



The Balanced Choice Program Child Safety Responding and Reporting Obligations Policy and Procedures

PURPOSE

The purpose of this policy is to outline the procedures our organisation has in place to respond to complaints or concerns relating to child abuse and to ensure that all staff understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

SCOPE

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or participant, staff, facilitator, contractors, service providers, or any other person while connected to the Balanced Choice Program (physical and online).

DEFINITIONS

Child abuse

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include participant to participant incidents and concerns, as well as behaviour committed by an adult.

Grooming

Grooming is a criminal offence under the *Crimes Act 1958* (Vic) and is a form of child abuse and sexual misconduct. 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.

Staff member

For the purpose of this policy a Balanced Choice Program staff member includes facilitators and contractors engaged by the organisation to perform child-related work.

POLICY

Balanced Choice Program understands the important role our organisation plays in protecting children from abuse. We have a range of policies and measures in place to prevent child abuse from occurring at our organisation or at activities conducted by Balanced Choice Program.

Information for participants

All participants should feel safe speaking to any staff member to raise any concerns about their safety or any other concerns that they have.

If a participant does not know who to approach at Balanced Choice Program, they should start with the CEO or National Business Manager.

Identifying child abuse

To ensure we can respond in the best interests of participants and children when complaints or concerns relating to child abuse are raised, all staff must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to [Identify child abuse](#).
- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to *Appendix A*
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure our organisation acts in the best interests of participants and children and complies with our legal obligations.

At Balanced Choice Program, we recognise the diversity of the children, young people, and families at our organisation and take account of their individual

needs and backgrounds when considering and responding to child safety incidents or concerns.

Procedures for responding to an incident, disclosure, allegation or suspicion of child abuse

In responding to a child safety incident, disclosure, allegation or suspicion, Balanced Choice Program will follow:

- the [Four Critical Actions](#) for complaints and concerns relating to adult behaviour towards a child *
- the [Four Critical Actions: Student Sexual Offending](#) for complaints and concerns relating to student sexual offending*
- our Child Safety and Wellbeing Policy for complaints and concerns relating to participant behaviours.

** These documents are written for schools. Balanced Choice Program will follow the Four Steps to ensure the appropriate reporting steps are actioned in the relevant state.*

Balanced Choice Program - staff responsibilities

1. Immediate action

If a staff member witnesses an incident of child abuse, or reasonably believes, suspects or receives a disclosure or allegation that a child has been, or is at risk of being abused, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid (appropriate to their level of training) and call 000 for urgent medical or police assistance where required to respond to immediate health or safety concerns.
- Notify the CEO as soon as possible, who will ensure our organisation follows the steps outlined in these procedures.
- Note to staff - If you are uncertain if an incident, disclosure, allegation or suspicion gives rise to a concern about child abuse you must always err on the side of caution and report the concern to the CEO.

Refer to *Appendix B* for guidance on how to respond to a disclosure of child abuse.

2. Reporting to authorities and referring to services

As soon as immediate health and safety concerns are addressed, and relevant staff have been informed, the CEO must report all incidents, suspicions and disclosures of child abuse as soon as possible.

The following steps will ensure our organisation complies with the four critical actions as well as additional actions required under the Child Safe Standards.

The CEO must ensure:

- all relevant information is reported to the Department of Families, Fairness and Housing (DFFH) Child Protection, Police or relevant services where required

NOTE: In circumstances where staff members are legally required to report child abuse to DFFH Child Protection or Police and they are unable to confirm that the information has been reported by another person at the organisation or the designated member of organisation staff does not agree that a report needs to be made, the staff member who has formed the reasonable belief must still contact DFFH Child Protection and Police to make the report.

If you believe that a child is not subject to abuse, but you still hold significant concerns for their wellbeing you must still act. This may include making a referral or seeking advice from Child FIRST or [The Orange Door](#) (in circumstances where the family are open to receiving support) DFFH Child Protection or the Police.

