



Title	Child Safety Policy & Procedure
Date Last Reviewed	February 2017
Date of Next Review	February 2018
Approved By	General Manager
Owner	General Manager
Version	1
Purpose or Reason	<ul style="list-style-type: none"> • Education and Care Services National Regulations 2011 • Child Safety Standards
Source or Reference Material	<ul style="list-style-type: none"> • Family Planning Queensland Children Healthy and Safe • The Children, Youth and Families (Victoria) Act 2005 • The Child Safety and Wellbeing (Victoria) Act 2005 • The Children, Youth and Families Regulations (Victoria) Act 2005 • Working with Children Act 2005 • ACS Code of Conduct • ACS Employment Policy • ACS Managing Unsatisfactory Performance & Misconduct Policy

VERSION CONTROL

Version No.	Date	Comment	Author
1.	Feb 2017	Combined the Child Safe Environment Policy with the Child Protection Policy to ensure ACS has one clear document relating to child safety Added in a range of requirements / strategies in response to the risk assessment conducted by the ACS Leadership Team	General Manager

Policy

Scope

The Child Safety Policy and Procedure applies to all Alpine Children's Services (ACS) employees, ACS Board of Management, Family Day Care Educators, parents/guardians, children, volunteers, students and contractors involved with the service.

Policy Statement

The policy articulates the approach of ACS in relation to child safety within the child's home environment, within the service environment and between children attending a service managed by ACS.

Objectives/Principles

ACS is committed to Child Safety.

ACS is committed to providing child-safe environments including during ACS-related activities away from the centre / service.

ACS expects all employees, students, titleholders, contractors and volunteers to meet the standards of behaviour in the relevant ACS Code of Conduct and other policies & procedures.

We want children to be safe, happy and empowered. We support and respect all children, as well as our employees and volunteers.

We are committed to the safety, participation and empowerment of all children.

We have zero tolerance of child abuse, and all allegations and safety concerns will be treated very seriously and consistently with our robust policies and procedures.

We have legal and moral obligations to contact authorities when we are worried about a child's safety, which we follow rigorously. Under relevant legislation, early childhood services are required to ensure allegations of child abuse concerning children in their care are appropriately addressed. These procedures are in place to identify and exclude, if necessary, all inappropriate persons from having contact with the children in care or from being employed in early childhood services.

These procedures were developed to provide a framework for the protection of the child and to clarify procedures for employees who may be required to report on allegations of child abuse. It also sets down procedures that relate to allegations of abuse against a person engaged by ACS.

We are committed to preventing child abuse and identifying risks early, and removing and reducing these risks.

We support and respect all children, as well as our employees and volunteers. We are committed to the cultural safety of Aboriginal children, the cultural safety of children from a culturally and/or linguistically diverse background, and to providing a safe environment for children with a disability.

We have specific policies, procedures and training in place that support our leadership team, employees and volunteers to achieve these commitments.

We have robust human resources and recruitment practices for all employees and volunteers to support child-safety. Our organisation is committed to regularly training and educating our employees and volunteers on child abuse risks. Please refer to the ACS Employment Policy & Procedure for further information.

ACS encourages and supports the prompt reporting of allegations of child abuse, neglect and exploitation.

ACS aims to manage all allegations of child abuse, neglect and exploitation sensitively and expeditiously, and in accordance with principles of natural justice and procedural fairness.

ACS is committed to supporting mandated notifiers under the Act to meet their legal obligation to notify of any reasonable suspicion of child abuse, neglect or exploitation.

ACS will support all persons in prescribed positions by providing access to training and resources to foster an understanding of individual and organisational obligations for Child Safety and protection.

ACS is committed to maintaining confidentiality when dealing with and reporting on all allegations of child abuse, neglect and exploitation, except as required by law.

ACS is committed to the protection and wellbeing of children in accordance with the:

- Education & Services National Act & Regulations
- Children, Youth and Families Act (2005 (Vic.))
- Working with Children Act 2005 (Vic.)
- Child Wellbeing and Safety Act 2005 (Vic.)
- The Charter of Human Rights and Responsibilities Act 2006(Vic.)
- Family Law Act 1975 (Cth)
- The Commission for Children and Young People Act 2012

If you believe a child is at immediate risk of abuse phone 000.

Our Children

This policy is intended to empower children who are vital and active participants in our organisation. We involve them when making decisions, especially about matters that directly affect them. We listen to their views and respect what they have to say.

We promote diversity and tolerance in our organisation, and people from all walks of life and cultural backgrounds are welcome. In particular we:

- Promote the cultural safety, participation and empowerment of Aboriginal children;
- Promote the cultural safety, participation and empowerment of children from culturally and/or linguistically diverse backgrounds; and
- Ensure that children with a disability are safe and can participate equally.

Employees and volunteers

This policy guides employees and volunteers on how to behave with children in our organisation.

