

ChildSafe

Creating a Child Safe Environment

Training Manual

A documentation resource prepared for consideration
and use within BMi Churches in Australia

The church’s commitment to establishing a child-safe environment rests on the effective implementation of its policy and procedures. Whereas policy can express the church’s intent or goals in the area of child safety and procedures can define an administrative framework for the achievement of those goals, the effectiveness of policy and procedure will tend to rest on a substrate of enabling knowledge which can only be conveyed by training.

This training manual seeks to address key aspects of this enabling knowledge. Specifics of a church’s approach will depend on the location and size of the assembly, therefore this manual seeks to address general principles only.

Training Manual

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1. Cultural & system markers of a child-safe environment

An organisation which deems that its children should be protected from abuse will recognize that:

• Children are a gift from God to the parents of our church and to society.

• It is the parent who is answerable before God for the faith and safekeeping of their offspring; the church has a role to ensure that children in its care are safe and free from abuse.

• Children themselves are able to make known their concerns as to personal comfort and are free to disclose any conduct on the part of workers, volunteers or other children which they find invasive, belittling or harmful.

A child safe environment will seek to minimize harm and therefore rely on:

• All church members being informed as to child protection policies and committed to maintaining a culture of care, protection and incident reporting for children.

• Children themselves being aware of the protections which are theirs by virtue of the church’s policies and procedures.

• The church’s recruitment, selection and appointment processes working to ensure that those involved in children’s activity or who have proximity to children’s activity are known to the church, have passed suitable character checks and provided with specific training.

• Workers and volunteers committing to a code of behaviour before acting as helpers or leaders within a children’s ministry event.

• Ministry activities being subject to review so as to minimize opportunity for inappropriate behaviours or the development of inappropriate relationships.

• The supervision of visitors (including contractors) who are involved in, or are in the proximity of, children’s activities.

• The audit and review of policies and practices for effectiveness and in response to changes to legislation or church circumstance.

An important aspect part of a child safe environment is a commitment to reporting as ensures that all reports and allegations of abuse are reported to those authorities as required by State legislation, not only for matters alleged to have occurred while a child is in the church’s care but where there is objective evidence of abuse as may be occurring outside the church’s environs.

2. National Child Safe Standards

*The Royal Commission into Institutional Responses to Child Sexual Abuse* (May 2013 to November 2017) made over 100 recommendations to the Australian Government for the preservation of child safety and the handling of complaints of abuse. Its report as to findings and recommendations extends over 17 volumes (refer [www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)). Foremost amongst its recommendations was that all institutions (religious and non-religious) which deal with children should adopt a code of standards as to the treatment and protection of children. This code is referred to as the Child Safe Standards.

Indication of the Child Safe Standards and recommendation that these standards be embedded into an organisation’s leadership practices and culture is included at *Attachment A* to these notes.

3. Parental involvement in a child-safe environment

When the church has children within its span of supervision (either as part of a Sunday activity, a children’s programme, excursion or camp), then it is acting in the place of parents. Therefore it is a good practice to ensure that parents and legal guardians are informed as to what is expected of the children whilst in the church’s care and in certain circumstances what is expected of the parents or guardians.

To this end use can be made of parental approval forms. There are two types of approval that are prudent to obtain:

• The use of approvals which secure guardian/parental:

– approval to their children being involved in an activity,

– approval to likely contingency plans which may be used if there is an emergency whilst the child is in the church’s care,

– indication of the standards of behaviour expected by children whilst in the church’s care, including the expectation that the parent/guardian will be responsible to collect or withdraw the child from the church’s activity if the child fails to meet the nominated behavioural requirements, and

– agreement to proposed transport arrangements, especially drop off and pick up arrangements where excursions are involved.

• The use of approvals by parents/guardians for their child being involved in leadership role(s) with the church as:

– communicates the church’s expectation of the young person’s behaviour whilst acting in a leadership role, and

– the parents’/guardian’s readiness to permit their child to participate in whatever training may be required for that leadership role.

Because parents are key stakeholders in the establishment and maintenance of a child safe environment, it is important wherever possible that parents are also involved in the development of those policies and practices which seek to reinforce such an environment. It aids the compliance effort and expands the resource available for practical vigilance, if parents as well as staff and volunteer workers are familiar with the policies and processes which seek to ensure a child safe environment.

4. Definition of Abuse

Child abuse is the misuse of power of the abuser of that victim. This misuse of power will most often be for the self-gratification of the abuser in matters of sexual satisfaction, emotional fulfilment or peer acceptance but can also be without any motive of self-gratification as may occur because of neglect.

Whilst an abuser is usually older than, and more mature than the victim, an abuser can nonetheless be another child. Because abuse is a misuse of authority or power, abusers most often tend to hold a position of authority over the child such as a parent, teacher, caregiver or the like.

5. Types of abuse

Abuse can take a number of forms.

5.1 Physical Abuse

Physical abuse occurs where a victim suffers or is likely to suffer significant bodily harm. It manifests as a non-accidental physical injury as may result from actions such as hitting, punching, kicking, physical punishment, welts from beltings or burns. Physical harm is also characterized by the supply of alcohol or other drugs to minors.

