Victim's Charter Act 2006 was amended to expressly provide that a child and a family member of that child are victims of a grooming offence and are entitled to provide a victim impact statement to a court.

GROOMING IS NOW A CRIMINAL OFFENCE

1. What is grooming?

- The offence of grooming concerns predatory conduct undertaken to prepare a child for sexual activity at a later time.
- The offence applies where an adult communicates, by words or conduct, with a child under the age of 16 years or with a person who has care, supervision or authority for the child with the intention of facilitating the child's involvement in sexual conduct, either with the groomer or another adult.
- Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer for the purpose of facilitating sexual activity at a later time.
- The sexual conduct must constitute an indictable sexual offence. This includes offences such as sexual penetration of a child, indecent assault and indecent act in the presence of a child. It does not include summary offences, such as upskirting and indecent behaviour in public.

2. Who can commit the offence?

The offence can be committed by any person aged 18 years or over. It does not apply to communication between people who are both under 18 years of age.

3. What age are the children who are protected by the offence?

The offence applies to communication with children under 16 years, but not communication with 16 and 17 year old children. This distinction between children aged below 16 and those aged 16 or 17 reflects the general **age of consent (16 years)** recognised by the criminal law in relation to sexual offences.

4. What are the key differences between the Victorian grooming offence and the grooming offences that have

been implemented in New South Wales and by the Commonwealth?

The New South Wales grooming offence is confined to circumstances in which an adult engages in conduct that exposes a child to indecent material or provides the child with an intoxicating substance with the intention of making it easier to procure the child for sexual activity. The Victorian offence is broader than this and prohibits an adult from engaging in any form of communication with the intention of facilitating sexual conduct. This is not limited to exposing the child to indecent material or providing them with an intoxicating substance and may include such acts as inappropriately giving them gifts or favours with the intention of engaging in later sexual activity.

The offence is similar to the Commonwealth grooming offence. The key distinction is that the Commonwealth offence is limited to grooming via a communication transmitted through a carriage service. The Victorian offence applies to any form of communication between the adult and child, including communication that occurs in person.

5. What is the purpose of amending the Victim's Charter Act 2006?

Amending the Victim's Charter Act 2006 to expressly include a family member of the child as a victim of a grooming offence (e.g. the child's parents) entitles the parents, or another family member, to provide a victim impact statement to the court.

6. What is the penalty for grooming?

The maximum penalty is 10 years imprisonment.

Overview of child safe standards and reportable conduct scheme

Background

On 13 November 2013 the Family and Community Development Committee of the Victorian Parliament tabled the report of its Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations (the Betrayal of Trust Inquiry). The report provided 15 recommendations, including the introduction of minimum standards for ensuring child-safe environments and an independent oversight (reportable conduct) scheme.

The government has committed to implementing all of the Inquiry's recommendations. The Department of Health & Human Services is responsible for the implementation of the child safe standards and the reportable conduct scheme with other Victorian Government departments and community sector partners.

Child safe standards

Victoria has introduced compulsory minimum standards for organisations that provide services for children to help protect children from abuse.

From 1 January 2017, organisations that provide services for children are required to comply with the standards. For more information about the organisations that are required to adopt the standards, visit the Commission for Children and Young People website.

The standards aim to drive cultural change in organisations so that protecting children from abuse is embedded in everyday thinking and practice.

The standards are compulsory for certain organisations, but are not prescriptive. This allows organisations some flexibility in how they implement the standards to meet the requirements.

To create and maintain a child safe environment, an organisation must have:

- strategies to embed an organisational culture of child safety, including through effective
- leadership arrangements
- a child safe policy or statement of commitment to child safety
- a code of conduct that establishes clear expectations for appropriate behaviour with children
- screening, supervision, training and other human resources practices that reduce the risk of child
- abuse by new and existing personnel
- processes for responding to and reporting suspected child abuse
- strategies to identify and reduce or remove risks of child abuse
- strategies to promote the participation and empowerment of children.

The Commission for Children and Young People are the oversight body for the child safe standards.

Reportable conduct scheme

In 2017, the Victorian Parliament passed legislation to enable the reportable conduct scheme to be established and enable oversight of the scheme by the Commission for Children and Young People.

The scheme will apply to a range of organisations and will be introduced in three phases from 1 July 2017.

The reportable conduct scheme will require organisations to respond to allegations of child-related misconduct made against their workers and volunteers, and report those allegations to the Commission for Children and Young People.