All employees must agree to abide by the ACS Code of Conduct which specifies the standards of conduct required when working with children. Employees are given the opportunity to contribute to the development of the ACS Code of Conduct.

All volunteers with regular contact with children must agree to abide by the ACS Board, Contractor, Student & Volunteer Code of Conduct and are given the opportunity to contribute to the development of this code.

Contractors

This policy guides how ACS oversees the screening of contractors whilst engaged with ACS.

Regular Contractors must agree to abide by the ACS Board, Contractor, Student & Volunteer Code of Conduct.

What is reasonable belief?

A belief is considered to be more than a suspicion. It results in a person being more inclined to accept, rather than reject, the particular idea they are contemplating. It is important to understand that proof is not required to support your claim.

Reasonable grounds for forming a belief may include where:

- A child states they have been abused;
- A child states they know someone who has been, or is being, abused;
- Someone who knows the child states that the child has been abused, is being abused, or is at risk of abuse;
- You observe a child's behaviour, actions or injuries that may place them at risk of harm, or may lead you to suspect that abuse is occurring;
- You are aware of persistent family violence, parental substance misuse, psychiatric illness or disability that is impacting on the child's safety, stability or development;
- You observe signs or indicators of abuse, including non-accidental, unexplained injury, persistent neglect, poor care or lack of appropriate supervision; and/or
- You become aware of possible harm via your involvement in the community, external to your professional role.

Employees should make sufficient enquiries to form a belief. However, once a belief has been formed, it is not the role of an employee to conduct an investigation into child protection concerns or criminal offences. It is for DHHS Child Protection or Victoria Police to determine whether the report should be investigated.

How can abuse and neglect be recognised?

Behavioural or physical signs which assist in recognising child abuse are known as indicators. A single indicator can be as important an indicator as the presence of several indicators. A child's behaviour is likely to be affected if he/she is under stress. There can be many causes of stress, including child abuse, and it is important to find out specifically what is causing the stress.

Physical Abuse

Physical abuse occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by a child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. The injury may take the form of bruises, cuts, burns or fractures.

Physical indicators include:

- Bruises, burns, sprains, dislocations, bites, cuts;
- Fractured bones, especially in an infant where a fracture is unlikely to occur accidentally;
- Poisoning; and
- Internal injuries.

Possible behavioural indicators include:

- Showing wariness or distrust of adults;
- Wearing long sleeved clothes on hot days (to hide bruising or other injury);
- Demonstrating fear of parents and of going home;
- Becoming fearful when other children cry or shout; and
- Being excessively friendly to strangers or being very passive and compliant.

Grooming

'Grooming' is now a criminal offence under the [Crimes Act 1958](#). This new offence targets predatory conduct undertaken to prepare a child for sexual activity at a later time.

Grooming occurs when an adult communicates (by words or conduct) with a child under 16 years of age, with the intention of facilitating the child's engagement in sexual conduct.

It is also an offence for an adult to communicate with a person who has responsibility for care, supervision or authority over a child with the intention of grooming the child in their care. Such persons can include parents, step-parents, legal guardians, carers, teachers, employers and sports coaches.

Grooming includes actions deliberately undertaken with the intention of befriending and establishing an emotional connection with a child, to lower their inhibitions and facilitate sexual conduct with the child. Communication technologies such as online gaming, instant messaging, email, voice over internet protocol, social media and mobile phones can also be used in the grooming process. In these cases, the grooming process may continue for months before the offender arranges a physical meeting.

Sexual Abuse

Sexual abuse occurs when a person uses power or authority over a child to involve the child in sexual activity and the child's parent or caregiver has not protected the child. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity. It includes fondling of the child's genitals, masturbation, oral sex, vaginal or anal penetration by a penis, finger or other object, or exposure of the child to pornography.

Sexual abuse is not usually identified through physical indicators. Often the first sign is when a child tells someone they trust that they have been sexually abused. However the presence of sexually transmitted diseases, pregnancy, or vaginal or anal bleeding or discharge may indicate sexual abuse.

One or more of these behavioural indicators may be present:

- Child telling someone that sexual abuse has occurred;
- Complaining of headaches or stomach pains;
- Experiencing problems with schoolwork;
- Displaying sexual behaviour or knowledge which is unusual for the child's age;
- Showing behaviour such as frequent rocking, sucking and biting;
- Experiencing difficulties in sleeping; and
- Having difficulties in relating to adults and peers.

Emotional Abuse

Emotional Abuse occurs when a child's parent or caregiver repeatedly rejects the child or uses threats to frighten the child. This may involve name calling, put downs or continual coldness from the parent or caregiver, to the extent that it significantly damages the child's physical, social, intellectual or emotional development.

There are few physical indicators, although emotional abuse may cause delays in emotional, mental, or even physical development.