5.2 Sexual Abuse

Sexual abuse occurs where the abuser’s conduct toward the victim, viewed objectively, is for the sexual gratification of the abuser. It expresses itself as any assault of a sexual nature, sexual molestation, indecent exposure to or of the victim, sexual harassment, intimidation or threat to perform any of these acts upon a person.

Sexual abuse occurs when a person exercises their power or authority to take advantage of another’s trust to involve them in sexual activity. It can involve; exposure of the child to pornography, fondling or inappropriate physical contact, incest, sexual suggestiveness (including coarse language, jokes, remarks, gestures, inappropriate conversations, inappropriate literature) exhibitionism, voyeurism, mutual masturbation, oral sex, penile or other penetration of the genital or anal regions.

Sexual abuse does not have to involve genital contact. It is any act which erodes the sexual integrity or sexual purity of the victim or transgresses appropriate sexual boundaries between two persons. It may appear consensual but the validity of consent is often negated by marked differences in age or by a power differential.

5.3 Emotional abuse

Emotional abuse is chronic behaviour or the creation of an emotional environment which erodes a child’s development, self-worth or social confidence. Behaviours toward the victim may include; devaluing, ignoring, rejecting, insulting, bullying, corrupting, isolating or terrorising. Exposure to chronic sustained and aggravated or extreme domestic violence within the child’s presence can also result in emotional damage.

Emotional abuse need not be active anti-social behaviour toward the victim. It can also take passive forms such as; failure to acknowledge a child’s emotional needs or failure to supply a child with the nurturing, secure care required for normal development. Such failures may be undertaken intentionally or may be through ignorance or neglect.

5.4 Neglect

Neglect is characterised by a failure to provide for the child’s basic needs; any serious omission or commission which jeopardizes or impairs a person’s development. Failures may be in the areas of nutrition, clothing, hygiene, or the provision of appropriate health care or medical treatment. Disregard for potential hazards in the home, allowing children to engage in chronic truancy and deficiencies of supervision are further forms of neglect.

6. Suspicion that someone is being abused

Abuse can be difficult to detect. The following markers are indicative that abuse may exist. In the absence of certainty in regard to abuse, it is important not to be impulsive in asserting that abuse has occurred or jump to conclusions.

6.1 Physical abuse

Physical abuse may be occurring where the child displays:

• unusual wariness of physical contact,

• unusual fear of or timidity toward a parent or caregiver,

• extreme compliance,

• shyness, withdrawn passivity and uncommunicativeness,

• inability to explain physical injures, or

• behaviour which is routinely hyperactive, aggressive, disruptive and destructive (to self or others).

6.2 Sexual abuse

Sexual abuse may be occurring where the child displays:

• inappropriate sexual activity (e.g. rubbing against an adult),

• playing games that echo the abuse,

• sexual themes in artwork and stories,

• fear of going home or being alone with a particular adult,

• showing an understanding of sexual matters beyond their years,

• constant complaints of headaches or abdominal pains,

• difficulty walking as may have been caused by some form of penetration, or

• obsessive talk about a particular person.

6.3 Emotional abuse

Emotional abuse may be occurring where the child displays:

• withdrawal or low self-esteem,

• inordinate anxiety,

• extreme passivity, or

• attention seeking by being extremely demanding, aggressive, angry, antisocial or self-destructive.

6.4 Neglect

Signs of neglect include but may not be limited to:

• poor personal hygiene,

• bad teeth and gum disease,

• underweight,

• constantly sick, sleepy or hungry,

• undue propensity toward sadness and grief, and

• reluctance to go home.

7. Suspicion that someone is an abuser

Whilst the church has procedures in place to minimize the likelihood of a sexual abuser being engaged in children’s work, and to minimize the possibility of an abuser forming improper contact with children, knowing the characteristics or behaviours typical of sexual abusers serves to add team awareness to formal processes. Persons involved in abuse may:

• have the majority of their relationships amongst or with children (some abusers don’t relate well to people of their own age),

• be over friendly/familiar with children,

• have been sexual abuse victims as a child,

• remove himself/herself mid-way through an activity to have unwarranted or unsupervised time with children,

• attempt to demonstrate ownership of the child by giving articles of his/her clothing to a child as gifts (e.g. a cap, a jacket, footy shirt etc.),

• carry photos of children other than his/her own, often recounting how much these children love him/her,

• give extreme affection to children (e.g. front-on close hugging, always touching or flirting),

• flatter children and boost their egos,

• have favourites to whom gifts are given,

• pay special attention to sad, isolated or lonely children and those in single parent families,

• avoid or attempt to avoid screening processes,

• attempt to engineer opportunities to be alone with a child (e.g., babysitting, child minding, etc.),

• attempt to sit children on lap, even when the child or adolescent resists,

• offer to take or take child home, shopping or on an outing, or offer to collect child from school,

• dislike submission to authority, preferring to work alone, and is negative (or dismissive) when sexual abuse topics are raised,

• voice opinion on sex education, suggesting that children are not taught properly.

An abuser can be single or married, with some research reporting that 47% of child abusers are married. An abuser can be of any personal or social make-up (e.g. extrovert, introvert, married, single, old, young, rich or poor). Whilst the majority of abusers are male, this is not necessarily so.