Under the scheme, the Commission for Children and Young People will have the power to:

- receive allegations and findings of reportable conduct
- assess an organisation's systems to prevent, notify and investigate reportable conduct
- provide oversight of workplace investigations
- investigate allegations in some circumstances
- refer findings to professional registration bodies and the Working with Children Check Unit
- build the capacity of organisations to respond to allegations of abuse
- report to parliament on performance of the scheme and trends.
- The scheme will build on existing requirements including Victorian and national professional registration, employee misconduct and reporting obligations. The reportable conduct scheme will not
- interfere with reporting obligations to police or with police investigations.

Further information

For more information about the standards, including the organisations in scope, support for organisations and compliance monitoring arrangements please visit the Department of Health and Human Services website.

Additional information about the child safe standards and reportable conduct scheme is also available on the Commission for Children and Young People website.

If you require further information about the child safe standards or reportable conduct scheme, please email childsafestandards@ccyp.vic.gov.au

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Responding to children and young people's disclosures of abuse

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.

What happens next?

If a child or young person discloses abuse, you should report it to the relevant authorities.

Mandatory reporting requirements vary throughout Australian states and territories. For information about mandatory reporting requirements including who is mandated to report, see CFCA Resource Sheet *Mandatory Reporting of Child Abuse and Neglect* <www3.aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>

State and territory contact details for reporting abuse and neglect are available on the CFCA Resource Sheet *Reporting Abuse and Neglect: State and Territory Departments Responsible for Protecting Children* <www3.aifs.gov.au/cfca/publications/reporting-abuse-and-neglect>

A step-by-step guide to making a report to Child Protection or Child FIRST

Protective concerns

You are concerned about a child because you have:

- received a disclosure from a child about abuse or neglect
- observed indicators of abuse or neglect
- been made aware of possible harm via your involvement in the community external to your professional role.

At all times remember to:

- record your observations
- follow appropriate protocols
- consult notes and records
- consult with appropriate colleagues if necessary
- consult with other support agencies if necessary

STEP 1	RESPONDING TO CONCERNS	STEP 2	FORMING A BELIEF ON REASONABLE GROUNDS	STEP 3	MAKING A REFERRAL TO Child FIRST	STEP 4	MAKE A REPORT TO CHILD PROTECTION
1. If your concerns relate to a child in need of immediate protection; or you have formed a belief that a child is at significant risk of harm*. Go to Step 4	1. If you have significant concerns that a child and their family need a referral to Child FIRST for family services. Go to Step 3	1. Consider the level of immediate danger to the child. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO and b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO	1. Consider the level of immediate danger to the child. Ask yourself: a) Have I formed a belief that the child has suffered or is at risk of suffering significant harm? YES / NO and b) Am I in doubt about the child's safety and the parent's ability to protect the child? YES / NO	1. Contact your local Child FIRST provider. • See over for contact list for local Child FIRST phone numbers. 2. Have notes ready with your observations and child and family details. Go to Step 4	1. Contact your local Child FIRST provider. • See over for contact list for local Child FIRST phone numbers. 2. Have notes ready with your observations and child and family details. Go to Step 4	1. Contact your local Child Protection Intake provider immediately. • See over for contact list for local Child Protection phone numbers. • For After Hours Child Protection Emergency Services, call 131 278 . 2. Have notes ready with your observations and child and family details. * Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection	1. Contact your local Child Protection Intake provider immediately. • See over for contact list for local Child Protection phone numbers. • For After Hours Child Protection Emergency Services, call 131 278 . 2. Have notes ready with your observations and child and family details. * Non-mandated staff members who believe on reasonable grounds that a child is in need of protection are able to report their concerns to Child Protection

For further information refer to Protecting the safety and wellbeing of children and young people – A joint protocol of the Department of Human Services Child Protection, Department of Education and Early Childhood Development, Licensed Children's Services and Victorian Schools

Contact Numbers

Department of Education and Early Childhood Development

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9488 9488
Western	(03) 9291 6500
Southern	(03) 9794 3555
RURAL REGIONS	
Barwon South Western	5 225 1000
Gippsland	5 127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Office for Children and Licensed Children's Services:

METROPOLITAN REGIONS	
Eastern	(03) 9265 2400
Northern	(03) 9412 5333
Western	(03) 9275 7000
Southern	(03) 9096 9555

RURAL REGIONS

Barwon South Western	5 225 1000
Gippsland	5 127 0400
Grampians	5337 8444
Hume	5761 2100
Loddon Mallee	5440 3111

Important information for government schools

Principals of Victorian Government schools must report all incidents to the Emergency and Security Management Unit on

03 9589 6266.