Possible behavioural indicators include:

- Displaying low self esteem;
- Tending to be withdrawn, passive, tearful;
- Displaying aggressive or demanding behavior;
- Being highly anxious;
- Showing delayed speech;
- Acting like a much younger child, e.g. Soiling, wetting pants; and
- Displaying difficulties in relating to adults and peers.

Neglect

Neglect is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.

Physical indicators include:

- Frequent hunger;
- Malnutrition;
- Poor hygiene;
- Inappropriate clothing, e.g. Summer clothes in winter;
- Left unsupervised for long periods;
- Medical needs not attended to;
- Abandoned by parents;
- Possible behavioural indicators include;;
- Stealing food;
- Staying at school outside school hours;
- Often being tired, falling asleep in class;
- Abusing alcohol or drugs;
- Displaying aggressive behavior; and
- Not getting on well with peers.

Abandonment

The child has been abandoned by his or her parents and after reasonable enquiries, the parents cannot be found, and no other suitable person can be found who is willing and able to take care of the child.

Death or Incapacity

The child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child.

Responsibilities

It is the responsibility of the General Manager to:

- Undertake a Child Safety Review and develop a Risk Management Plan (including consulting with the ACS Leadership Team) as part of the review process of this policy. The General Manager must consider the cultural safety of Aboriginal children and children from culturally and/or linguistically diverse backgrounds and the safety of children with a disability in the Child Safety Review and Risk Management Plan;
- Follow the Pre-Employment Screening Procedure for prospective employees, students, titleholders, contractors, and volunteers (refer to the ACS Employment Policy);
- Take disciplinary action against an employee or student where it is found that a child's safety is jeopardised (refer to the ACS Managing Unsatisfactory Performance & Misconduct Policy);
- Support employees and students to immediately report any allegations of abuse, neglect or exploitation;
- Coordinate training on Child Safety and protection as required by this policy;
- Ensure all employees who work with children understand the importance of mandatory responding as set out in the policy and legislation, through the staff orientation process;

It is the responsibility of Team Leaders to:

- Follow the Pre-Employment Screening Procedure for prospective employees, students, titleholders, contractors, and volunteers (refer to the ACS Employment Policy);
- Support employees and students to immediately report any allegations of abuse, neglect or exploitation;
- Ensure all employees who work with children understand the importance of child protection and mandatory responding as set out in the policy and legislation, through the staff orientation process; and
- Maintain a record of contractors and details of their WWC check;

It is the responsibility of employees and students to:

- Complete screening checks and training, and sign and comply with the ACS Code of Conduct relevant to their placement or activity as required by the placement provider, before working with children;
- Comply with the ACS Code of Conduct and other ACS policies where applicable;
- Participate in training provided by ACS;
- Immediately report any allegations of abuse, neglect or exploitation as required by this policy; and
- Advise their Team Leader or General Manager of any such reports.

What if another person has already made a report?

Once an employee forms a belief on reasonable grounds that they should make a report to protect a child, their obligation to report is separate from the reporting obligations or actions of other people.

This means that employees should make a report to protect a child:

- Even if DHHS Child Protection, Child FIRST, or Victoria Police were previously involved or are already involved with the child and / or their family;
- Even if the employee is aware that another party, such as a family member, has already raised concerns with the relevant authorities; and / or
- Even if the employee, or another employee at the service have made a report to relevant authorities previously, and new information has come to light that raises new grounds for reporting a reasonable belief that warrants a report be made to protect a child.

Regardless of whether the report is mandated by the *CYFA* or *Crimes Act*, all employees have a duty to protect children in their care. Making a report is consistent with this duty.

Employees should also bear in mind that other people may not have access to the specific information held by employees. The information that an employee provides through their report may assist the relevant authority to take further action to protect the child.

Reporting further reasonable grounds for belief

Employees should make a new report on each occasion that they become aware of any further reasonable grounds for the belief.

This means that although a report has already been made to the relevant authorities, if new information comes to light that raises new grounds for reporting a reasonable belief that warrants a report be made to protect a child, then a new report should be made.

In the event that an employee is not sure, it is better to make a report.

Employees can also seek advice and support from any of the following:

- Victoria Police, either by calling '000' or by contacting the nearest police station;
- The local Department of Health and Human Services, Child Protection; and / or
- Local DHHS Child FIRST provider.

Procedures

Strategies for ACS

The following strategies are employed to minimise the risk of child abuse occurring within services managed by ACS.

1. Recruitment / Engagement / Screening

ACS will take all reasonable steps to employ skilled people to work with children. ACS has selection criteria and advertisements which clearly demonstrate our commitment to Child Safety and an awareness of our social and legislative responsibilities. ACS understands that when recruiting employees and volunteers we have ethical as well as legislative obligations.

ACS actively encourages applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

All people engaged in child-related work, including volunteers and any adults residing in the home where a family day care service is provided are required to hold a Working with Children Check and to provide evidence of this Check. Please see the [Working with Children Check](http://www.workingwithchildren.vic.gov.au) website <www.workingwithchildren.vic.gov.au> for further information.

