

Child Protection and Mandatory Reporting

AUTHORITY: CEO

SCOPE

This policy applies to the approved provider, persons with management or control, nominated supervisors, persons in day-to-day charge, administrative staff, specialist staff, teachers, trainers, educators, students, volunteers, parents / guardians, children, and others attending the programs and activities of LCIS, including during offsite excursions and activities.

OUR SAFETY AND WELLBEING STATEMENT

- LCIS is committed to and promotes the safety, happiness and empowerment of all children.
- LCIS is committed to the safety, participation, and empowerment of all children.
- LCIS has risk management strategies that focus on preventing, identifying, and mitigating risks to children and young people.
- LCIS has zero tolerance of child abuse. All allegations and safety concerns will be treated seriously and consistently with legislative requirements and LCIS Policies and Procedures.
- LCIS staff and volunteers have a legal and moral obligation to contact authorities when we are worried about a child's safety which we always follow.
- LCIS is committed to regularly training and educating our staff and volunteers on child abuse risks.

This statement is intended to empower children who are vital and active participants in our organisation. This statement should be published in a visible position on all websites and relevant organisational publications

LEGISLATIVE REQUIREMENTS

All LCIS staff, volunteers and workplace students are mandatory reporters and will comply with their legal responsibilities. This is a condition of employment/engagement, they are trained and supported to do so.

- **Failure to disclose:** Reporting child sexual abuse is a community wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offense against a child under 18 have an obligation to report that information to the police.
- **Failure to protect:** People of authority in our organisation will be committing an offence if they know of a substantial risk of child sexual abuse and have the power or responsibility to reduce or remove the risk, but negligently fail to do so.

See Appendix 1 for a list of relevant Victorian Legislation. See LCIS Child Safety and Wellbeing Policy for further details.

OUR CHILD SAFETY AND WELLBEING VALUES

LCIS:

- is committed to the rights of all children to feel safe, and be safe at all times, including:
 - promoting the cultural safety of Aboriginal children

- promoting the cultural safety of children from culturally and linguistically diverse backgrounds
 - promoting the safety and inclusion of children with additional needs
 - promoting the (right to) safety of trans and gender diverse children and their families using our services
 - ensuring that LGBTIQ+ children and families feel included
 - ensuring that children with a disability are safe and can participate equally
- works to ensure all children are safe, happy and empowered across all our service areas.
 - fosters opportunities for each child to participate, express their views and to learn and develop
 - always acts in the best interests of each child and has zero tolerance of child abuse
 - takes all reasonable steps to ensure the health, safety and wellbeing of children at all times, whilst also promoting their learning and development
 - actively manages the risks of abuse or harm to each child, including fulfilling our duty of care and legal obligations to protect children and prevent any reasonable, foreseeable risk of injury or harm
 - continuously improves the way our service identifies risks of and responds to child abuse and encourages reporting and improved responses to allegations of abuse.
 - is committed to proactively sharing information with relevant authorities to promote the wellbeing and/or safety of a child or a group of children, consistent with their best interests.
 - is committed to supporting children and young people to develop peer connections and to challenge bullying or isolating behaviour
 - ensures children and young people have access to age-appropriate information about their rights and about how adults in the organisation should behave
 - is committed to regularly training and educating our staff and volunteers on child abuse risks and has specific policies, procedures and training in place that supports our staff volunteers to achieve these commitments
 - Our organisation has robust human resources and recruitment practices for all staff and volunteers to ensure child wellbeing

LCIS CHILD SAFETY AND WELLBEING OFFICER

The Child Safety and Wellbeing Officer for all service arms of Laverton Community Integrated Services is the current Manager of Laverton Community Children's Centre. Any reasonable concerns about the safety and wellbeing of a child or children should be discussed with the LCIS Child Safety Officer before making a report, if the situation allows.

If the matter is urgent, if there is immediate risk to the child or children, and if delaying the report until after consulting the LCIS Child Safety and Wellbeing Officer would increase the risk to the child or children, reporting should be undertaken immediately

THE ORANGE DOOR

If there are significant concerns about the wellbeing of a child or children but there is not an apparent risk of significant harm and the immediate safety of the child is not compromised, a referral to The Orange Door (previously Child FIRST) may be appropriate.

The LCIS Child Safety and Wellbeing Officer can assist in identifying risk and determining the most appropriate course of action

To contact The Orange Door in Western Melbourne, phone 1800 271 045 For further information on The Orange Door go to <https://www.orangedoor.vic.gov.au/>

REPORTING CHILD ABUSE

What is reportable?

It is a legal requirement in Victoria that any reasonable belief of child physical or sexual abuse must be reported

What are reasonable grounds?

You do not need to have proof to report any concerns you have about the safety of a child. Child Protection is responsible for assessing reports and deciding how to respond.

Reasonable grounds are when a reasonable person doing the same work or in the same role would have formed the same belief on those grounds.

Indicators that represent reasonable grounds to report a suspected offence include:

- a child or young person discloses that he or she has suffered or is suffering non accidental physical injury or sexual abuse
- someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

Can anyone report concerns for the safety of a child or young person?