8. Reporting

Many organisations over the years have included reputational risk as part of their decision-making when it comes to determining their response to allegations of child abuse. Any risk to a child should take priority over organisational reputation. Whilst concern for family impacts or for the reputation to certain persons are understandable, these too ought not be given priority over the disclosure of abuse where reasonable grounds for reporting exist.

8.1 Obligations to report

The law states that certain people must report their concerns if they have reasonable grounds to suspect a child has been, or is being abused or is neglected. Certain members of the community are bound by law as mandated notifiers, however child protection is a community responsibility and any person can report suspected child abuse. Each state has differing requirements as to compulsory notification. Indeed each state has differing grounds for determining that abuse has occurred. The precise requirements are set out in *Attachment B* to these notes. Notwithstanding child protection is a community matter, therefore any instance of abuse involving a disclosure by a child or objective evidence of abuse should be reported.

8.2 Reasonable grounds for reporting abuse

Seldom are instances of abuse, especially sexual abuse, observed first hand. Therefore some reporting of abuse is done on the basis of “reasonable grounds for reporting”. Suspicion on reasonable grounds include the following:

a) When a child tells you he or she has been abused. (Rarely, if ever, do children lie about abuse. Every disclosure must be taken seriously.)

b) When a child states that they know someone who has been abused. (Sometimes the child may be talking about themselves.)

c) When the child’s behaviour suggests indications of abuse.

d) When the child displays physical or sexual markers of abuse or when their play seems to mirror behaviours typical of being abused.

e) When someone close to the child, such as a parent, sibling, relative, carer or close friend, discloses on behalf of a child.

8.3 Responding to a child’s disclosure that sexual abuse has occurred

It can be difficult for children to openly report that sexual abuse is occurring. Therefore any such allegation must be taken seriously and be treated in a manner which will not hazard further investigation by competent authorities.

If a child tells you that sexual abuse is occurring:

• Remain calm and listen carefully to the child.

• Tell the child that they are not to blame.

• Tell the child that you believe them and that they have done the right thing in letting you know.

• Tell the child that you need to tell certain people who can help stop the abuse.

• Ensure that the child is safe and not in immediate danger.

• Report the matter to the police, child protection services and church leadership.

Because your role is that of problem reporter, not problem solver or judge:

• Do not show emotions such as shock, disgust or panic.

• Do not have a protracted conversation or press the child for details because by doing so you may inadvertently shape the child’s account of what happened.

• Do not inform anyone who does not need to know about the matter.

• Do not inform the accused offender.

• Do not attempt to investigate the veracity of the matter yourself by seeking evidence from other sources.

• Do not deny the allegation or minimize its impact.

8.4 Procedural principles following a report

The formal process for responding to an allegation of abuse is set down in relevant procedures. As a standard approach the handling of an allegation should entail:

• the full recording of details concerning the abuse and how the allegation of abuse came to be observed or reported,

• a person in authority, other than the person alleged to have performed the abuse, being informed and if

– a matter subject to mandatory reporting, or

– a circumstance wherein there are concerns for the child’s immediate safety or well being,

relevant civil authorities also should be informed,

• refrain from input to the victim or the accused in the form of pastoral care or counselling until the reported matter has been assessed by competent authorities and indication given that contact of such a nature is acceptable, and

• action to ensure that the accused person is stood down from ministry until the report is investigated.

Notwithstanding the disclosures required as part of these procedural requirements, both the child and the alleged abuser have rights and the need of protection during due process. Therefore the privacy of an alleged offender will be maintained during the investigation process.

9. Code of Behaviour for Children’s Workers

All people involved in the care of children need to:

• Accept and work toward the establishment of a child safe environment via the awareness of and the effective implementation of the church’s procedures and policies.

• Maintain a duty of care towards children and others involved in the church’s programs and activities in such as manner as minimizes the opportunity for misconduct or allegations of misconduct.

• Treat children and young people with respect and value their ideas and input.

• Act as a positive role model in their behaviour with children and young people.

• Comply with specific guidelines as to physical contact with children.

• Respect the privacy of children, their families and carers and only disclose information to people who have a need to know.

• Contact the police if a child is in immediate risk of abuse.

No person shall:

• Shame, humiliate, belittle or degrade a child or young person.

• Knowingly engage in an activity with a child as will cause physical harm or enduring emotional distress.

• Be alone with a child or young person unnecessarily and for more than a very short time.

• Develop a ‘special’ relationship with a specific child or young person for their own needs.

• Show favouritism through the provision of gifts or inappropriate attention.

• Arrange contact, including online contact or social media contact, with a child or young person outside of the church’s programs or activities.

• Photograph or video a child or young person without the consent of both the child and his/her parents or guardians.

• Work with children or young people while under the influence of alcohol or illicit drugs.

• Engage in open discussions of a mature or adult nature in the presence of children.

• Use inappropriate language in the presence of children.

• Do anything in contravention of the church’s policies, procedures or this Code of Behaviour.

Any breach of this Code of Behaviour will lead to disciplinary action as may involve termination of employment or cessation of engagement with the church’s ministry activities.

10. Nature of a Documented System

These training notes are meant to act as a supplement to the principles and processes set out in the church’s policy and procedures for the implementation of a child safe environment. It is these policy and procedure documents which establish the particulars of our child safe goals and practices. Your orientation to working with children and your competence to assist/lead in that area is not complete until you have become familiar with those documents.