Victorian Government schools should contact the Student Critical Incident Advisory Unit (SCIAU), Student Wellbeing Division, for advice and support when responding to allegations of student sexual assault or inappropriate sexual behaviours.

The SCIAU can be contacted on

03 9637 2934 or 03 9637 2487.

Victorian Government School Principals should refer to the flowchart – Responding to Allegations of Student Sexual Assault

Compulsory Actions for Principals at:

<http://www.education.vic.gov.au/healthwellbeing/safety/childprotection/childprotection.htm>

Department of Human Services Child Protection

METROPOLITAN REGIONS		METROPOLITAN REGIONS	
Intake Unit		Regional Office	
Eastern	1 300 360 391	Box Hill	(03) 9843 6000
North and West	1 300 664 977	Preston	1 300 664 977
		Footscray	1 300 360 462
Southern	1 300 655 795	Dandenong	(03) 9213 2111
RURAL REGIONS			
Intake Unit		Regional Office	
Barwon South Western	1 800 075 599	Geelong	(03) 5226 4540
Gippsland	1 800 020 202	Trairagon	(03) 5177 2500
Grampians	1 800 000 551	Ballarat	(03) 5333 6530
Hume	1 800 650 227	Wangaratta	(03) 5722 0555
		Wodonga	(02) 6055 7777
Loddon Mallee	1 800 675 598	Bendigo	(03) 5434 5555

After hours Child Protection Emergency Services (AHCPEs)

Statewide number for all emergency child protection matters outside of normal business hours (24 hours, 7 days a week):

131 278

Victoria Police

000

Catholic Education Offices

Catholic Education Office, Melbourne	(03) 9267 0228
Catholic Education Office, Ballarat Diocese	5337 7135
Catholic Education Office, Sale Diocese	5622 6600
Catholic Education Office, Sandhurst Diocese	5443 2377

Independent Schools Victoria

(03) 9825 7200

Other

Victorian Aboriginal Education Association, Inc.	(03) 9481 0800
Victoria Police Sexual Offences and Child Abuse Unit	(03) 9247 6666
Centre Against Sexual Assault	1800 806 292
Gatehouse Centre, Royal Children's Hospital (for specialist counselling and medical assistance)	(03) 9345 6391
Child Safety Commissioner	(03) 8601 5884
Victorian Aboriginal Child Care Agency	(03) 8388 1855

CHILD FIRST

Local Catchment Area	Contact
Barwon South Western	Greater Geelong, Queenscliff, Surf Coast Colac – Otway, Corangamite Warrambool, Moyne, Glenelg, Southern Grampians 1 300 551 948 5232 5500 1 300 889 713
Gippsland	East Gippsland Wellington La Trobe, Baw Baw South Gippsland, Bass Coast 5152 0052 5144 7777 1800 339 100 5662 5150
Grampians	Northern Grampians, West Wimmera, Hindmarsh, Yarrambat, Horsham Ararat, Pyrenees, Hepburn, Ballarat, Golden Plains, Moorabool 1 300 783 341 1800 705 211 1800 705 211
Hume	Wodonga, Towong, Indigo Alpine, Benalla, Mansfield, Wangaratta Greater Shepparton, Strathbogie, Moira 1 300 854 944 1800 663 107
Loddon Mallee	Mitchell, Murrindindi Greater Bendigo, Campaspe, Central Goldfields, Loddon, Macedon Ranges, Mount Alexander 1800 260 338 1800 625 533 1800 MALLEE
Eastern Metropolitan	Buloke, Goonawarra, Swan Hill, Mildura Yarra Ranges, Knox, Maroondah 1 300 369 146 1 300 762 125
North and West Metropolitan	Monash, Whitehorse, Manningham, Booroondarra Nillumbik, Whittlesea, Banyule, Yarra and Darebin (03) 9450 0955 1 300 138 180
	Brimbank, Melton Hume, Moreland 1 300 786 433 1 300 786 433
	Hobson's Bay, Maribyrnong, Melbourne, Moonee Valley and Wyndham (03) 9705 3939
Southern Metropolitan	Casey, Cardinia, Greater Dandenong Aboriginal children and families (Casey, Cardinia and Great Dandenong) (03) 9794 5973 Frankston, Mornington Peninsula 1 300 721 383 Kingston, Bayside, Glen Eira, Stonnington, Port Phillip 1 300 367 441

Reference Sheet – Indicators of Abuse

(Information from Safe Church Awareness Workbook 2018)

1. Neglect

Failure to provide the child with the basic necessities of life to the extent that the child's health and development is, or is likely to be, significantly harmed, e.g. failure to provide food, clothing, shelter, medical care, attention to hygiene or supervision, inability to respond emotionally to child's needs, depriving of or withholding physical contact or stimulation for prolonged periods, absence of social support from adults.

