

CG4. ACSO Child Safe Policy

Person responsible for review: Chief Operations Officer

1.0 Introduction

ACSO is committed to protecting the safety and wellbeing of children and young people to whom it delivers a service or who present themselves to an ACSO location, including an office or residential facility. ACSO has a zero tolerance for child abuse and acts on the belief that every child and young person should be provided with the opportunity to live in a safe and supportive environment and actively supports the rights of children and will advocate strongly on behalf of children to ensure they are given a voice and adequately represented and protected.

In this policy, the term ACSO also includes McCormack Housing Ltd, which is owned by ACSO.

Purpose

The purpose of this policy is to:

- Demonstrate ACSO's commitment to the safety and wellbeing of all children and young people.
- Provide a framework for child-related work with children and young people during service delivery to themselves or any child accompanying a parent, guardian and/or carer accessing ACSO services.
- Outline the roles and responsibilities of ACSO board members, employees/volunteers or contractors and their duty of care in relation to the reporting requirements around abuse to children.
- Facilitate the prevention of child abuse occurring within ACSO, ensuring a zero-tolerance approach.
- Work towards an organisational culture of child safety.
- Prevent child abuse within ACSO.
- Ensure that all parties are aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.

Audience

This policy guides ACSO employees, board members, volunteers, students, and contractors on how to behave with children and young people in our organisation.

Scope

This policy applies to all ACSO employees, board members, volunteers, students, and contractors engaged with ACSO. It applies to all situations where interaction with children and young people may occur.

Principles

ACSO is committed to all the National Principles for Child Safe Organisations. The key principles for this policy are:

- **Children have the right:** to be and feel safe and empowered.
- **Zero tolerance of child abuse:** All allegations and safety concerns regarding children and young people are treated very seriously, and responses are consistent and in line with policies and procedures.

- **Legal and ethical obligation:** ACSO will contact appropriate authorities when there are concerns about a child's safety.
- **Commitment to preventing child abuse:** and identifying risks early and removing and reducing these risks.
- **Learning and education:** of employees, board members, volunteers, students and contractors engaged with ACSO on child abuse risk

2.0 Definitions

a) **Mandatory Reporter:** The following positions are mandatory reporters as defined in each State:

- (i) **Queensland:** An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service. Relevant persons are doctors; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section; a person engaged to perform a child advocate function under the *Public Guardian Act 2014*; early childhood education and care professionals, school staff.
- (ii) **New South Wales:** 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.
- (iii) **Victoria:** Registered medical practitioners, registered psychologists, nurses, midwives, a person registered as a teacher or an early childhood teacher under the Education and Training and Reform Act 2006 or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the Education and Training Reform Act 2006; and police officers. Any adult with a reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years. The CEO or head of an organisation if they become aware of a reportable allegation against an ACSO employee or volunteer.

b) **Child Abuse:** An act committed against a child or in the presence of a child including:

- A sexual offence.
- The offence of grooming.
- The infliction, on a child of physical violence.
- The infliction on a child of serious emotional or psychological harm.
- Serious neglect of a child.

- c) Child/Young person
 - New South Wales: Any person aged under 16 years old; and
 - Queensland and Victoria: Any person aged under 18 years old
- d) Child-related work: Where usual duties of employment, volunteering or meeting the terms of a contract, involve or are likely to involve contact with a child.
- e) Accompanying Child: An individual, who is underage (as defined in each State) and who is accompanied to the service by a parent, guardian and/or carer.
- f) Adult associated with ACSO: Person who is 18 and over the age of 18 years. Includes manager, employee, volunteer, contractor, student, board member or agent of the organisation.
- g) Reasonable belief: A belief based on reasonable grounds (see below) that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.
 - (i) A reasonable belief is formed if a reasonable person believes that:
 - The child is in need of protection.
 - The child has suffered or is likely to suffer “significant harm as a result of physical injury”.
 - The parents are unable or unwilling to protect the child.
 - (ii) A ‘reasonable belief or a ‘belief on reasonable grounds’ is not the same as having proof but is more than mere rumour or speculation.
 - (iii) 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 ‘reason belief might be formed if:
 - A child states they have been physically or sexually abused.
 - A child states that they know someone who has been physically or sexually abused (sometimes the child may be talking about themselves).
 - Someone who knows a child states that the child has been physically or sexually abused; Professional observations of the child’s behaviour or development leads a professional to form a belief that the child has been physically or sexually abused.
 - Signs of abuse lead to a belief that the child has been physically or sexually abused.
- h) Employee: Any employee, contractors, volunteers or student engaged by ACSO.
- i) Person in Authority: An employee of ACSO, who, because of their position, has power or responsibility to reduce or remove a substantial risk that a child under the age of 18 years who is under their care, supervision or authority, may become the victim of Child Abuse committed by an adult associated with ACSO.