ACS will also conduct an annual check of all employees' WWC checks to ensure ongoing compliance in the case that an employee has not noted ACS as an employer.

Exceptions to the requirement for a WWC check include:

- Teachers with current registration with the Victorian Institute of Teaching as they are already checked by a similar scheme;
- Any employee, student or volunteer under the age of 18; and
- Any volunteer (e.g. parent helper) whose child ordinarily attends the service.

ACS carries out reference checks and police record checks to ensure the right people are recruited. Police record checks are used only for the purposes of recruitment employees who have responsibility for financial matters such as administration officers and Family Day Care Educators and are discarded after the recruitment process is complete. ACS retains a record (but not the actual criminal record) if an applicant's criminal history affected the decision making process. If during the recruitment process a person's records indicate a criminal history then the person will be given the opportunity to provide further information and context.

ACS has the following requirements for contractors (including contractors providing an education / entertainment incursion):

- Regular Contractors must agree to abide by the ACS Board, Contractor, Student & Volunteer Code of Conduct.
- All regular contractors engaged by ACS must have a Working With Children (WWC) check;
- All regular contractors engaged by the Alpine Shire Council and St. Mary's Primary School to carry out work on services managed by ACS must have a WWC check;
- Any contractors who do not have a WWC check must be supervised whilst on the premises during operating hours; and
- All contractors with a WWC check must note the details of their WWC check upon entry as part of the signing in process.

2. Encourage Staff Development

ACS provides a range of staff development so employees understand child protection issues and reporting procedures, including the following:

- All new employees must complete the 'Mandatory Reporting and Other Obligations in Early Childhood Setting' on-line training within the first 3-months of commencing employment;

- Team Leaders, OSHC Lead Educators, Educational Leaders and Kindergarten Teachers must complete the 'Mandatory Reporting and Other Obligations in Early Childhood Setting' on-line training on an annual basis.
- All other employees (including FDC Educators) must complete the 'Mandatory Reporting and Other Obligations in Early Childhood Setting' on-line training on a biennial basis;
- All employees who work with children undergo training in all aspects of child protection and current legislation and its implications for their work;
- At least one staff meeting each year includes the discussion of child protection guidelines and the effect on staff duties; and
- All FDC educators and any adult members of the family are provided with the booklet "Protecting the Safety and Well-being of Children and Young People" (published by the Department of Education and Early Childhood Development and Human Services, Victoria 2010). The FDC Team Leader subsequently discusses the booklet with them to ensure the information has been understood.
- ACS recognises, respects and promotes the belief that cultural identity is fundamental to a child's safety and wellbeing, and therefore provides biennial training for staff on cultural identity.

3. Provide Ongoing Communication About Child Protection Issues to Families

Each service communicates with families about the strategies used within the program to help children feel safe and protected, for example, protective behaviours. Information about resource organisations, appropriate support networks/agencies, and resource material is available through the service handbooks.

Families are provided with any information relating to changes to legislation which may affect the operation of the service.

4. Procedures are detailed for the following scenarios:

1. For child abuse allegations and convictions made against an employee or family day care educator, a student, volunteer or any other person 'engaged' by ACS;
2. For persons 'engaged' by ACS to follow concerning child protection issues within the child's home environment; and
3. For child abuse allegations and convictions made against another child whilst under the care of ACS.

Procedure One: For child abuse allegations and convictions made against an employee, family day care educator, student, volunteer or any other person 'engaged' by ACS

An allegation of child abuse can be made by another employee, a child's parents, or may arise from advice received by an investigative agency including Child Protection and the Police Service. It does not matter where the abuse is said to have taken place e.g. at the centre, in the home or at another location.

An allegation should have the following elements:

- There is a reasonable belief that an incident has occurred, factors contributing to a reasonable belief may be:
 - a child states they or someone they know has been abused (noting that sometimes the child may in fact be referring to themselves);
 - behavior consistent with that of an abuse victim is observed
 - someone else has raised a suspicion of abuse but is unwilling to report it
 - observing suspicious behaviour
- The person subject to the allegation is clearly identifiable (this does not mean identified by name, as a person may be identifiable by their description)

When an allegation does not have these elements the Team Leader in consultation with the General Manager of ACS will determine whether the matter should be treated as an allegation.

Notification to the General Manager

When an employee receives a child abuse allegation against another employee, family day care educator, student, volunteer or any other person 'engaged' by ACS they must document the allegation and notify the General Manager.

Failure to Protect

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 will apply 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 will encourage organisations to actively manage the risks of sexual offences being committed against children in their care and further protect them from harm.

Failure to Disclose

The 'failure to disclose' offence requires that any adult (aged 18 years or over) who holds a reasonable belief that a sexual offence has been committed by an adult against a child (aged under 16 years of age) must disclose that information to the Victoria Police unless they have a reasonable excuse not to do so. Failure to disclose the information to police is a criminal offence.

