Early Years Policy – Child Safe Environment and Wellbeing – Attachment 1

Processes for responding to incidents, disclosure and suspicions of child abuse:

### Overview

* The approved provider or staff, including those with mandatory reporting responsibilities (refer to Definitions within the policy*)* must act when they form a reasonable belief or have a suspicion that a child has been, or is at risk of being abused. Regardless of the suspected cause, all concerns about the wellbeing of a child (or an unborn child) should be taken seriously and acted upon. This includes concerns about the wellbeing of a child, which does not appear to be the result of abuse.
* Staff must seek advice from the approved provider or person with management or control, Department of Families, Fairness and Housing (DFFH) Child Protection, Child FIRST / The Orange Door and/or Victoria Police if they are uncertain about whether they have sufficient grounds to form a reasonable belief.
* If staff hold a reasonable belief that a child has been or is at risk of being abused, regardless of the advice of the approved provider or person with management or control, or any other staff member, they must still make a report to Child Protection and/or Victoria Police.
* The steps outlined in the Department of Education’s flowchart: Four critical actions for early childhood services: Responding to Incidents, Disclosures and Suspicions of Child Abuse, provides a summary of the critical actions which are to be followed: <https://www.vic.gov.au/child-protection-early-childhood-protect/report-child-abuse-early-childhood>
* Records are kept about all child safety concerns or complaints. These records contain comprehensive descriptions of incidents/ issues of concern and provide evidence for actions taken, including reports made to statutory authorities or professional bodies and follow-up actions to be completed. The records are stored in accordance with Council’s Privacy Policy*.*
* Privacy is maintained, and information is disclosed when it promotes the safety or wellbeing of a child.

### Responding to concerns about the wellbeing of a child - when to make a referral to The Orange Door

Orange Door (refer to Definitions within the policy) is a free service for women, children and young people who are experiencing family violence, or families who need assistance with the care and wellbeing of children to access the services they need to be safe and supported. The service ensures that vulnerable children, young people and their families are linked effectively into relevant services, and this may be the best way to connect children, young people and their families with the services they need.

A referral to The Orange Door should be made if the approved provider/staff member has significant concerns for a child’s wellbeing and the child is not in immediate need of protection. This may include circumstances when there are:

* significant concern for a child's wellbeing
* parents who lack the skills to support their child's physical, emotional and cognitive development that may be affecting the child’s development
* family conflict, including family breakdown
* families under pressure, due to a family member’s physical or mental illness, substance misuse, disability or bereavement
* young, isolated and/or unsupported families
* families experiencing significant social or economic disadvantage that may adversely impact on a child’s care or development.

### When to report wellbeing concerns to Victoria Police

In addition to reporting suspected abuse to appropriate authorities, you must contact Victoria Police on 000 if the:

* child's immediate safety is compromised
* child is partaking in any risk-taking activity that is illegal and extreme in nature, or poses a high risk to their safety, or the safety of somebody else.

### When to report wellbeing concerns to DFFH Child Protection

In addition to reporting suspected abuse to appropriate authorities, you should contact DFFH Child Protection if you have significant protective concerns for the wellbeing of a child, but the parents are unable or unwilling to address or resolve these concerns.

This includes all concerns that:

* have a serious impact on a child's safety, stability or development (including abandonment, death or incapacity, extreme risk-taking behaviour, or harm to an unborn child)
* are persistent and entrenched and likely to have a serious impact on a child's safety, stability or development
* relate to a parent/s who cannot or will not protect the child from significant harm
* include a belief that the family is likely to be uncooperative in seeking assistance.

### Managing disclosure

It is very important to validate a child’s disclosure, by listening to the child, taking them seriously and responding and acting on the disclosure by implementing Council’s reporting procedures.

