

# What to do when an allegation of child abuse is made

Child Safe Standards toolkit: Resource 5

## OFFICIAL

The Child Safe Standards require organisations that provide services or facilities for children to have processes for responding to and reporting suspected child abuse. Your organisation may have existing processes. This resource is designed to provide guidance on what to do if a child discloses an incident of abuse, or if a parent/carer raises a concern or allegation of abuse which may have taken place in your organisation.

## Responding to a child

If a child discloses an incident of abuse, there are a number of key actions that you and your organisation should undertake to effectively respond.

### Action One – Respond to an emergency

If there is no immediate harm to the child or young person, proceed to Action Two.

If a child's immediate safety is compromised, a child is at risk of harm or a child is involved in any risk taking activity that poses a high risk to the child, you must take reasonable steps to protect them. This includes:

- ensuring the child's immediate health and safety is supported by an appropriate staff member
  - if the child seems at ease in your company, stay with them
- ensuring the alleged offender does not have access to the child
- 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 organisation 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 Two - Provide support to the child

If a child has experienced or disclosed abuse or serious neglect, you should:

- listen to them carefully and let the child use their own words to explain what has occurred
- reassure the child that you are taking what they are saying seriously, that it is not their fault, and that they are doing the right thing

- explain to them that this information will need to be shared with others, such as their parent/carer, specific people in your organisation, Child Protection and the police
- not make promises to the child, such as promising not to tell anyone about the incident, except that you will do your best to keep them safe
- as appropriate, complete an incident form with or on behalf of the child or young person.

## Action Three – Report

As soon as the child's immediate safety concerns are addressed, you must report all incidents or disclosures of abuse or serious neglect. You may be committing a criminal offence if you fail to report allegations of physical or sexual abuse of a child (refer to Mandatory Reporting on page 5).

The process for reporting should be outlined in your organisation's policy for responding to and reporting child abuse. Reports should be made to the Chief Executive Officer or appropriate senior staff, such as a child safety officer. This may also include reporting to:

- Victoria Police (via [your local police station](http://www.police.vic.gov.au/content.asp?Document_ID=7) <[http://www.police.vic.gov.au/content.asp?Document\\_ID=7](http://www.police.vic.gov.au/content.asp?Document_ID=7)>) with information provided to include if the client has a cognitive disability or mental illness and will need support of an independent third person during interview or when a statement is being taken
- [Child Protection](https://services.dhhs.vic.gov.au/child-protection-contacts) <<https://services.dhhs.vic.gov.au/child-protection-contacts>> if you believe a child is at risk of significant harm and/or in need of protection. Please refer to the [Professionals' reporting guide](http://www.cpmanual.vic.gov.au/advice-and-protocols/protocols/professionals-reporting-guide) <<http://www.cpmanual.vic.gov.au/advice-and-protocols/protocols/professionals-reporting-guide>> for further information.
- the Commission for Children and Young People if the matter is reportable conduct, and ensuring the report is made [within the required timeframes](https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.docx) <<https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.docx>>. See below for further information about the reportable conduct scheme
- the government department which funds and/or regulates your organisation, such as the Department of Families, Fairness and Housing (the department) or the Department of Education and Training.

As soon as possible after the incident or disclosure, record the information using the child's words while ensuring that the documentation is recorded accurately and stored securely. Likewise, ensure that any incident report, if required, is submitted within the appropriate timeframes.

## Action Four - Contact parents, carers or guardians

The process for contacting parents, carers or guardians of the child should be outlined in your organisation's policy for responding to and reporting child abuse.

Organisations should advise Child Protection and/or Victoria Police when a child has disclosed allegations of abuse perpetrated by their parent, carer, guardian or another family member. This is critical to ensuring the safety of the child as well as to avoid compromising any investigations conducted by the relevant authorities or agencies.

Where appropriate, a senior representative of the organisation should make sensitive and professional contact with parents, carers or guardians of the child as soon as possible on the day of the incident or disclosure.

Where it is suspected that a child has been, or is at risk of being abused, a parent, carer or guardian of the child must be notified as soon as practicable. This is not applicable where it is known or suspected that the parent, carer or guardian is the alleged perpetrator of harm or abuse and/or is unlikely to protect the child. This enables parents, carers and guardians to take steps to:

- prevent or limit their child's exposure to further abuse; and
- ensure that their child receives the support that they require.