- j) **Child Safe Officer:** An employee of ACSO appointed to provide advice and guidance on matters concerning child safety, the implementation of this policy and the implementation of CG4.1, the Child Safe Procedures. The Child Safe Officer is an ACSO employee who has been selected by ACSO, on the basis of their experience, knowledge and discretion and has or will be provided with suitable training to fulfill the requirements of this role.
- k) **Reporting in 'good faith':** A reporter has a valid and reasonable concern and is acting without malice or retaliation towards the alleged offender.

3.0 Statement of Commitment

- a) All children and young people who come to ACSO have a right to feel protected and be safe. ACSO recognises its responsibilities and is committed to being a child safe organisation. ACSO employees who engage in Child-related work, may have contact with children and young people and/or have access to child-related records. They have a responsibility to ensure a safe environment for children and young people, in accordance with the National Principles for Child Safe Organisations (National Framework for Protecting Australia's Children 2009-2020).
- b) ACSO is committed to:
 - (i) Working in accordance with National Principles for Child Safe Organisations 2019 to ensure the safety and wellbeing of all children and young people accessing ACSO services who, or who present themselves to an ACSO office or residential facility.
 - (ii) A culture of zero tolerance of child abuse, and all allegations of reportable conduct and safety concerns will take taken seriously and in accordance with ACSO's policies and procedures and the law.
 - (iii) Upholding the rights of all children and young people who come into contact with ACSO so they feel heard on matters relevant to their safety and so that they feel safe and protected.
 - (iv) Promoting the participation and empowerment of children and young people across the different ACSO programs.
 - (v) Preventing child abuse and identifying risk early and removing and reducing risks.
 - (vi) Provide learning & development opportunities for employees and volunteers on how to work safely with children and young people and create a child safe organisation.
 - (vii) All children and young people, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or background have equal rights to a safe environment, and consider the needs of:
 - Aboriginal and Torres Strait Islander children and young people,
 - Children and young people with a disability.
 - Children and young people from a culturally and/or linguistically diverse background; and
 - Children and young people from LGBTI communities.
 - (viii) Complying with legal and ethical obligations to contact authorities such as the Police and Child Protection when Also have a reasonable concern about a child's safety, or reasonable believe that a child has been abused or harmed.
 - (ix) Having robust recruitment and selection practices for all employees and volunteers.

- (x) Implementing policies, procedures and training in place that support ACSO's employees to achieve these commitments.

4.0 Policy Implementation Guidelines

The most significant child and young person safety risks for ACSO are:

- a) **Consent to provide personal information to ACSO:** Children and young people must be informed about giving their consent to provide personal information in an age-appropriate way. The person must be able to understand the situation and the consequences of giving their consent. ACSO should be mindful of this dynamic and a person's refusal to provide consent should always be respected. Children and young people should also be reminded that their consent can be withdrawn, and their consent must be current. ACSO employees should be aware of ensuring that young people clearly understand what providing their consent entails.

Some young people may not be capable of understanding the nature of the consent decision. The Australian Privacy Principles Guidelines (**APP Guidelines**) outline circumstances where ACSO can make assumptions about capacity to consent. This should be determined on a case-by-case basis. Any assistance on this should be sought from an employee's people leader. The APP Guidelines provide that ACSO can presume that a person over the age of 15 years has the capacity to consent, unless there is something to suggest otherwise.