3. Contacting parents or carers

The CEO must ensure parents and carers are notified unless advised otherwise by DFFH Child Protection or the Police, or there are other safety and wellbeing concerns in relation to informing parents/carers.

For further guidance, refer to [PROTECT Contacting parents and carers](#)

4. Ongoing protection and support

The CEO and/or National Business Manager must ensure appropriate steps are taken by the organisation to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency such as DFFH Child Protection and the Police. Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be offered and provided to all affected participants. Ongoing support will be based on any available advice from parents and carers, health practitioners, and other authorities (such as DFFH or Police) and may include referral to wellbeing professionals, development of a safety plan, participant support group meetings, and, for participant to participant incidents, behaviour management and support measures.

5. Recordkeeping

The CEO will ensure that:

- detailed notes of the incident, disclosure, allegation or suspicion are taken using the [Responding to Suspected Child Abuse: Template](#) * or the [Responding to participant Sexual Offending: template](#)* including, where

possible, by the staff member who reported the incident, disclosure, or suspicion to them

** These templates are written for schools. Balanced Choice Program will use the templates as a guide to ensure the appropriate reporting steps are actioned in the relevant state.*

- detailed notes are taken of any immediate or ongoing action taken by the organisation to respond to the incident, disclosure, allegation or suspicion
- all notes and other records relating to the incident, disclosure, allegation or suspicion, including the organisation's immediate and ongoing actions, are stored securely in a secure admin folder.

For Balanced Choice Program community members

All community members aged 18 years or over have legal obligations relating to reporting child abuse – refer to *Appendix A* for detailed information.

Any person can make a report to DFFH Child Protection or the Police if they believe on reasonable grounds that a child is in need of protection. For contact details, refer to the [Four Critical Actions](#).

Members of the community do not have to inform the organisation if they are making a disclosure to DFFH Child Protection or the Police. However, where a community member is concerned about the safety of a child or children at the organisation, the community member should report this concern to the CEO so that appropriate steps to support the participant can be taken.

Additional requirements for all staff

All staff play an important role in supporting participant safety and wellbeing and have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to participants.

Fulfilling the roles and responsibilities in the above procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. This means that if, after following the actions outlined in the procedure, a staff member reasonably believes that a child remains at risk of abuse, they must take the following steps:

- if they are concerned that the organisation has not taken reasonable steps to prevent or reduce the risk, raise these concerns with the CEO in the first instance.
- report the matter to the relevant authorities where they are unable to confirm that the information has been reported by another staff member
Staff must refer to *Appendix A* for further information on their obligations relating to reporting to authorities.

COMMUNICATION

This policy will be communicated to our organisation community in the following ways:

- Available publicly on our organisation's website
- Included in staff induction processes and annual staff training
- Copy available from organisation administration upon request

FURTHER INFORMATION AND RESOURCES

The following DET (Victoria) policies and guidance are relevant to this policy:

- [Child Safe Standards](#)
- [Protecting Children — Reporting and Other Legal Obligations](#)
- [Managing and Reporting School Incidents](#)
- [Reportable Conduct](#)
- [Restraint and Seclusion](#)
- [Identify child abuse](#)
- [Report child abuse in schools \(including four critical actions\)](#)
- [Identify and respond to student sexual offending](#)

The following organisation policies are also relevant to this policy:

- the Child Safety and Wellbeing Policy
- the Child Safety Code of Conduct
- any other child safety and wellbeing information that the leadership team considers appropriate to the nature of the role.

POLICY REVIEW AND APPROVAL

Policy date	August 2023
Consultation	National Business Manager, State Managers, facilitators and staff
Approved by	CEO - Adam Drake
Next scheduled review	2025

APPENDIX A

LEGAL OBLIGATIONS RELATING TO REPORTING CHILD ABUSE

The following information outlines the various legal obligations relating to the reporting of child abuse to relevant authorities.

It is important to note that the procedures outlined in the above policy ensure compliance with the below reporting obligations, and our organisation's duty of care obligations.