During this conversation, it is important to:

- remain calm
- be empathic to feelings
- validate concerns
- provide appropriate details of the incident, disclosure and/or suspicion of child abuse
- outline the action the organisation has taken to date
- inform them of who the incident, disclosure and/or suspicion has been reported to
- where relevant, provide the name and contact telephone number of Child Protection and/or the investigating police officer and advise as to whether they are likely to be contacted by these authorities
- inform them the investigation may take some time and ask what further information they would like and how staff can assist them
- offer for the organisation to provide support to the child
- inform them that the organisation can make referrals to support services
- if possible, invite the parents, carers or guardians to attend a meeting where a support plan can be prepared to ensure appropriate support can be provided for their child.

## Action Five - Provide ongoing support

Experiences of child abuse can cause trauma and significantly impact the mental health and wellbeing of children.

In addition to reporting and referral to relevant authorities, organisations that provide services to children can play a central role in addressing this trauma and have a responsibility to ensure that children feel safe and supported. This should be done in partnership and with the consent of parents, carers or guardians.

Support can include referral to wellbeing professionals and community services (such as counselling) and may involve the development of a support plan.

Support in the form of debriefing should also be provided to any impacted staff members.

## Responding to a parent, carer or guardian of a child

If a parent, carer or guardian says their child has been abused in your organisation or raises a concern, you should:

- explain that your organisation has processes to ensure all abuse allegations are taken very seriously
  - ask about the safety and wellbeing of the child
  - allow the parent, carer or guardian to talk through the incident in their own words
  - advise the parent, carer or guardian that you will take notes during the discussion to capture all details
  - explain to them that you will need to follow the organisation's reporting process which includes informing the organisation's management or child safety officer and where appropriate, Child Protection and/or Victoria Police
  - not make promises except that you will do your best to keep the child safe
  - provide them with any incident reports
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- ask them what action they would like the organisation to take about the disclosure and advise them of what the immediate next steps will be
  - ensure that the report is recorded accurately and stored securely
  - report and provide ongoing support as per Actions Three and Five above.

## Overarching principles

When dealing with disclosures of abuse, consider the principles underpinning the Child Safe Standards.

Be aware that some people from culturally and/or linguistically diverse backgrounds may face barriers in reporting allegations of abuse. For example, people from some cultures may experience anxiety when talking with police, and communicating in English may be a barrier for some individuals. You must be sensitive to these issues and address people's needs where possible, such as having an interpreter present.

To ensure a culturally appropriate response to abuse against an Aboriginal child, consider engaging with parents of Aboriginal children, local Aboriginal communities or an Aboriginal community-controlled organisation to review policies and procedures to ensure that they provide an appropriate response.

Some children with a disability may experience barriers disclosing an incident. For example, children with hearing or cognitive impairments may need support to help them explain the incident, including through sign language interpreters. Advice on [communicating with people with a disability](https://providers.dhhs.vic.gov.au/communicate-and-consult-people-disability) <<https://providers.dhhs.vic.gov.au/communicate-and-consult-people-disability>> can be found on the department's website.

## What is child abuse?

Child abuse:

- can include physical violence, sexual offences (including grooming), serious emotional or psychological harm and serious neglect
- does not have to involve physical contact or force (e.g. child sexual abuse can include talking to a child in a sexually explicit way)
- can be committed by any member of the community, including someone within a child's family or someone within the school setting.

The trauma associated with child abuse can significantly impact upon the wellbeing and development of the child. It is critical that there is an immediate response to any incident, disclosure or suspected abuse.

## Adopt a risk management approach

All organisations have a duty of care to protect the children they are involved with.

Creating a child safe organisation begins with a clear, evidence-informed understanding of the potential risks to children in the service setting.

Taking a preventative approach means identifying potential risks of child abuse in your organisation and reducing or removing those risks. This may range from the impact of the physical environment and how it affects the supervision of staff and children to how the organisation conducts staff recruitment.

Despite the implementation of best-practice approaches, risks always exist for children who access organisations. Organisations are in the best position to know where their vulnerabilities and risks for child abuse are located, the activities undertaken and how to plan to prevent them. By adopting a risk management approach, organisations can act in a preventative manner and can reduce the likelihood of risks becoming realised.

## Develop a risk management plan

To reduce the likelihood of harm or abuse to children, consider and identify your organisation's risks. This includes the areas of risk to child safety within your organisation as a whole, or for any specific program or activity. It is important to involve children in this process, as they may have different ideas about what makes them feel unsafe.

## Legal responsibilities

Although the Child Safe Standards focus on the obligations of organisations, adults also have several obligations to report allegations and suspicions of abuse against a child, whether or not that child is involved with their organisation.

### Failure to disclose

All adults (aged 18 years or over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years must disclose that information to Victoria Police as soon as possible. Failing to disclose this information is a criminal offence, unless the adult who holds the belief has a reasonable excuse not to disclose the information, such as they fear for their safety or that of another person.

More information about [failure to disclose](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence) <<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>> is available on the Department of Justice and Regulation's website.