- b) **Maintaining professional boundaries:** Certain ACSO programs require ACSO employees work directly with young people without parents present. The young people are likely to be vulnerable. Employees must ensure that appropriate professional boundaries and appropriate behaviour is observed at all times, as set out in the ACSO Code of Conduct.
- c) **Breach of duty of care:** ACSO has a duty of care to all children and young people it interacts with. This duty is more onerous when ACSO engages with and provides services to a young person directly. There is a reverse onus of proof in child safety legislation which provides that where the abuse of a child occurs by an individual associated with ACSO, ACSO will be found to have breached their duty of care unless that can prove that they took reasonable precautions to prevent the abuse from happening.
- d) **Confidential information and compliance with reporting obligations:** ACSO employees are captured by reporting requirements, as set out above under the definition of mandatory reporters. Working directly with a young person may increase the amount of confidential information that is shared with ACSO which could trigger reporting obligations.
- e) **Breach of privacy:** The Privacy Act 1988 protects an individual's personal information regardless of their age. Children and young people have the same rights to privacy as ACSO employees do. The sharing of a young person's personal information in breach of ACSO's Privacy Policy (for example, telling a parent about a matter disclosed by the young person, without the young person's consent) could be a privacy breach.

4.1 Recruitment

- a) Child safeguarding is a critical consideration in ACSO's recruitment process. ACSO will take all reasonable steps to employ suitably qualified and experienced people based on position descriptions for various support roles including those with direct contact with children and young people.
- b) Applicants for roles providing direct support to children are screened for their suitability to provide services as per ACSO's Recruitment & Selection Procedure including interviews, referee checks and obtaining a copy of qualifications.
- c) All current and prospective employees of ACSO are required to undergo safety checks including National Police Record Check prior to commencing employment. International Police Check is also required if the employee worked overseas in the last 10 years. A Disability Working Exclusion Scheme (**DWES**) Check will also be conducted for prospective employees who are going to be working with clients with a disability.
- d) Where there is a contractual requirement, or ACSO has identified the requirement in operational based programs, employees must supply a current "employee" Working with Children Check, or equivalent state-based authorization prior to commencing employment, with proof of adding ACSO as an employer onto this check. Employees and volunteers must keep their Working with Children Check or equivalent up to date.
- e) ACSO is committed to regularly train employees on child safety issues and on understanding their obligations. Refer to section 5.0 Key Responsibilities (iii) for detailed obligations.
- f) In any instances where an employee engages in behaviour or actions that breach this policy, it may result in disciplinary action, including termination of employment.

4.2 Code of Conduct

- a) All ACSO employees must abide by ACSO's Code of Conduct and P&C1 Our People & Culture Policy which outlines expected behavioural expectations and standards whilst working at ACSO. ACSO's Code of Conduct specifically refers to upholding the rights of children and young people, lists acceptable and unacceptable behaviours and requires compliance with this Child Safe Policy.
- b) In addition, all employees and volunteers must always ensure that they display appropriate standards of behaviour towards children and young people, ensuring their rights are respected, they feel safe and protected and their concerns are taken seriously.

4.3 Children of employees

Employees may not bring their children into the work area of an ACSO office or facility whilst they are performing work duties.

4.4 Employee supports and training

- a) ACSO will actively support the needs of employees to access relevant and appropriate support, professional development and training regarding working with children.
- b) In addition to position specific training requirements, training will be available to employees who are likely to come into regular contact with children and young people. This training will include how to identify, assess and minimise risks of child abuse and to detect potential signs of child abuse.

4.5 Response to allegations, concerns, and complaints

ACSO takes all complaints, allegations, concerns and reasonable suspicions seriously and will respond and investigate any complaints in accordance with [CG4.1, the Child Safety Procedure](#) and CG3, Feedback Management Policy. These procedures and policies adopt the principles of procedural fairness and natural justice.