A person does not have a reasonable excuse for failing to disclose a sexual offence committed against a child if they are only concerned for the interests of the perpetrator or any organisation. 'Perceived interests' includes reputation, legal liability or financial status. For example, an approved provider or licensee's concern for the reputation of a service or an employee's worry about missing out on a promotion will **not** be regarded as a reasonable excuse.

A reasonable excuse for failing to disclose a sexual offence committed against a child include:

- He or she has a reasonable fear for their own safety or the safety of another person; and
- Where a person believes on reasonable grounds that the information has already been disclosed to Victoria Police (e.g. a mandatory report has been made to Child Protection) and they have no further information to add.

Therefore, the person who has the reasonable belief must make a report to the Victoria Police. The Team Leader or General Manager may provide support with this process.

Physical Assault or Abuse

When a person has a reasonable belief that an incident of physical assault or abuse has occurred they must make a report to the Victoria Police. Child Protection is only notified in this instance if there are concerns about the capacity of the parents to protect for the child.

The person who has the reasonable belief must make a report to the Victoria Police. The Team Leader or General Manager may provide support with this process.

Grooming

In line with obligations under the 'Failure to Disclose' offence and with their duty of care obligations towards their children, any employee that suspects a child is being groomed by an adult should report their concerns to Victoria Police. Employees should also inform their Team Leader or General Manager of their concerns.

Other Forms of Abuse

The Employee / Team Leader / General Manager must make the report to Child Protection.

The General Manager must inform the Victorian Department of Education and Training (DET) of any allegation or conviction that arises from an incident that occurred on the premises of the licensed service.

The General Manager will request:

- When and how the child's family is to be informed;
- When and how the alleged person should be informed; and
- How an investigation will be conducted.

The General Manager will notify the President of the ACS Board of Management.

The employee, family day care educator, student, volunteer or any other person 'engaged' by ACS has a right to know that an allegation has been made against them within a reasonable time frame, the outcome of any initial risk assessment and the substance of the allegation. However they do not have the right to know the identity of the person making the allegation or access to other material provided by witnesses.

1. Investigation

Whilst the matter is under investigation the alleged person engaged by ACS may be placed on paid leave.

1.1. By ACS

Where the ACS is required to undertake an investigation, an investigation plan should be developed in consultation with Victoria Police or Child Protection and the Victorian Department of Education and Training (Victorian DET), to address the following issues:

- What the position of the employee, family day care educator, student, volunteer or any other person 'engaged' by ACS situation will be during the investigation, i.e. suspended or performs alternate duties;
- What information will be offered to the family, person involved, and other employees;

- Identification of possible strategies to support the child and family, the employee involved, and/or other employees, for example, counselling, alternative care arrangements, staff leave or alternate duties;
- How, when, where and by whom interviews with the child, employee, family day care educator, student, volunteer or any other person 'engaged' by ACS and witnesses, will be conducted;
- How information will be provided to ACS Board of Management, the family and the employee, family day care educator, student, volunteer or any other person 'engaged' by ACS at the conclusion of the investigation conducted by Victoria Police or Child Protection and the service;
- An estimated time frame for the investigation; and
- Debriefing/counselling arrangements that will be available to other employees in the service.

The investigation should proceed in accordance with the investigation plan, recognising that alterations to the plan may be necessary as the investigation progresses. In any case, ACS will:

- Act fairly and without bias;
- Conduct an investigation without delay;
- Ensure the case is not investigated or determined by someone with a conflict of interest; and
- Ensure the outcome is supported by evidence.

1.2. By an External Agency

ACS will cooperate fully in any investigation managed by an external agency such as the Victoria Police. ACS will ensure any debriefing/counselling arrangements are available to employees and to any families.

2. Outcome

- 2.1. If the person engaged by ACS is convicted of the alleged abuse they will be dismissed without notice and any entitlements will be forfeited (refer to the ACS Managing Unsatisfactory Performance & Misconduct Policy).
- 2.2. If any party is dissatisfied with the process or the outcome a complaint may be lodged with the ACS Board of Management and/or DET.
- 2.3. Detailed records of the investigation will be kept in a confidential manner by ACS.
- 2.4. If the investigation determines the allegation was vexatious, the family may be expelled from the service. This will be determined by the General Manager, in consultation with the ACS Board of Management.
- 2.5. Debriefing/counselling arrangements will be made available to all parties involved.

Procedure Two: For child protection issues within the child's environment

In reporting a suspected abuse or neglect situation, the moral and professional responsibility of the employee, General Manager and/or Team Leader, shall be respected. Reporting a suspected abuse or neglect situation is paramount to the potential wellbeing of the child/ren.