When reading these policy and procedure documents it is helpful to keep in mind the structure, usefulness and limitations of a documented policy/procedural system. In particular procedures are the way of ensuring that everyone is doing the same thing and not putting themselves or the church at risk by acting in a manner which may expose a child neglect or the church to accusations of negligence.

10.1 Basic structure of a documented system

The documented system in aid of our child safe environment has three levels. These are:

 Policy

This is the hand-on-heart commitment, the overall goal and cultural setting which we wish to achieve in respect of child safety. The policy may seem long on good intentions and short on practical methods. This is because the policy acts as the target or goal to which our procedures move. The details are to be found in the procedures.

 Procedures

These explain the process flow or steps for achieving the policy. In particular they indicate the person authorized to approve or implement a defined action. In most cases a procedure will have a record which indicates whether the planned activity was implemented (as planned), who did it and when. Records are an important means of demonstrating that things are being properly done and that our policy goals are being met.

 Forms

Forms are a way in which information critical to the completion of a process is gathered and stored. Forms and records provide the objective evidence that a procedure or commitment has been met.

10.2 The need for system maintenance

Policy and procedures are always in danger of becoming outmoded or ineffective. Things change. There can be change to community expectations, or government legislation, or the nature of our ministry, or the types of children and families with whom we fellowship, or to the types of people who act as leaders and volunteers. Changes in any one of these areas can mean that our policy and procedures will need revision in order to deal with the change. For this reason there are some important processes which, whilst not directly related to establishing a child safe environment, are nonetheless important to maintaining that environment. These are:

 Training

There is no point in writing down how we intend to act if the people required to do something have not been trained (and if necessary re-trained) in required processes. So our system has a procedure that defines when training should occur and how records of training will be kept.

 Audit

Audits are for two purposes. Firstly they verify that the things we planned to do are actually being done in the manner planned. Secondly they assess what is being done to see if it remains relevant and effective.

 Corrective Action

Sometimes feedback from audits or via comments from those people affected by the procedure tell us that things are not working. In this case those who are responsible for a system will want to take steps to get things back on track. Such steps are known as corrective action. For corrective action to be effective it needs to deal with the root cause of a problem (and not just the symptom) and having revised the steps will re-visit the situation to make sure that the new process has remedied the situation.

 Review

Those who are responsible for a policy and system need occasionally to make time to consider what has changed, either to legislation or about the church, in order to make appropriate revision to the policy and procedures which pertain to their goals. Therefore a review should be done to identify new risks or recurring system failures.

10.3 Elemental relationships in system maintenance/culture reinforcement

Although this seems a highly structured approach to system maintenance, the following diagram suggests the principles or elements and how they relate to leadership responsibilities. The cycle commences with leadership documenting its policy goals and proposed measures for achieving those goals. Thereafter it is a matter of implementing and reviewing the planned arrangements. It is particularly important to recognize that the review process must make use of both:

a) the outcomes of internal verifications which assess whether the planned arrangements are implemented and effective, and

b) those changes from outside the organisation which need to be captured by the system.



Fig 1 - Elemental relationship of a system

# ATTACHMENT A - National Child Safe Standards

National Child Safe Standards

*The Royal Commission into Institutional Responses to Child Sexual Abuse* made over 100 recommendations to the Australian Government for the preservation of child safety and the handling of complaints of abuse. Foremost amongst its recommendations was that all institutions (religious and non-religious) which deal with children should adopt a code of standards as to the treatment and protection of children. This code is referred to as the Child Safe Standards.

Recommendation 6.4

All institutions should uphold the rights of the child. Consistent with Article 3 of the United Nations Convention on the Rights of the Child, all institutions should act with the best interests of the child as a primary consideration. In order to achieve this, institutions should implement the Child Safe Standards identified by the Royal Commission.

Recommendation 6.5

The Child Safe Standards are:

1. Child safety is embedded in institutional leadership, governance and culture

2. Children participate in decisions affecting them and are taken seriously

3. Families and communities are informed and involved

4. Equity is upheld and diverse needs are taken into account

5. People working with children are suitable and supported

6. Processes to respond to complaints of child sexual abuse are child focused

7. Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

8. Physical and online environments minimise the opportunity for abuse to occur

9. Implementation of the Child Safe Standards is continuously reviewed and improved

10. Policies and procedures document how the institution is child safe.

Recommendation 6.6

Institutions should be guided by the following core components when implementing the Child Safe Standards:

Standard 1: Child safety is embedded in institutional leadership, governance and culture

a) The institution publicly commits to child safety and leaders champion a child safe culture.

b) Child safety is a shared responsibility at all levels of the institution.

c) Risk management strategies focus on preventing, identifying and mitigating risks to children.

d) Staff and volunteers comply with a code of conduct that sets clear behavioural standards towards children.

e) Staff and volunteers understand their obligations on information sharing and recordkeeping.

Standard 2: Children participate in decisions affecting them and are taken seriously

a) Children are able to express their views and are provided opportunities to participate in decisions that affect their lives.

b) The importance of friendships is recognised and support from peers is encouraged, helping children feel safe and be less isolated.

c) Children can access sexual abuse prevention programs and information.

d) Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to communicate and raise their concerns.