4.6 Child Safe Officer

ACSO has appointed a Child Safe Officer who is responsible for providing support and guidance to ACSO leaders and employees on child safe issues/concerns, including reporting of reportable conduct and reportable incidents. The presence of a Child Safe Officer does not derogate from any of the responsibilities of ACSO employees, volunteers, board members and contractors related to the safety of children and young people set out in this Policy and the Child Safe Procedures. The Child Safe Officer is intended to assist ACSO promote its child safety culture, awareness and understanding.

4.7 Reporting

- a) All employees have a responsibility to report an allegation of abuse against a child/young person if there is a reasonable belief that an incident took place, or a child/young person is at risk. If a child or young person is in immediate danger, call the Police on 000.
- b) If an employee has a **reasonable belief** that an incident has occurred or that a child/young person is at risk, the employee must immediately notify the appropriate state-based child protection service, or the police as required by legislation. The relevant criteria are set out in the Child Safe Procedure. They must also immediately advise the Child Safe Officer about their concern.
- c) In situations where and ACSO employee is conducting an activity in another state and territory to the one they normally work in, and where there are reporting requirements in both states, the ACSO employee must notify the appropriate child protection service or the police in both states. For example, and ACSO employee that generally works in New South Wales but has reasonable grounds to suspect abusive activity when conducting an activity in Victoria, the employee must report as required by legislation in New South Wales and Victoria.
- d) ACSO will appoint a Child Safe Officer who will be responsible for providing support and guidance to ACSO leaders and employees on child safe issues/concerns including reporting of reportable conduct and reportable incidents.
- e) In situations where the Child Safe Officer is suspected of involvement in the activity, or if the person having the suspicion does not believe the matter is being appropriately addressed or dealt with, the matter should be reported to an alternative Child Safe Officer, or to the next highest level of supervision (i.e., CEO, then Board).

- f) ACSO maintains a confidential reporting culture which respects the privacy of individuals while maintaining adequate recordkeeping of child safety issues. All ACSO employees have a right to report any concerns that they have of inappropriate behaviour toward children and will not suffer any professional or legal consequences provided they report in 'good faith'.

These protections ensure that the report:

- (i) Cannot result in the reporter being seen as unprofessional or having breached professional ethics.
- (ii) Does not make the reporter liable for any disciplinary or legal action (including in cases that are not proven).

4.8 Mandatory Reporting

- a) Individuals that are mandatory reporters must comply with their reporting requirements and do not need permission from ACSO before reporting. However, mandatory reporters can contact a Child Safe Officer for assistance in determining if a report needs to be made and in making a report.
- b) All ACSO employees should report child safety concerns to a Child Safe Officer. Employees should also be aware that reporting requirements apply to all adults in some states and should refer to the relevant Child Safety Reporting Procedure for more information.

4.9 Voluntary reporters

In addition to the mandatory reporting obligations above, any person who believes on reasonable grounds that a child is in need of protection from any form of child abuse, may disclose that information to the Police or relevant state authority.

4.10 Investigation

- a) If the appropriate child protection service or the police decide to conduct an investigation of a report made, ACSO employees must cooperate fully with the investigation.
- b) ACSO considers that it is not acceptable to delay taking action against an alleged perpetrator unless (or until) they have been charged with a criminal offence. ACSO commits to taking action immediately following the receipt of a complaint and will ensure to actively participate in the investigation process and follow up with the state or territory based regulatory bodies to ensure that the issue has been appropriately dealt with.
- c) Whether or not the authorities decide to conduct an investigation, the CEO will consult with the authorities to determine whether an internal investigation is appropriate. If it is decided that such an investigation will not conflict with any proceeding of the authorities, the CEO may decide to conduct such an investigation. All employees must cooperate fully with the investigation.
- d) Any such investigation will be conducted according to the rules of natural justice.
- e) The CEO will make every effort to keep any such investigation confidential, however from time-to-time other ACSO employees may need to be consulted in conjunction with the investigation.
- f) After an initial review and a determination, the suspected abuse warrants additional investigation, the CEO shall coordinate the investigation with the appropriate investigators and/or law enforcement officials. Internal or external legal employees will be involved in the process, as deemed appropriate.