INDICATORS/SIGNS IN CHILDREN	INDICATORS/SIGNS IN PARENTS/CAREGIVERS
<ul style="list-style-type: none"> poor standards of hygiene leading to social isolation or poor health e.g. unwashed, poor hair texture inappropriately dressed for weather conditions extended stays at school, public places, others' homes extreme longing for adult affection self comforting behaviour, e.g. rocking, sucking delay in developmental milestones low weight for age and/or failure to thrive and develop untreated physical problems e.g. serious nappy rash extreme anxiety about being abandoned child not adequately supervised for their age scavenging or stealing food and focus on basic survival 	<ul style="list-style-type: none"> unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions leaving the child without appropriate supervision abandonment of child withholding physical contact or stimulation for prolonged periods unable or unwilling to provide psychological nurturing

2. Physical Abuse

Significant harm from an injury. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or aggressive treatment, e.g. beating, shaking, bruising, lacerations, burns, fractures, poisoning, attempted suffocation, physical mutilation

INDICATORS/SIGNS IN CHILDREN	INDICATORS/SIGNS IN PARENTS/CAREGIVERS
<ul style="list-style-type: none"> unexplained bruising to face, head or neck bruising showing the shape of the object that caused it e.g. belt buckle, lacerations and welts explanation of injury is not consistent with the injury abdominal pain caused by ruptured internal organs fractures of bones burns and scalds (including cigarette burns) drowsiness, vomiting, fits or retinal haemorrhages aggression or withdrawal inappropriate clothes for weather conditions discomfort with physical contact & emotional problems 	<ul style="list-style-type: none"> explanation of injury is not consistent with the injury a parent or caregiver says that they fear injuring their child family history of violence or their own maltreatment as a child frequent visits with child/ren to health or other services with unexplained or suspicious injuries

3. Emotional & Psychological Abuse

Sustained, repetitive, inappropriate, ill treatment of a child or young person through behaviours including threatening, isolating, neglecting, discrediting, misleading, disregarding, ignoring and inappropriate encouragement.

Psychological abuse damages a child's intellectual faculties and processes, including intelligence, memory, recognition, perception and moral development.

The harm experienced, needs to be assessed to be or likely to be detrimental in effect and significant in nature on the child's wellbeing.

INDICATORS/SIGNS IN CHILDREN	INDICATORS/SIGNS IN PARENTS/CAREGIVERS
<ul style="list-style-type: none"> passive and aggressive behavioural extremes habit disorders feelings of worthlessness about life and themselves inability to value others lack of trust in people and expectations lack of interpersonal skills necessary for adequate functioning extreme attention-seeking behaviour bullying disruptiveness 	<ul style="list-style-type: none"> constant criticism belittling, teasing ignoring or withholding praise and attention excessive or unreasonable demands persistent hostility and severe verbal abuse rejection and scapegoating belief that a particular child is bad or evil using inappropriate physical or social isolation as punishment domestic violence

Reference Sheet – Indicators of Abuse

(Information from Safe Church Awareness Workbook 2018)

• persistent running away from home	
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4. Sexual Abuse

When one person (child or adult) uses power/authority over a child to involve the child in sexual activity. Child sexual abuse involves a wide range of sexual activity. Bribes or threats are often used to make them participate in the activity, e.g. sexual touching, sexual intercourse, sexual suggestions to children, including exposure to pornographic material, use of children in the production of pornographic videos or films, exhibitionism, child prostitution.