Mandatory reporting to Department of Families, Fairness and Housing (DFFH) Child Protection

The following individuals are mandatory reporters under the *Children, Youth and Families Act 2005* (Vic):

- registered teachers and early childhood teachers (including principals and school staff who have been granted permission to teach by the VIT)
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and student support services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All mandatory reporters must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if, during the course of carrying out their professional roles and responsibilities, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/ or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. It is important for all staff at Balanced Choice Program to be aware that they are legally obliged to make a mandatory report on

each occasion that they form a reasonable belief that a child is in need of protection and they must make a mandatory report even if the CEO or any other mandatory reporter does not share their belief that a report is necessary. If charged with not making a mandatory report, it may be a defence for the person charged to prove that they honestly and reasonably believed that all of the reasonable grounds for their belief had been the subject of a report to child protection made by another person.

The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

At Balanced Choice Program, all staff will undertake professional development to build deeper understandings of child safety, cultural safety, participants wellbeing and responding and reporting obligations.

All staff who form a reasonable belief that a child is in need of protection are to discuss their concerns with the CEO and to report their concerns to DFFH and in some circumstances to Victoria Police, or to ensure that all the information relevant to the report has been made by another school staff member.

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

Reporting participant wellbeing concerns to Child FIRST/Orange Door

At Balanced Choice Program we also encourage staff to make a referral to Child FIRST/[Orange Door](#) when they have significant concern for a child's wellbeing. For more information about making a referral to Child FIRST/Child FIRST - [Protecting Children – Reporting and Other Legal Obligations](#).

Reportable Conduct

The Reportable Conduct Scheme is focussed on worker and volunteer conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children.

There are five types of 'reportable conduct' listed in the *Child Wellbeing and Safety Act 2005*:

- sexual offences against, with or in the presence of, a child
- sexual misconduct (which includes grooming) against, with or in the presence of, a child
- physical violence against, with or in the presence of, a child

- behaviour that causes significant emotional or psychological harm to a child
- significant neglect of a child.

A reportable conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a worker or volunteer has committed reportable conduct or misconduct that **may** involve reportable conduct. If organisation staff become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the CEO immediately. If the allegation relates to the CEO, they must notify the National Business Manager.

For more information about reportable conduct see the Commission for Children and Young People's [website](#).

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

"Reasonable belief" is not the same as having proof. A 'reasonable belief' is formed if a reasonable person in the same position would have formed the belief on the same grounds.

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

- a child states that they have been sexually abused
 - a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves)
 - someone who knows a child states that the child has been sexually abused
 - professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused
 - signs of sexual abuse leads to a belief that the child has been sexually abused.
- "Reasonable excuse" is defined by law and includes:
- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation)

- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of organisation staff).

Failure to protect offence

This reporting obligation applies to organisation staff in a position of authority.

This can include the CEO, National Business Manager and State Managers.

Any staff member in a position of authority who becomes aware that an adult associated with their organisation (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk.

This may include removing the adult (i.e. persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police.

If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

APPENDIX B: MANAGING DISCLOSURES OF CHILD ABUSE

Important information for staff

When managing a disclosure relating to child abuse you should:

- listen to the participant and allow them to speak
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child)
- be gentle, patient and non-judgmental throughout
- highlight to the participant it was important for them to tell you about what has happened
- assure them that they are not to blame for what has occurred
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?"
- be patient and allow the child to talk at their own pace and in their own words
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals, and it is important not to force them to retell what has occurred multiple times
- reassure the child that you believe them and that disclosing the matter was important for them to do
- use verbal facilitators such as, "I see", restate the child's previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way ("what happened next?")
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying "I will need to talk to people to work out what to do next to help you")
- Take prompt action in relation to following the procedures outlined below.

When managing a disclosure you should AVOID:

- displaying expressions of panic or shock
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw)
- going over the information repeatedly (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)
- making any comments that would lead the participant to believe that what has happened is their fault
- making any promises you will keep the information the participant provided confidential
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each

child depending on their circumstances (instead reassure them that you and others will do your best to help).