Standard 3: Families and communities are informed and involved

a) Families have the primary responsibility for the upbringing and development of their child and participate in decisions affecting their child.

b) The institution engages in open, two-way communication with families and communities about its child safety approach and relevant information is accessible.

c) Families and communities have a say in the institution’s policies and practices.

d) Families and communities are informed about the institution’s operations and governance.

Standard 4: Equity is upheld and diverse needs are taken into account

a) The institution actively anticipates children’s diverse circumstances and responds effectively to those with additional vulnerabilities.

b) All children have access to information, support and complaints processes.

c) The institution pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, and children from culturally and linguistically diverse backgrounds.

Standard 5: People working with children are suitable and supported

a) Recruitment, including advertising and screening, emphasises child safety.

b) Relevant staff and volunteers have Working With Children Checks.

c) All staff and volunteers receive an appropriate induction and are aware of their child safety responsibilities, including reporting obligations.

d) Supervision and people management have a child safety focus.

Standard 6: Processes to respond to complaints of child sexual abuse are child focused

a) The institution has a child-focused complaint handling system that is understood by children, staff, volunteers and families.

b) The institution has an effective complaint handling policy and procedure which clearly outline roles and responsibilities, approaches to dealing with different types of complaints and obligations to act and report.

c) Complaints are taken seriously, responded to promptly and thoroughly, and reporting, privacy and employment law obligations are met.

Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

a) Relevant staff and volunteers receive training on the nature and indicators of child maltreatment, particularly institutional child sexual abuse.

b) Staff and volunteers receive training on the institution’s child safe practices and child protection.

c) Relevant staff and volunteers are supported to develop practical skills in protecting children and responding to disclosures.

Standard 8: Physical and online environments minimise the opportunity for abuse to occur

a) Risks in the online and physical environments are identified and mitigated without compromising a child’s right to privacy and healthy development.

b) The online environment is used in accordance with the institution’s code of conduct and relevant policies.

Standard 9: Implementation of the Child Safe Standards is continuously reviewed and improved

a) The institution regularly reviews and improves child safe practices.

b) The institution analyses complaints to identify causes and systemic failures to inform continuous improvement.

Standard 10: Policies and procedures document how the institution is child safe

a) Policies and procedures address all Child Safe Standards.

b) Policies and procedures are accessible and easy to understand.

c) Best practice models and stakeholder consultation inform the development of policies and procedures.

d) Leaders champion and model compliance with policies and procedures.

e) Staff understand and implement the policies and procedures.

Mandatory reporting obligations
by State

Australian Capital Territory

Children and Young People Act 2008 (ACT)

Who is a child?

A person under 12 years old
NB: A ‘young person’ is a person who is 12 years old or older, but not yet 18 years old

Mandated reporters

• Doctors, nurses, enrolled nurses, midwives

• Dentists

• Teachers (including assistant teachers) and people providing education to a child or young person who is registered for home education under the Education Act 2004

• Police officers

• School counsellors

• People caring for a child at a child care centre

• People coordinating or monitoring home-based care for a family day care scheme proprietor

• Public servants who work with children and young people or families

• The public advocate

• An official visitor (i.e. someone authorised to be on the premises)

• A person who, in the course of their employment, has contact with or provides services to children, young people and their families

When must a mandatory report be made?

A mandated reporter must make a report if:

• The person believes on reasonable grounds that a child or young person has experienced, or is experiencing, sexual abuse or non-accidental physical injury; and

• That belief is formed in the course of the person’s work.

NB: exceptions may apply.

Ombudsman Act 1989 (ACT)

Who is a child?

A person under 18 years old

Mandated reporters

The head (i.e. CEO, Principal etc.) of a designated entity.

A designated entity means:

• an administrative unit that deals with the safety, welfare or wellbeing of a particular child or class of children;

• a health service provider;

• a government school or a non-government school;

• a provider of an education and care service;

• a childcare service;

• an approved kinship and foster care organisation;

• an approved residential care organisation; or

• any other entity prescribed by regulation.

When must a mandatory report be made?

A mandated reporter must provide a written report to the Ombudsman if they become aware of a reportable allegation or any reportable conviction involving an employee, volunteer or contractor of the entity.

New South Wales

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Who is a child?

A person under 16 years old

Mandated reporters

• A person who, in the course of his or her professional work or other paid employment, delivers health care, welfare, education, children’s services, residential services or law enforcement, wholly or partly, to children

• A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services or law enforcement, wholly or partly, to children

When must a mandatory report be made?

A mandated reporter must make a report to the Department of Family and Community Services if:

• They have reasonable grounds to suspect that a child is “at risk of significant harm”; and

• Those grounds arise during the course of or from the person’s work.

NB: exceptions may apply.

Crimes Act 1900 (NSW)

Who is a child?

A person under 18 years old

Mandated reporters

Any person

When must a mandatory report be made?

A mandated reporter must make a report to the police if:

• The person knows or believes that an offence has been committed (i.e. child abuse); and

• Their information might be of assistance to police in apprehending, prosecuting or convicting the offender.

NB: exceptions may apply.

Ombudsman Act 1974 (NSW)

Who is a child?

A person under 18 years old

Mandated reporters

The head of a designated government or non-government agency.