Mandatory Reporting

All early childhood teachers employed by ACS who are registered with the Victorian Institute of Teaching are mandated to make a report to Child Protection when they have a 'reasonable belief' of abuse or neglect.

A mandatory reporter must make a report to DHHS Child Protection as soon as practicable if they form a belief on reasonable grounds that:

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

Mandatory reporters must make a report as soon as practicable after forming the belief. It is a criminal offence to fail to report in these circumstances

All other employees of ACS (even those who are not mandated) have a duty of care to take active and reasonable steps to protect children and young people in their care from risks of reasonably foreseeable harm. Therefore, other employees must immediately report their concerns to their Team leader and / or General Manager.

Reasonable Belief of Abuse or Neglect

Where an employee has a 'reasonable belief' of abuse or neglect they must immediately advise their Team Leader who in turn must immediately notify the General Manager.

Physical or Sexual Assault / Abuse

The 'failure to disclose' offence requires that any adult (aged 18 years or over) who holds a reasonable belief that a sexual offence has been committed by an adult against a child (aged under 16 years of age) must disclose that information to the Victoria Police unless they have a reasonable excuse not to do so.

If the child abuse allegation is of **physical or sexual assault / abuse**, the General Manager will notify the Victoria Police.

To Child Protection (if applicable)

With assistance from the Team Leader or General Manager, the employee must attempt to obtain the following details and then make a report to the Department of Human Services Protective Services on 1300 360 391 or After Hours 13 12 78 (a report may be made in the event if all these details are not known):

- The child's name, age, address;
- Reasons for concern about the child, giving **facts**, and being **specific** in reporting what you **know**, giving a description of a suspected injury or behaviour observed;
- Family circumstances;
- Language information;
- An assessment of immediate danger to the child or children (information may be sought about the whereabouts of the alleged abuser/s);

- Any other information you have about the family, e.g. siblings etc;
- The current whereabouts of the child;
- Your involvement with the child and family
- Other people or agencies involved with the child;
- The best time to find the family at home;
- Any concerns about Protective Workers' safety in visiting the family (e.g. dogs, guns, etc.); and
- Whether the family knows the report is being made. If so, what is their reaction? If not, what is their likely reaction?

When a child makes a disclosure:

The employee will use the following procedures to assist when a child has disclosed that they have been abused:

- Stay calm and not display expressions of panic or shock;
- State clearly that the abuse is not the child's fault, no matter what the circumstances are;
- Listen to the child;
- Be patient and allow the child to talk at their own pace;
- Use the child's language and vocabulary;
- Emphasise that the child is not at fault;
- Not pressure the child into telling you more than they want to;
- Reassure the child you believe them and that disclosing the matter was the right thing to do;
- Avoid going over the information time and time again; you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority;
- Remember that you are not investigating the allegation. It is the role of the relevant authority to investigate the allegation once it is reported to them; and
- Tell the child you are required to report to the relevant authority to help stop the abuse.

The employee must immediately advise the Team Leader who in turn must immediately notify the General Manager.

If a child makes a disclosure in a group situation

Calmly follow through on issues discussed with all children regarding protective behaviours. As soon as possible without removing the child from the group inappropriately, move to a quiet area and follow the steps outlined above.

Maintain documentation and involvement with other agencies

Educators may be requested to maintain a diary of concerns re: child bruising, disclosures, state of parents/guardians etc. through Incident Reports as kept by Educator/Office.

The General Manager and/or Team Leader and the Child Protection officer shall keep written notes on significant events, such as, notification date/time, interviews, discussions, other events etc. The General Manager and/or Team Leader, the Child Protection office and/or Educator shall attend case discussions on relevant children as the need arises.

The General Manager and/or Team Leader shall ensure ongoing consultation with local DET officers and other relevant government and non-government agency personnel whilst the child protection file remains active.

Referring to Child FIRST

You can consider referring your concerns to Child FIRST where:

- The child's immediate safety is not compromised
- The family is supportive of a referral and open to assistance from community-based family services.

If there are immediate safety or welfare concerns for the child and / or the family is likely to be uncooperative in seeking assistance, then your concerns should be reported to DHHS Child Protection.

In cases where you are unsure about whom to make a report to, you can refer the matter to either DHHS Child Protection or Child FIRST for further advice.

Procedure Three: Sexual Behaviours in Children and Young People whilst under the Care of ACS

A guide to IDENTIFY, UNDERSTAND and RESPOND to sexual behavior (from Family Planning Queensland Children Healthy and Safe)

Any Red or Orange Behaviour

All employees must report any 'orange' or 'red' behaviours (see description below for explanation) to the Team Leader and General Manager. The employee must use the following guide in compiling this report, and include:

- A description of the behavior (including names of the children, context, setting, time and date),
- The employee's understanding of the behavior, and
- The employee's recommended response.

The Team Leader and/or General Manager may assist the employee in the compilation of this report.