ANY person who has a reasonable belief of child physical or sexual abuse must report the matter to Child Protection.

- You do not need to prove that abuse has taken place. You only need reasonable grounds for your belief.
- You do not need permission from parents or caregivers to make a report; nor do they need to be informed that a report is being made.
- If you made a report in good faith, you cannot be held legally liable- regardless of the outcome of the report.
- Your identity will remain confidential unless you need to give evidence if the matter goes to court. It is rare that this happens

How to make a report to Child Protection

Reports must be made to Child Protection by phone. The West Division Intake should be called on 1300 664 977. The after hours Child Protection Emergency Services can be contacted on 13 12 78

If you believe the risk requires immediate police attention, you should contact Victoria Police on 000

What is mandatory reporting?

Mandatory reporting describes the legal obligation of certain professional groups in Victoria to report incidences of child sexual abuse and/or child physical abuse. These people are called mandated reporters; If a mandated reporter believes on reasonable grounds that a child has suffered or is likely to suffer significant harm as a result of physical injury or sexual abuse then they have a legal obligation to report.

Section 182 (1) of the Children, Youth and Families Act 2005) lists the following people as mandatory reporters

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- early childhood education workers
- school counsellors
- school principals
- police officers
- people in religious ministry
- youth justice workers
- registered psychologists

NOTE: you do not need to be a Mandated Reporter to make a report to Child Protection and all Victorians are required to report reasonable beliefs of child sexual or physical abuse.

Failure to Disclose

The Failure to Disclose offence was introduced in 2014. The law maintains that reporting child sexual abuse is a community-wide responsibility; there is now a criminal offence in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police.

REPORTABLE CONDUCT

Under the Victorian Reportable Conduct Scheme, the LCIS Chief Executive Officer must notify the Commission for Children and Young People within 3 business days of any allegations of the following offences against paid or volunteer staff:

- sexual offences (against, with or in the presence of, a child)
- sexual misconduct (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
- significant neglect.

Within 30 days, the CEO must notify the Commission with details of the allegations and response of the organisation to the allegations, as well as details of how and by whom the allegation is being investigated within LCIS.

The outcome of the investigation must be reported to the Commission as soon as is practicable.

COMMUNICATION OF CHILD SAFETY AND PROTECTION POLICIES

LCIS child safety, protection, reporting and complaints policies and procedures must be visible and accessible to all stakeholders, including young people, families, the community, students, clients and staff.

REVIEW OF CHILD SAFETY AND PROTECTION POLICIES

- LCIS must undertake annual reviews of its child safety and protection policies and practices and develop annual action plans for child safety and protection.
- LCIS must involve young people, families, the community, students, clients and staff in annual reviews of its child safety & protection policies and practices.
- LCIS must ensure young people, families, the community, students, clients and staff have a say in any changes to its child safety & protection policies and practices.

Flow Chart: Child Safety Reporting Process

Who can report?

Parent/ Guardian

Child

Staff Member or
Volunteer

What to report?

Any child safety concerns, including:

- Disclosure of abuse or harm
- Allegation, suspicion or observation of abuse or harm

Call 000 if a child is in immediate danger

How?

Verbal report to Child Safety and Wellbeing Officer

Phone: 9360 0964

Email: managerlccc@lcis.org.au

Who to?

Michelle Bradley and/or Krystle Hills—Child Safety and Wellbeing Officers



What happens next?

The Child Safety and Wellbeing Officer will:

- Provide initial advice to the child, the parents, the person who reports and the accused staff member or volunteer.
- Initiate internal processes to ensure the safety of the child, clarify the nature of the complaint and commence disciplinary process (if required)
- Decide, in accordance with legal requirements and duty of care, whether the matter should/must be reported to the police or Child Protection and make report as soon as possible if required.

For more information on Victorian Child Safe Standards, visit <http://www.ccyp.vic.gov.au>

For further guidance at LCIS, see *LCIS Child Safety and Mandatory Reporting Policy*

Appendix 1 – SOURCES AND RELATED POLICIES

A. SOURCES - LEGISLATION

Victoria Child Wellbeing and Safety Act (2005)

Victorian Child Safe Standards (2022)

Victorian Crimes Amendment (Protection of Children) Act (2014)

Victorian Worker Screening Act (2020)

Victorian Charter of Human Rights and Responsibilities Act (2006)

Victorian Children, Youth and Families Act (2005)

B. SOURCES - OTHER

Victorian Commission for Children and Young People, Victorian Child Safe Standards (2022)
<https://ccyp.vic.gov.au/child-safe-standards/>

Victorian Commission for Children and Young People, Reportable Conduct Scheme: <https://ccyp.vic.gov.au/reportable-conduct-scheme/>

The Orange Door: <https://www.orangedoor.vic.gov.au/>

C. RELATED POLICIES

LCIS Child Safety and Wellbeing Policy

LCIS Client Complaint Policy

LCIS Privacy and Confidentiality Policy

LCIS Inappropriate behaviour Policy

LCIS Staff Induction Policy

LCIS Volunteer Induction Policy

LCIS Disciplinary Action Policy

LCIS Governance Policy