While the offence of failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose legislation does not change mandatory reporting responsibilities.

### Mandatory reporting

Mandatory reporters (doctors, nurses, midwives, teachers -including early childhood teachers-, principals and police officers) must report to Child Protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse. More information about [mandatory reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting) <[www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting](http://www.cpmanual.vic.gov.au/advice-and-protocols/advice/intake/mandatory-reporting)> is available in the department's Child Protection Manual.

Please refer to the department's website for information about [how to make a report to child protection](https://providers.dhhs.vic.gov.au/making-report-child-protection) <<https://providers.dhhs.vic.gov.au/making-report-child-protection>>.

### Failure to protect

The offence of failure to protect applies where there is a substantial risk that a child under the age of 16 years under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A relevant organisation is an organisation that exercises care, supervision or authority over children, whether as its primary function or otherwise.

A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and have the power or responsibility to reduce or remove the risk, but negligently failed to do so.

Further information about [failure to protect](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to) <<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-protect-a-new-criminal-offence-to>> can be found on the Department of Justice and Regulation's website, and in the [Failure to protect offence factsheet](https://providers.dhhs.vic.gov.au/failure-protect-offence-factsheet-word) <<https://providers.dhhs.vic.gov.au/failure-protect-offence-factsheet-word>> on the department's website.

## Reportable conduct scheme

The reportable conduct scheme requires [in scope organisations](https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-5) <<https://ccyp.vic.gov.au/reportable-conduct-scheme/for-organisations/#TOC-5>> to report any allegations of sexual and physical abuse, sexual misconduct, significant emotional or psychological harm, or significant neglect by an employee towards a child in their care.

In scope organisations must ensure that the [head of the organisation](https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.docx) <<https://ccyp.vic.gov.au/assets/resources/Responsibilities-of-the-head-of-an-organisation.docx>> is made aware of the allegation and that there are procedures for appropriately responding to and investigating the allegation. Notifications of reportable conduct must be made to the Commission for Children and Young People:

The reportable conduct scheme commenced on 1 July 2017 and is being implemented in three phases. Phase 1 commenced on 1 July 2017 and focused on organisations that operate schools and provide government services. Phase 2 commenced on 1 January 2018 and includes religious bodies, boarding schools, school camps and health and disability services. Phase 3 will commence on 1 January 2019 and includes kindergartens, after hour care services, children's services and certain art centres, libraries, museums, zoos, parks and gardens. Further information about the [reportable conduct scheme](https://providers.dhhs.vic.gov.au/reportable-conduct-scheme) <<https://providers.dhhs.vic.gov.au/reportable-conduct-scheme>> can be found on the department's website and the [Reportable Conduct Scheme page](#) of the Commission for Children and Young People's website.

## Duty of care

On 1 July 2017, organisations that exercise care, supervision or authority over children became subject to a new statutory duty of care to take 'reasonable precautions' to prevent the abuse of children committed by individuals associated with the organisation. If a child is abused by an individual associated with the organisation, the organisation is presumed to have breached its duty unless it can prove it took 'reasonable precautions' to prevent the abuse in question.

Further information about the new [organisational duty of care](https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/betrayal-of-trust-fact-sheet-the-new) <<https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/betrayal-of-trust-fact-sheet-the-new>> can be found on the Department of Justice and Regulation's website.

## Further information

Further information about the [Child Safe Standards](https://providers.dffh.vic.gov.au/resources-child-safe-standards) <<https://providers.dffh.vic.gov.au/resources-child-safe-standards>> can be found on the Department of Families, Fairness and Housing (the department) website. This includes additional resources that have been designed for organisations that are funded and/or regulated by the department. In particular, an [overview of the Victoria Child Safe Standards](https://providers.dffh.vic.gov.au/overview-victorian-child-safe-standards-word) <<https://providers.dffh.vic.gov.au/overview-victorian-child-safe-standards-word>> has information to help organisations to understand the requirements of each of the Child Safe Standards.

All organisations may also refer to the information and resources available on the [Commission for Children and Young People website](https://ccyp.vic.gov.au/child-safety/) <<https://ccyp.vic.gov.au/child-safety/>>.

## Disclaimer

This resource provides general guidance only on the Child Safe Standards. The department does not guarantee that the examples provided in this document are sufficient for the purposes of an organisation's compliance with the Child Safe Standards.

To receive this document in another format, [email Child Safe Orgs](mailto:childsafeargs@dffh.vic.gov.au)  
<childsafeargs@dffh.vic.gov.au>.

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In this document, 'Aboriginal' refers to both Aboriginal and Torres Strait Islander people. 'Indigenous' or 'Koori/Koorie' is retained when part of the title of a report, program or quotation.

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