4.11 Responding

- a) If it is alleged that an ACSO employee may have committed an offence or have breached the organisation's policies or its Code of Conduct, the person concerned may be stood down (with pay, where applicable) while the investigation is conducted.
- b) ACSO has full discretion to put in place safety management plans or take disciplinary action where it forms a reasonable belief that it is not safe for an employee or volunteer to interact with children in accordance with its duty of care.
- c) If the investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies or Code of Conduct) has occurred then disciplinary action may follow, up to and including dismissal or cessation of involvement with the organisation. The findings of the investigation will also be reported to any external body as required.

4.12 Risk Management

- a) In accordance with ACSO's [CG2 Risk Management Framework](#), ACSO has risk management processes in place to identify, assess, and take reasonable steps to minimise the risks of abuse to children and young people, including risks posed by online and physical environments, organisational activities and adult/employee to child/young person interactions.
- b) In ACSO's programs that provide services to children and young people; Transition to Work and Youth Residential Services, identified child-related risks are recorded in ACSO's risk register, with the inherent and residual risk ratings, and controls in place to minimise the risks. To minimise the risk of child abuse in these two programs in particular, ACSO monitors the risks and controls regularly.
- c) In addition, for children and young people who are visitors to ACSO's offices or residential services, children and young people must always be supervised and remain in the line of sight of their parent, guardian and/or carer when attending an ACSO site.
- d) When supporting adult clients in the community, ACSO employees and volunteers must ensure compliance with any requirement for a client to be supervised, or to report non-compliance with any restrictions particularly those that may increase risk of harm to a child/young person.
- e) ACSO regularly reviews and evaluates child safe practices to identify causes and system failures so as to inform continuous improvement.

4.13 Legislative responsibilities

- a) All ACSO employees have legal responsibilities to ensure the safety of children and young people, including:
 - i. **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 offence against a child under 16 have a legal obligation to report that information to the police).
 - ii. **Failure to protect:** Reducing or removing a substantial risk to a child is a requirement for employee who have the power and/or responsibility to do so. (People of authority in our organisation will commit an offence in Victoria 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).
 - iii. Any employees who are **mandatory reporters** must comply with their duties.
- b) The Child Safe Procedure sets out the **mandatory reporting** obligations in each state ACSO operates.

4.14. Privacy

In collecting information and/or reporting a concern/allegation, an employee will ensure a child's right to dignity, confidentiality and privacy is maintained, unless the relevant State or Commonwealth legislation regarding mandatory and other reporting applies to override the confidentiality and privacy requirements of the child concerned. Any data will be collected according to the Australian Privacy Principles and ACSO's [G3 Information and Health Records Privacy and Information Security Policy](#). ACSO will only inform third parties as required by law, including the relevant state/territory child protection authority and police department.

5.0 Key Responsibilities

- a) The Chief Executive Officer, Executive team and the Board are responsible for:
 - (i) Promoting the commitment to this policy and its expectations.
 - (ii) Promoting a culture of openness and continued improvement and accountability to child safety and wellbeing.
 - (iii) Ensuring systems are in place that provide a safe environment for children and young people.
 - (iv) Ensuring practice within ACSO is consistent across all programs and services in relation to child-safe practices and is compliant with child safe policies and procedures, including culturally safe work practices.
 - (v) Ensuring Child Safe policies, procedures and processes are in place that promote equity and respect diversity for the safety and wellbeing of all children and young people.
 - (vi) Ensuring systems are in place for recording and responding to allegations related to the safety, welfare or wellbeing of a child.
 - (vii) Ensuring complaints or allegations regarding the safety, welfare and wellbeing of a child are managed in line with legislative and policy requirements.