INDICATORS/SIGNS IN CHILDREN	INDICATORS/SIGNS IN PARENTS/CAREGIVERS
<ul style="list-style-type: none">• child or child's friend telling you about it, even indirectly• describing sexual acts• excessive seductiveness• going to bed fully clothed• sexual knowledge or behaviour inappropriate for age• regressive behaviour e.g. sudden return to bed-wetting• bruising or bleeding in the genital area• sexually transmitted diseases• bruising to breasts, buttocks, lower abdomen or thighs• self-destructive behaviour• suicide attempts / self-mutilation• child being in contact with a known sex offender• anorexia or over-eating• adolescent pregnancy• unexplained accumulation of money and gifts• persistent running away from home• unusual aversion to physical contact• inappropriate expressions of friendship with an adult.	<ul style="list-style-type: none">• exposing a child to prostitution or pornography or using a child for pornographic purposes• intentional exposure of a child to sexual behaviour of others• previous conviction or suspicion of child sexual abuse• coercing a child to engage in sexual behaviour with other children• verbal threats of sexual abuse• denial of adolescent's pregnancy by family

5. Witnessing Domestic Violence

Domestic Violence is any abusive behaviour used by one partner or family member in a relationship to gain and maintain control over another's life. It can occur in any type of domestic relationship, including spousal relationships, intimate personal relationships, family relationships and informal care relationships. It is possible for there to be multiple perpetrators and victims within the household.

Indicators that a child is observing or experiencing domestic violence may include:

- shows aggressive behaviour
- develops phobias and insomnia
- experiences anxiety
- shows symptoms of depression
- has diminished self-esteem
- demonstrates poor academic performance and problem-solving skills
- has reduced social competence skills, including low levels of empathy
- shows emotional distress
- has physical complaints

Legal Age of Consent in Victoria

Sex with another person who is under 12 years of age is illegal.

For 12-15 year olds, the 2 year (24 month) rule applies. Sexual penetration with (a) anyone more than 24 months older or (b) younger than you is a serious criminal offence. In both examples (a) and (b) the older person could be charged.

For 16-17 year olds, another person 16 or older can have sex with you if you both agree to it, but sex with a person in a position of care or authority over a 16 or 17 year old is a serious criminal offence in which the carer/supervisor can be charged.

Mandatory Reporting for Adults

Mandatory reporting refers to the legal requirement of certain groups of people to report a reasonable belief of child physical or sexual abuse to child protection authorities. At this point in time there are no mandatory reporting laws in relation to Adult abuse that the church is required to comply with, however this may change in the future.

Unlike child abuse, where there is a presumptive right for the child to be protected and receive appropriate nurturing and care, adults are free to make poor, even self-destructive choices, if they so choose. Where there is an established incapacity or loss of capacity to make such independent choices, the situation becomes much more complex.

Except in extraordinary circumstances, you should discuss your concerns with the vulnerable adult and ensure they are in control of reporting their abuse. If the vulnerable adult states they do not want you to report suspected abuse, you must carefully consider your ethical obligations.

If you become aware of:

- an abusive situation to an adult
- an adult discloses they are experiencing or have experienced abuse
- an adult confesses to abuse

In the context of adult related issues, conduct or behaviour within the Berwick Church of Christ, if it is classified as criminal under the Victorian Crimes Act (1958), then it must be reported.

If in doubt or unsure about contacting the Police then call the Safety Contact Person or speak to a Pastor.

WHERE TO REPORT ABUSE AND NEGLECT

If a person is in immediate danger, always contact the **Police by calling 000**.

If there is no immediate danger but an allegation or evidence is brought that indicates a criminal act has occurred then contact the **Police – Narre Warren Police on (03) 9705 3111** or the Police Assistance Line on 131 444 (available 24 hours, 7 days a week).

Other services available:

Victim of domestic violence - If the vulnerable adult is a victim of domestic or family violence, you should ring the National Sexual Assault, Domestic and Family Violence Counselling Service for advice, support and referrals - 1800 737 732 available 24 hours, 7 days a week.

Sexual Assault Crisis Line - A free, state-wide, after-hours service for people in Victoria who have experienced sexual violence. The crisis line operates from 5 pm on weeknights to 9 am the next day, and during the same hours on weekends and public holidays. Phone: 1800 806 292

Centres Against Sexual Assault (CASA) - The peak body for the 15 Centres Against Sexual Assault in Victoria and the Victorian Sexual Assault Crisis Line. Call their toll-free number to be connected with your nearest centre or for after-hours support. Phone: 1800 806 292

Victorian Women's Health Services - Provides face-to-face, phone and web-based support services for women in Victoria. Phone: (03) 9664 9300

Lifeline - provides support and referrals for those in crisis 24 hours a day, 7 days a week. Call 13 11 14 or visit www.lifeline.org.au

Seniors Rights Victoria - provides a free helpline for people who are experiencing, or know someone who is experiencing elder abuse. Call 1300 368 821 or visit www.seniorsrights.org.au