ACS understands that witnessing sexual behaviours can be distressing. Therefore once the employee has completed the report, the employee can elect not to be involved in meeting with the family. This is the responsibility of the Team Leader, Educational Leader and/or General Manager. Upon request of the employee, the name of the employee who witnessed the sexual behaviour will not be revealed to the family.

The employee will be offered professional support through the Employee Assistance Program.

In the event that an authorised person (e.g. Police Officer or Authorised Officer from the Department of Education & Training) needs to interview the employee who witnessed the sexual behaviour the employee will be provided with:

- Notice of the meeting, and
- The opportunity to have a support person present during the meeting e.g. Team Leader or General Manager.

1. Identify

What is the behaviour?

Green, Orange or Red?

Sexual development is influenced by many factors. The environment in which children grow, develop and interact has a significant influence on their knowledge, attitudes and behaviours. When using the traffic lights framework to establish whether the sexual behaviour of children or young people is normal, concerning or harmful, it is necessary to consider the current social, cultural and familial contact.

The following chart lists specific examples of green, orange and red light behaviours in children aged 0 to 4 and 5 to 9 years old. These are examples only and must be considered in context. Take into account the age and ability level of the child, young person and others involved as well as the location, frequency and nature of the behaviour.

Use the traffic lights framework to identify the characteristics of the behaviour and the way it occurred and then follow steps 2 and 3 to understand and respond. All green, orange and red behaviours require some level of information, support and protective response.

Red

Sexual behaviours that are problematic or harmful, forceful, secretive, compulsive, coercive or degrading **signal the need to provide immediate protection and follow up support**

Orange

Sexual behaviours that are outside normal behaviour in terms of persistence, frequency or inequality in age, power or ability **signal the need to monitor and provide extra support.**

Green

Sexual behaviours that are normal, age appropriate, spontaneous, curious, mutual, light hearted and easily diverted experimentation **provide opportunities to talk, explain and support**

RED

Sexual behaviours which indicate or cause harm because they are:

- Excessive, compulsive, coercive, forceful, degrading or threatening
- Secretive, manipulative or involve bribery or trickery
- Not appropriate for the age and stage of development
- Between children with a significant difference in age, development, ability of power

These behaviours signal the need to provide immediate protection and follow up support.

ORANGE

Sexual behaviours which cause concern because of:

- Persistence, intensity, frequency or duration of behaviours
- The type of activity or knowledge for the age and stage of development
- Inequality in age, size, power or developmental ability
- Risk to the health and safety of the child or others
- Unusual changes in a child's behaviour

These behaviours signal the need to monitor and provide extra support.

GREEN

Sexual behaviours which are part of normal and healthy development and are

- Spontaneous, curious, light hearted, easily diverted, enjoyable, mutual and consensual
- Appropriate to the child's age and development
- Activities or play among equals in terms of age, size and ability levels
- About understanding and gathering information, balanced with curiosity about other parts of life

These behaviours provide opportunities to talk explain and support.

0 to 4 years	5 to 9 years
<ul style="list-style-type: none"> • Compulsive masturbation which may be self injurious, of a persistent nature or duration • Persistent explicit sexual themes in talk, act or play • Simulation of sexual touch or sexual activity • Persistently touching the genitals/private parts of others • Forcing other children to engage in sexual activity • Sexual behaviour between young children involving penetration with objects, masturbation of others, oral sex • Presence of a sexually transmitted disease 	<ul style="list-style-type: none"> • Compulsive masturbation e.g. self injuring, self-harming, seeking an audience • Disclosure of sexual abuse • Persistent bullying involving sexual aggression e.g. pulling/lifting/removing other children's clothing, sexually threatening notes, drawing, text messages • Sexual behaviour with significantly younger or less able children • Accessing the rooms of sleeping children to touch or engage in sexual activity • Simulation of, or participation in, sexual activities • Presence of a sexually transmitted infection • Persistent sexual activity with animals • Using mobile phones and internet which include giving out identifying details or sexual images
<ul style="list-style-type: none"> • Masturbation in preference to other activities • Persistently watching others in sexual activity, toileting or when nude • Explicit sexual talk, art or play • Following others into private spaces, e.g. toilets, bathrooms to look at them or touch them • Pulling other children's pants down or skirts up against their will • Touching the genitals/private parts of other children in preference to other activities • Attempting to touch or touching adults on the breast, bottom or genitals in ways that are persistent and/or invasive • Touching the genitals/private parts of animals after redirection 	<ul style="list-style-type: none"> • Masturbation in preference to other activities, in public, with others and/or causing self injury • Explicit talk, art or play or sexual nature • Persistent nudity and/or exposing private parts in public areas • Persistent questions about sexuality despite being answered • Pulling other children's pants down or skirts up against their will • Persistently mimicking, sexual flirting behaviour too advance for age, with other children or adults • Touching genitals/private parts of animals after redirection • Use of mobile phones and internet with unknown people which may include giving out identifying details
<ul style="list-style-type: none"> • Comfort in being nude • Body touching and holding own genitals • Unselfconscious masturbation • Interest in body parts and functions • Wanting to touch familiar children's genitals during play, toilet or bath times • Participation in make believe games involving looking at and/or touching the body of familiar children e.g. "show me yours and I'll show you mine", "playing family" • Asking about or wanting to touch the breast, bottoms or genitals of familiar adults e.g. when in the bath 	<ul style="list-style-type: none"> • Increased sense of privacy about bodies • Body touching and holding own genitals • Masturbation, usually with awareness of privacy • Curiosity about other children's genitals involving looking at and/or touching the bodies of familiar children e.g. "show me yours and I'll show you mine", "playing family" • Curiosity about sexuality e.g. questions about babies, gender, relationships, sexual activity • Telling stories or asking questions, using swear words, 'toilet' words or names for private parts • Use of mobile phones and internet in relationship with known peers.