A designated non-government agency includes non-government schools, organisations that provide out-of-home care or substitute residential care for children, approved education and care services, and affiliated health organisations within the meaning of the *Health Services Act 1997 (NSW)*.

When must a mandatory report be made?

A mandated reporter must make a report to the Ombudsman if they become aware of a reportable allegation or reportable conviction against an employee, volunteer or contractor of the agency.

Northern Territory

Care and Protection of Children Act 2007 (NT)

Who is a child?

A person under 18 years old

Mandated reporters

• Any person

• In the NT, there are additional reporting obligations on ‘registered health practitioners’. Registered health practitioners include Aboriginal health workers, chiropractors, dentists, dental hygienists, dental prosthetists, dental specialists, dental therapists, medical practitioners, midwives, registered nurses authorised to practise midwifery, registered and enrolled nurses, occupational therapists; optometrists; osteopaths; pharmacists, physiotherapists, psychologists and radiographers.

When must a mandatory report be made?

A mandated reporter must make a report to the Department of Health and Families or the police if the person believes on reasonable grounds that:

• A child under 18 years old has suffered or is likely to suffer harm or exploitation; or

• A child under 14 years old has been or is likely to be a victim of a sexual offence; or

• A child under 18 years old had been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship.

NB: exceptions may apply.

A registered health practitioner is under additional reporting obligations and must make a report if:

• They believe on reasonable grounds that a child aged 14 or 15 years old has been or is likely to be a victim of a sexual offence; and

• The age difference between the child and the sexual offender is greater than two years.

NB: exceptions may apply.

Domestic and Family Violence Act (NT)

Who is a child?

A person under 18 years old

Mandated reporters

A person

When must a mandatory report be made?

A mandated reporter must make a report if the person believes on reasonable grounds that the life or safety of a person (i.e. a child) is under serious or imminent threat because domestic violence has been, is being or is about to be committed.

NB: exceptions may apply.

Queensland

Child Protection Act 1999 (QLD)

Who is a child?

A person under 18 years old

Mandated reporters

• Teachers (specifically, approved teachers under the Education [Queensland College of Teachers] Act 2005, employed at a school)

• Doctors

• Registered nurses

• Police officers with child protection responsibilities

• A person performing a child advocate function under the Public Guardian Act 2014

• Child Safety employees

• Licenced care services employees

When must a mandatory report be made?

A mandated reporter must make a report if:

• They form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse; and

• The child may not have a parent able and willing to protect the child from the harm.

NB: exceptions may apply.

Education (General Provisions) Act 2006 (Qld)

Who is a child?

A person under 18 years old

Mandated reporters

Staff members at a school

When must a mandatory report be made?

A mandated reporter must make a report if they reasonably suspect, in the course of their employment at the school, that any of the following has been or is likely to be sexually abused by another person:

• A student under 18 years old attending the school;

• A pre-preparatory age child registered in a pre-preparatory learning program at the school or a distance education pre-preparatory learning program at the school; or

• A person with a disability who is being provided with special education at the school and is not enrolled in the preparatory year at the school.

NB: exceptions may apply.

South Australia

Children’s Protection Act 1993 (SA)

Who is a child?

A person under 18 years old

Mandated reporters

• Doctors

• Pharmacists

• Registered or enrolled nurses

• Dentists

• Psychologists

• Police officers and community corrections officers

• Social workers

• Teachers in education institutions including kindergartens

• Family day care providers

• Employees/volunteers in a government department, agency or instrumentality, or a local government or non-government agency that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children

• Ministers of religion (with the exception of disclosures made in the confessional) and employees or volunteers in a religious or spiritual organisations.

When must a mandatory report be made?

A mandated reporter must make a report to the Department of Education and Child Development if:

• They have reasonable grounds to suspect that a child has been or is being abused or neglected; and

• The suspicion is formed in the course of the person’s work (whether paid or voluntary) or carrying out of their official duties.

NB: exceptions may apply.

Tasmania

Children, Young Persons and Their Families Act 1997 (TAS)

Who is a child?

A person under 18 years old

Mandated reporters

• Registered medical practitioners

• Nurses and midwives

• Dentists, dental therapists or dental hygienists

• Registered psychologists

• Police officers and probation officers

• Principals and teachers

• Persons who provide child care

• Persons involved in the management of a child care service licensed under the *Child Care Act 2001*

• Employees or volunteers of government agencies that provide health, welfare, education, child care or residential services for children, and organisations that receive any funding from the Australian Government for the provision of such services

• Any other person of a class determined by the relevant government Minister by notice in the Tasmanian Government Gazette

When must a mandatory report be made?

A mandated reporter must make a report to the Department of Health and Human Services or a Community-Based Intake Service if, in the course of carrying out their official duties:

• They believe, or suspect on reasonable grounds, or know, that a child has been or is being abused or neglected; or

• There is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides.

• This also applies to unborn children.

NB: exceptions may apply.

Victoria

Crimes Act 1958 (Vic)

Who is a child?

A person under 16 years old

Mandated reporters

Any person 18 years or older

When must a mandatory report be made?

A mandated reporter must make a report to the police if they form a reasonable belief that a sexual offence has been committed in Victoria against a child by another person of or over the age of 18 years.

NB: exceptions may apply.

Children, Youth and Families Act 2005 (Vic)

Who is a child?