- (viii) Under the *Child Wellbeing and Safety Act* (Vic), the CEO or head of an organisation has a mandatory reporting requirement to the Commission for Children & Young people, if they become aware of a reportable allegation against an ACSO employee or volunteer (<https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-1>).
- (ix) Promoting a supportive and safe environment for employees who disclose harm or risk to children and young people.
- (x) Regularly reviewing and assessing child-related risks in ACSO's risk register.
- (xi) Dealing with and investigating reports of child abuse as required.

b) **The Leadership team** is responsible for:

- (i) Promoting the commitment to this Policy and its expectations.
- (ii) Assessing the risk of child abuse within their area of control and eradicate or minimise any risk to the extent possible.
- (iii) Educating employees and volunteers about the prevention and detection of child abuse and ensure that they have completed the mandatory training.
- (iv) Advocating and promoting children's rights, empowering and engaging children and young people in support of this policy.
- (v) Providing support and guidance to employees to comply with this policy and effectively undertake child-related work.
- (vi) Providing support and guidance to on procedures regarding concern for the safety, welfare or wellbeing of a child.
- (vii) Ensuring appropriate screening occurs during the appointment of employees and that where appropriate, they have a valid police check and Working with Children Check or state based equivalent prior to commencing any interaction with children and receive the required staff induction as it relates to child safety.

- (vii) Managing any issues or complaints that arise in relation to child safety, welfare or wellbeing of children or employment screening.
- (viii) Ensuring this policy is implemented at program level.
- (ix) Ensuring their employees are aware and informed of ACSO's Child Safe Policy and Procedure.
- (x) Providing regular opportunities to educate and train employees on child safe policies, procedures, and processes.

c) Child Safe Officers

- (i) Understand and comply with ACSO's Child Safe Policy and Code of Conduct, including the requirement for reporting any suspected child abuse to the relevant state and territory child protection authority or police department.
- (ii) Fully cooperate with relevant state and territory child protection authority or police department in their investigation of suspected child abuse.
- (iii) Report any suspicions or complaints of child abuse immediately to the CEO and to any external regulatory body such as the police.
- (iv) Provide advice and support to fellow ACSO employees to assist them to comply with the relevant state-based requirements and related policies and procedures.
- (v) Respond to any changes in legislation and promptly advise the CEO who will in turn advise the Board.
- (vi) Act as a key contact for families on any safeguarding children matter.
- (vii) Ensure complaints are accurately and confidentially recorded within the Incident Register.

d) **All employees** are responsible for:

- (i) Responding for recognising the range of indicators of child abuse and responding to child safety concerns in line with this policy.
- (ii) Assisting in the creation and maintenance of a child safe culture and a culture of inclusion and safety.
- (iii) Identifying and managing risks to children and young people and sharing these risks with relevant internal and external parties.
- (iv) Taking all reasonable steps to protect and safeguard children from any form of abuse.
- (v) Participating in approved learning and professional development programs.
- (vi) Reviewing, understanding, and adhering to this policy.
- (vii) Immediately reporting any breaches of ACSO policies and codes of conduct using available ACSO processes.
Immediately reporting any child abuse as per ACSO procedure.
As required, obtaining and maintaining a valid Working with Children Check, (WWCC) as required in the Credentialing Policy and as appropriate.
- (viii) Complying with all other procedures relating to the safety of children.
- (ix) Ensure that ACSO is linked to their WWCC or state based equivalent, so that the organisation is notified if there are any changes to their WWCC or state based equivalent (e.g. it expires).
- (x) Empower and support children to raise their concerns in accordance with child safe standards.
- (xi)

6.0 Other Policies and Procedures to be Cross-referenced with this Policy

- Child Safe Procedure
- P&Cp1.1 Recruitment & Selection Procedure
- Managing Unsatisfactory Performance (Work & Conduct) Procedure
- Investigation Procedure
- Feedback Management Policy
- P&C19 Credentialing Policy
- F01 Motor Vehicle Policy
- WHSp1.13 Incident Management and Notification Procedure
- ACSO Connect
- Use of Interpreters SOP