2. Understand

What the behaviour is telling you.

Children show their needs and wants through their behaviours. Understanding the reason behind a child's sexual behaviour is important. When children or young people do not have the language, experience or ability to seek help, adults must look carefully at the behaviour to interpret it.

When sexual behaviour are identified as concerning or harmful, it is essential to think about why the child or young person is exhibiting the behaviour. Reviewing the behaviour and the way it happens will help you understand what it going on for the child and indicate what is needed.

Educators must ask,

- 'What are the issues or concerns regarding the child or young person and their behaviour?';
- What might these concerns indicate;
- Lack of accurate sexuality information;
- Curiosity;
- Sexual excitement;
- Lack of social skills;
- Medical needs;
- Conflict in relationships;
- Confusion about sexuality, relationships and sexual activities;
- Lack of rules and consequences;
- Lack of information about the risks of the behavior;
- Overexposure to explicit sexual activity and materials;
- Lack of adult supervision and support;
- Experience of physical, emotional or sexual abuse or neglect;
- Lack of consistency across environments; and
- Anxiety about adult or family relationships.

Understanding the child or young person and the issues that may be contributing to the behaviour guides the planning of effective responses.

Expressing sexuality through sexual behaviour is natural, healthy and a basic aspect of being human. Sexual behaviour which makes children or young people vulnerable or causes harm to another requires adult intervention to provide support and protection.

Respond

What you can do to address the child's needs?

All behaviour has a function. When adults understand why the behaviour may be occurring, they can respond by helping to meet the needs of the child or young person in effective ways.

Behaviour usually reflects a range of needs. Many strategies may be required to respond with children with concerning or harmful behaviours. It is also important to address the needs of the people who have an impact on the lives of children or young people e.g. family, educators, teachers and support workers.

Strategies for meeting the need could include:

- Give accurate facts and information about sexuality;
- Teach social skills;
- Support healthy friendships and relationships;
- Teach about privacy and make home and other environments private and safe;
- Make clear rules and reinforce them with praise or consequence;
- Have consistency between homes, family, community and the service;
- Supervise during times of risk;
- Monitor behaviour and review support strategies;
- Restrict access to previous victims or vulnerable others and explain why;
- Limit time spent with people who bully or who also show concerning sexual behaviours;
- Remove from situations where risk of harm, exploitation, abuse or neglect is suspected;
- Check for infections or injuries and get medical attention if needed;
- Provide information and support to family, educators and other employees;
- Get family counselling or therapy; and
- Refer to other services.

Sexuality and relationships education encourages open and clear communication to provide a foundation for the development of health sexual behaviours and attitudes

Topics may include

- Body parts;
- Being private; and
- Personal safety.

Taking action

Most sexual behaviours are normal and healthy and will be in the green category. Green light behaviours present opportunities to communicate with children and young people about healthy sexuality.

Orange or red light behaviours are less common. They indicate the need to pay attention, monitor, supervise, provide sexuality and personal safety education (if appropriate for the age group) and may also require therapy, protection from harm or a legal response. All green, orange and red light behaviours require some form of action and support.

How serious is the behaviour?

When sexual behaviour raises concern or involves harm to others, the behaviour is serious. If the answer to any of the following is yes, employees are mandated to report suspected child abuse: the behavior:

- Is against the law;
- Is against organisational policy;
- Is of concern to others;
- Provides a potential risk to the child;
- Provides a potential risk to others;
- Interferes with the child's relationships; and
- Is life threatening.

Where to get help?

Talking about concerns help prevent harm or abuse

Parentline	1300 30 1300	www.parentline.com.au
Lifeline	13 11 14	www.lifeline.org.au
1800Respect Online	1800 737 732	www.1800respect.org.au
Upper Murray Centre Against Sexual Abuse	1800 806 292	http://www.casa.org.au/umcasa/
Child First	1800 705 211	
Child Protection	1300 360 391	
Child Protection After Hours	13 12 78	