A person under 17 years old

Mandated reporters

• Registered medical practitioners, midwives and registered nurses

• Teachers registered or granted permission to teach under the *Education, Training and Reform Act 2006*

• Principals

• Police

When must a mandatory report be made?

A mandated reporter must make a report if:

• They form a belief on reasonable grounds that a child is in need of protection from physical injury or sexual abuse;

• The parents cannot or will not protect the child; and

• The belief is formed in the course of practising his/her position of employment.

NB: exceptions may apply.

Child Wellbeing and Safety Act 2005 (Vic)

Who is a child?

A person under 18 years old

Mandated reporters

• The head of an entity that is affected by the Reportable Conduct Scheme.

• The applicable entities are brought into the scheme in three phases (July 1, 2017; January 1, 2018; January 1, 2019).

• The full list of entities (and the applicable phase) can be found here:
https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/

When must a mandatory report be made?

A mandated reporter must make a report to the Commission for Children and Young People if they become aware of a reportable allegation against an employee, volunteer or contractor of the entity.

Western Australia

Children and Community Services Act 2004 (WA)

Who is a child?

A person under 18 years old

Mandated reporters

• Doctors

• Nurses

• Midwives

• Police officers

• Teachers

• Boarding supervisors

When must a mandatory report be made?

A mandated reporter must make a report to the Department of Communities Child Protection and Family Support if, in the course of their work, they believe on reasonable grounds that a child has been the subject of sexual abuse or is the subject of ongoing sexual abuse.

NB: exceptions may apply.

Commonwealth Legislation

Family Law Act 1975 (Cth)

Who is a child?

A person under 18 years old

Mandated reporters

• the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia;

• the Registrar or a Deputy Registrar of the Family Court of Western Australia;

• a Registrar of the Federal Circuit Court of Australia;

• a family consultant;

• a family counsellor;

• a family dispute resolution practitioner;

• an arbitrator; or

• a lawyer independently representing a child's interests.

When must a mandatory report be made?

A mandated reporter must make a report to the prescribed welfare authority if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that:

• a child has been abused; or

• a child is at risk of being abused.

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Voluntary reporting obligations by State

Voluntary reporting is not legally required to be included in policies and procedures, however it could help to prevent and respond to cases of child abuse and neglect.

Australian Capital Territory

Children and Young People Act 2008 (ACT)

Who is a child?

A person under 12 years old
NB: A ‘young person’ is a person who is 12 years old or older, but not yet 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to Child and Youth Protection Services if:

• The person believes or suspects that a child or young person is being abused, is being neglected, or is at risk of abuse or neglect; and

• The information is reported honestly and without recklessness.

A voluntary reporter may also make a report if:

• During a pregnancy, the person believes or suspects that the child that may be born as a result of the pregnancy, may be in need of care and protection; and

• The information is reported honestly and without recklessness.

Ombudsman Act 1989 (ACT)

Who is a child?

A person under 18 years old

Voluntary reporters

The head (i.e. CEO, Principal etc.) of a designated entity.

A designated entity means:

• an administrative unit that deals with the safety, welfare or wellbeing of a particular child or class of children;

• a health service provider;

• a government school or a non-government school;

• a provider of an education and care service;

• a childcare service;

• an approved kinship and foster care organisation;

• an approved residential care organisation; or

• any other entity prescribed by regulation.

When can a voluntary report be made?

A voluntary reporter may disclose to the Ombudsman any information that they believe on reasonable grounds reveals:

• reportable conduct involving an employee, volunteer or contractor of the entity; or

• a reportable conviction against an employee, volunteer or contractor of the entity.

New South Wales

Children and Young Persons (Care and Protection) Act 1998 (NSW)

Who is a child?

A person under 16 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to the Department of Family and Community Services if the person has reasonable grounds to suspect that a child or young person (i.e. a 17-year-old) is at risk of significant harm.

Ombudsman Act 1974 (NSW)

Who is a child?

A person under 18 years old

Voluntary reporters

The head or other employee of a designated government or non-government agency.

A designated non-government agency includes non-government schools, organisations that provide out-of-home care or substitute residential care for children, approved education and care services, and affiliated health organisations within the meaning of the *Health Services Act 1997 (NSW)*.

When can a voluntary report be made?

A voluntary reporter may make a report to the Ombudsman if they become aware of any information that gives them reason to believe that an employee of the agency has committed the following:

• any sexual offence or sexual misconduct committed against, with or in the presence of a child – including a child pornography offence;

• any assault, ill-treatment or neglect of a child;

• any behaviour that causes psychological harm to a child – even if the child consented to the behaviour.

Northern Territory

Care and Protection of Children Act 2007 (NT)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to the Department of Health and Families or the police if the person believes on reasonable grounds that:

• A child under 18 years old has suffered or is likely to suffer harm or exploitation; or

• A child under 14 years old has been or is likely to be a victim of a sexual offence; or

• A child under 18 years old had been or is likely to be a victim of a sexual offence occurring in the context of a special care relationship.

Queensland

Child Protection Act 1999 (QLD)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report if:

• The person reasonably suspects a child may be in need of protection; or

• An unborn child may be in need of protection after he or she is born.

South Australia

Children’s Protection Act 1993 (SA)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to the Department of Child Protection if the person suspects that a child has been or is being abused or neglected.