- Child Safe Information Sheet

7.0 Relevant Legislation

- *Working with Children Act 2005*
- *Children, Youth and Families Act 2005*
- *Sex Offender Registration Act 2004*
- *Information Privacy Act 2000 Privacy Amendment (Enhancing Privacy Protection) Act 2012*
- *Family Law Act 1975 (Comm)*
- *Child Wellbeing and Safety Act 2005 (Vic)*
- *Ombudsman Act 1974 (New South Wales)*
- *Crimes Amendment (Protection of Children) Act 2014 (Vic)*
- *Crimes Amendment (Grooming) Act 2014 (Vic)*
- *Working with Children Checks Act 2005 (Vic)*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Child Protection (Offenders Prohibition Orders) Act 2004 (NSW)*
- *Child Protection (Working with Children) Act 2004 (NSW)*
- *Child Protection Act 1999 (Qld)*
- *Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 (QLD)*
- *Working with Children (Risk Management and Screening) Act 2000 (QLD)*
- *National Framework for Protecting Australia's Children 2009-2020*

8.0 Cross-reference to standards

- QIC Health and Community Core
- Module standard 4.1 Victoria Child Safe Standards
- National Principles for Child Safe Organisations

9.0 References

- DHS' Child Protection Practice Manual
- Failure to protect offence information [Department of Justice and Regulation website](http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence)
www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence how to make a report to child protection < <http://providers.dhhs.vic.gov.au/making-report-child-protection>>.
- Behaviour consistent with that of an abused victim examples: [An Overview of the Victorian child safe standards](http://providers.dhhs.vic.gov.au/child-safe-standards) <http://providers.dhhs.vic.gov.au/child-safe-standards>.
- DHS' Child Protection Practice Manual
- Family Violence Multi-Agency Risk Assessment and Management (MARAM) Framework (Victoria)

10.0 Procedures and/or guidelines

- CG4.1 Child Safety Procedure
- CG2 Risk Management Framework
- CG3 Feedback Management Policy

11.0 Review

This policy will be reviewed every two years as per G1 Organisational Policy and Procedure Framework

APPENDIX A

SUMMARY OF MANDATORY REPORTING OBLIGATIONS RELEVANT TO ACSO

QUEENSLAND

Who is mandated to report?

An authorised officer, a public service employee employed in the department, a person employed in departmental care service or licensed care service.

Relevant persons: doctors; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section; a person engaged to perform a child advocate function under the *Public Guardian Act 2014*; early childhood education and care professionals. School staff

What must be reported?

Has a reasonable suspicion that a child in care (a child placed in the care of an entity conducting a departmental care service or a licensee) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse.

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

Awareness or reasonable suspicion that a child has been or is likely to be sexually abused and the suspicion is formed in the course of the person's employment.

Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse
- Physical abuse

Legal provisions

Part 1AA, Section 13f of the *Child Protection Act 1999 (Qld)* Part 1AA, Section 13e of the *Child Protection Act 1999 (Qld)* Sections 364, 365, 365A, 366, 366A of the *Education (General Provisions) Act 2006 (Qld)*.

NEW SOUTH WALES

Who is mandated to report?

A person who, in the course of his or her professional work or other paid employment delivers healthcare, 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.

What must be reported?

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.

Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse Emotional/ psychological abuse
- Neglect
- Exposure to domestic violence

Legal provisions

Sections 23 and 27 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*

VICTORIA

Who is mandated to report?

Registered medical practitioners, nurses, midwives, a person registered as a teacher or an early childhood teacher under the *Education and Training and Reform Act 2006* or teachers granted permission to teach under that Act; principals of government or non-government schools within the meaning of the *Education and Training Reform Act 2006*; and police officers.

What must be reported?

Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(1)(c) or 162(1)(d), formed in the course of practicing his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief. A reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so unless the person has a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence.

Abuse and neglect types that must be reported

- Physical injury
- Sexual abuse
- Sexual offence

Legal Provisions

Sections 182(1)(a)-(e), 184 and 162(c)-(d) of the *Children, Youth and Families Act 2005* (Vic.)
Section 327 of the *Crimes Act 1958*