Strategies include:

* let the child talk about their concerns in their own time and in their own words
* give them your full attention, the time and a quiet space in which to do this and be a supportive and reassuring listener
* remain calm and use a neutral non-judgmental tone
* comfort the child if they are distressed
* record the child’s disclosure using the child’s words
* tell the child that telling you is the right thing to do and that what has happened is not their fault
* let them know that you will act on this information and that you will need to let other people know so that they can help the child
* it is the role of DFFH Child Protection and Victoria Police to investigate. DO NOT take any steps to investigate. Avoid asking investigative or invasive questions which may cause the child to withdraw and may interfere with an investigation. Avoid going over information repeatedly.

### Responding to incidents, disclosure and suspicions of child abuse

To make a report to Child Protection, a staff member needs to have formed a reasonable belief (refer to Definitions in the policy) that a child has suffered or is likely to suffer significant harm as a result of abuse or neglect, and that their parent has not protected or is unlikely to protect the child from harm of that type.

It is strongly recommended that ALL early childhood service staff follow the Four Critical Actions as soon as they witness an incident, disclosure or form a reasonable belief that a child has or is at risk of being abused.

#### Action 1: Responding to an emergency:

If a child has just been abused or is at immediate risk of harm you must take reasonable steps to protect them.

These include:

* separating the alleged victim and others involved, ensuring all parties are supervised by a service staff member
* arranging and providing urgent medical assistance where necessary by:
  + administering first aid assistance
  + calling 000 for an ambulance and following any instructions from emergency service officers/paramedics
* calling 000 for urgent police assistance if the person who is alleged to have engaged in the abuse poses an immediate risk to the health and safety of any person
  + you should also identify a contact person at the service for future liaison with police
* taking reasonable steps to preserve evidence, such as the environment, clothing, other items, and potential witnesses until the police or other relevant authorities arrive on the premises.

#### Action 2: Reporting to authorities

As soon as immediate health and safety concerns are addressed, you must report all incidents, suspicions and disclosures of child abuse as soon as possible. Failure to report physical and sexual child abuse may amount to a criminal offence.

If the source of suspected abuse is from within the family or community:

DFFH Child Protection

You must report to DFFH Child Protection if a child is considered to be:

* in need of protection from child abuse
* at risk of being harmed (or has been harmed) and the harm has had, or is likely to have, a serious impact on the child’s safety, stability or development.

Victoria Police

You must also report all instances of suspected sexual abuse (including grooming) to Victoria Police.

Report to management

You must report to your approved provider.

Notify the regulator

The approved provider must notify the DE’s Quality Assessment and Regulation Division of any serious incidents, circumstances, or complaints which raise concerns about the safety, health and wellbeing of a child being educated and cared for by a service. Notifications may be made via the National Quality Agenda IT System: <https://www.acecqa.gov.au>

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 The Orange Door (in circumstances where the family are open to receiving support), or to DFFH Child Protection or Victoria Police.

If the source of suspected abuse is from within the service:

If the source of suspected abuse comes from within the service (this includes any forms of suspected child abuse involving a staff member, contractor, committee member or volunteer):

* you must contact Victoria Police via your local police station (where appropriate they will refer you on to the local Sexual Offences and Child Abuse Investigation Team)
* you must also report internally to the approved provider or person with management or control
* the approved provider must also notify the Quality Assessment and Regulation Division. Notifications made via the National Quality Agenda IT System: <https://www.acecqa.gov.au>
* The approved provider must notify the Commission for Children and Young People (CCYP) of within three business days of becoming aware of an allegation (refer to Reportable Conduct Scheme)
* a contact person must also be identified at the service for future liaison with Child Protection and Victoria Police and seek advice about contacting parents/carers.

#### Action 3: Contacting parents/carers

You must consult with Victoria Police or DFFH Child Protection to determine what information can be shared with parents/carers. They may advise:

* not to contact the parents/carers (e.g. in circumstances where the parents are alleged to have engaged in the abuse, or the child is a mature minor and has requested that their parent/carer not be contacted)
* to contact the parents/carers and provide agreed information as soon as possible (for approved providers, it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service).