Tasmania

Children, Young Persons and Their Families Act 1997 (TAS)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to the Department of Health and Human Services or a Community-Based Intake Service if the person knows or believes or suspects on reasonable grounds that a child is suffering, has suffered or is likely to suffer abuse or neglect.

This also applies to unborn children.

Victoria

Children, Youth and Families Act 2005 (VIC)

Who is a child?

A person under 17 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to a protective intervener (i.e. the police or the Department of Health and Human Services) if the person believes on reasonable grounds that a child is in need of protection.

Child Wellbeing and Safety Act (Vic)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may disclose a reportable allegation to the Commission for Children and Young People.

Western Australia

Children and Community Services Act 2004 (WA)

Who is a child?

A person under 18 years old

Voluntary reporters

Any person

When can a voluntary report be made?

A voluntary reporter may make a report to the Department of Communities, Child Protection and Family Support if the person has concerns about the wellbeing of a child.

Commonwealth Legislation

Family Law Act 1975 (Cth)

Who is a child?

A person under 18 years old

Voluntary reporters

• the Registrar or a Deputy Registrar of a Registry of the Family Court of Australia;

• the Registrar or a Deputy Registrar of the Family Court of Western Australia;

• a Registrar of the Federal Circuit Court of Australia;

• a family consultant;

• a family counsellor;

• a family dispute resolution practitioner;

• an arbitrator; or

• a lawyer independently representing a child's interests.

When can a voluntary report be made?

A voluntary reporter may make a report to the prescribed welfare authority if, in the course of performing their duties, functions or powers, they have reasonable grounds for suspecting that a child:

• has been ill treated, or is at risk of being ill treated; or

• has been exposed, or is at risk of being exposed to behaviour which psychologically harms the child.

Reportable conduct scheme

New South Wales, Victoria and the Australian Capital Territory also place specific obligations on the head of applicable entities (i.e. CEOs, Principals etc.) to make reports under reportable conduct schemes.

Under all three schemes, the head of the applicable entity is required to make a report to a specific external authority if they become aware of a child abuse allegation being made against an employee, director, volunteer or contractor.

The head of the applicable entity is also required under the schemes to provide updates to the applicable external authority. The timeframes and notice requirements differ between the states and territory.

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Making a report:
Contact telephone numbers by State

Any person who believes a child is in immediate danger should contact the police immediately. Otherwise, call the relevant numbers below.

**Example of immediate danger:** A father has picked child up from school and the school is aware that he is not authorised to do so because of a history of abuse. The school must contact the police.

**Example of non-immediate danger:** A child has been acting up in school and the school is aware that his parents have broken up and that there is a history of domestic violence against the mother – in this case action must be taken but it would be more appropriate to raise the concerns with the relevant body than to call the police emergency line.

Australian Capital Territory

Office for Children, Youth and Family Support

General Public line (24 hours) 1300 556 729

Mandated Persons line (24 hours) 1300 556 728

ACT Police - Sexual Assault and Child Abuse Team (SACAT)

Phone line (02) 6256 7777

New South Wales

Department of Family and Community Services

General Public line (24 hours) 13 21 11

Mandated Persons line (24 hours) 13 36 27

Northern Territory

Department of Health and Families

Child Protection Hotline (24 hours) 1800 700 250

Queensland

Department of Communities, Child Safety and Disability Services

During business hours – contact the appropriate Regional Intake Service:

Brisbane 1300 682 254

Central Queensland 1300 703 762

Far North Queensland 1300 684 062

North Coast Queensland 1300 703 921

North Queensland 1300 706 147

South East Queensland 1300 679 849

South West Queensland 1300 683 390

After hours

Child Safety Service Centre (24 hours) 1800 177 135 or (07) 3235 9999

South Australia

Department for Education and Child Development

Child Abuse Report Line (24 hours) 13 14 78

Tasmania

Department of Health and Human Services

Child Protection Hotline (24 hours) 1300 737 639

Victoria

Department of Health and Human Services

During business hours – contact the appropriate local government area:

Northern and western suburbs 1300 664 977

Eastern suburbs 1300 360 391

Southern suburbs 1300 655 795

South-western rural and regional 1800 075 599

Western rural and regional 1800 000 551

North-western rural and regional 1800 675 598

North-eastern rural and regional 1800 650 227

Eastern & south-eastern rural & regional 1800 020 202

After hours and to report concerns about the immediate safety of a child:

Child Protection Crisis Line (24 hours) 13 12 78

Victoria Police - Sexual Offences and Child Abuse Investigation Team (SOCIT)

Contact the appropriate local office:

North-West Metropolitan (03) 8690 4056

Southern Metropolitan (03) 9556 6128

Western Victoria (03) 5448 1420

Eastern Victoria (03) 5820 5878

Commission for Children and Young People

Contact the Commission by filling out the notification form at
<https://ccyp.vic.gov.au/reportable-conduct-scheme/notify-and-update/>
or phone 1300 782 978

Western Australia

Department of Child Protection and Family Support

Mandated Persons line (24 hours) 1800 708 704

General Public line:

Business hours 1800 622 258

After hours 1800 199 008

Western Australia Police - Sexual Assault Squad

Phone line (08) 9428 1600

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