

# Child protection in Victoria

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# The role of child protection

- receive and review reports
- investigate Allegations
- refer children and families to services
- initiate applications before the Children's Court
- provide care
- provide and fund services

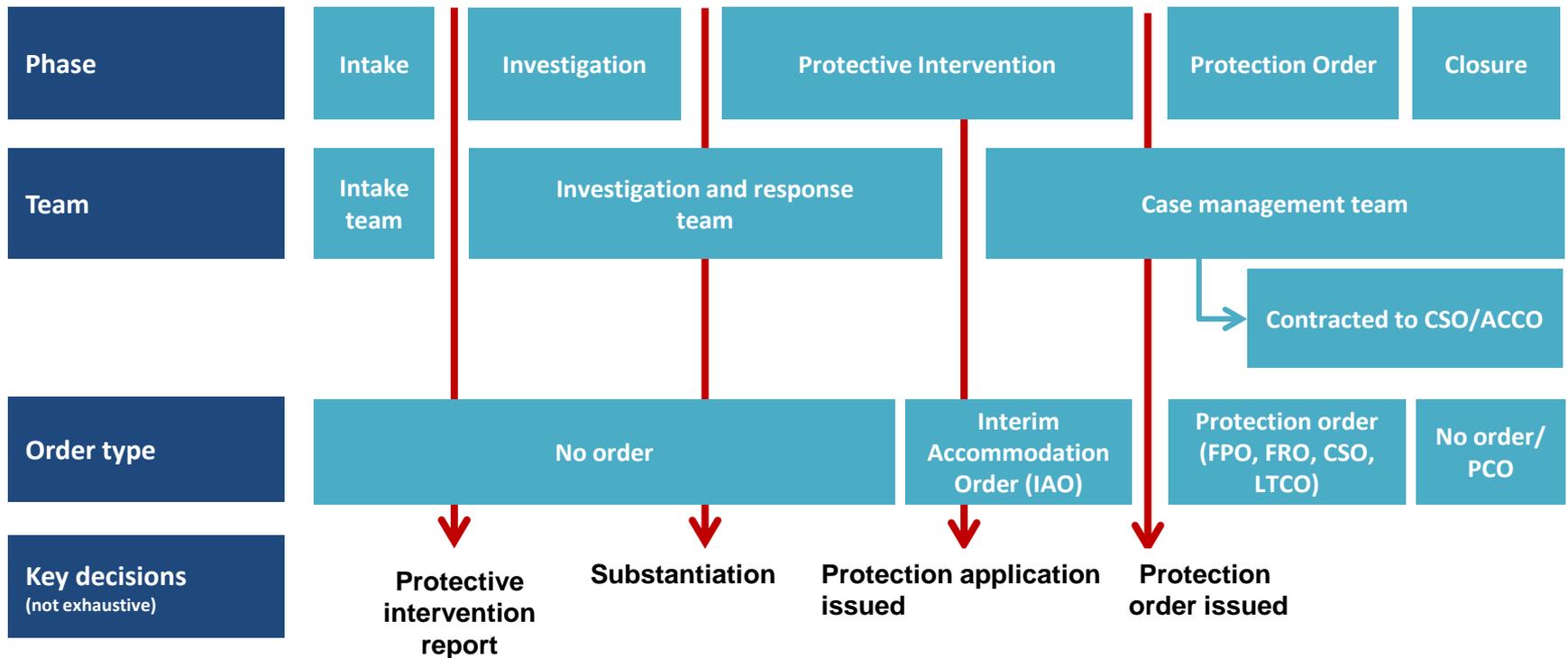
# Responsibility for children is shared

## Protecting children is everyone's business

- parents
- families
- professionals
- community organisations
- all levels of government
- broader community



# The system at a glance



# Some facts about child protection

There are 2000 child protection practitioners across the state

In 2017-18, over 115,600 reports were received and assessed at intake

Typically, ~25% of reports are investigated

~15% of **all** reports are substantiated

In ~ 60% of substantiated cases, protective concerns are addressed without bringing the matter to Court

In 2017-18, 5,672 protection applications were issued (~5% of reports lead to Court involvement)

A high proportion of children who return to parental care do so within two years (most within six months)

# Mandatory reporting – who is a mandatory reporter?

Pursuant to CYFA 2005 s. 182

- registered medical practitioner
- nurse
- a midwife
- teacher registered or granted permission to teach under the Education and Training Reform Act 2006
- principals of government or non-government schools
- Victorian police officers

## New mandated reporters

- out of home care workers (excluding voluntary foster and kinship carers) on 1 March 2019
- early childhood workers on 1 March 2019
- youth justice workers on 1 March 2019
- registered psychologists on 1 March 2019
- school counsellors on 31 January 2020

It is proposed that people in religious ministry will be legislated in 2019.

# Reporting to child protection

In Victoria, mandated reporters must make a report if:

- in the course of practicing their profession or carrying out duties of their office, position or employment
- they form a **belief on reasonable grounds** that a child is **in need of protection** from significant harm as a result of physical injury or sexual abuse

The report must be made as soon as practicable after forming the belief and after each occasion on which they become aware of any further reasonable grounds for the belief.

# Unpacking the mandatory reporting requirements



## **In need of protection:**

- the child has suffered or is likely to suffer significant harm, and
- their parents have not protected or are unlikely to protect them from harm of that type
- can be about a single act, omission or circumstance or accumulate through a series of acts, omissions or circumstances

## **Belief on reasonable grounds:**

- if a reasonable person doing the same work would have formed the belief on those grounds

Grounds for forming a belief are matters of which the person has become aware and any opinions in relation to those matters.

# PROTECT

## FOUR CRITICAL ACTIONS FOR EARLY CHILDHOOD SERVICES

### Responding to Incidents, Disclosures and Suspicions of Child Abuse



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

This means acting even when you're not sure and have not directly witnessed the abuse (e.g. if another person tells you about the abuse). A reasonable belief is a deliberately low threshold. This enables authorities to investigate and take action.

Following these actions will support you to:

- best protect children in your care
- meet your legal obligations and Duty of Care.\*
- It is also strongly recommended that you use the **Responding to Suspected Child Abuse Template** to keep clear and comprehensive notes. MCH services may opt to use this form, but **must still** utilise their existing information management systems.

#### 1 RESPONDING TO AN EMERGENCY

If there is no risk of immediate harm, go to **Action 2**.

- If the child is at immediate risk of harm you **must** ensure their safety by:
- separating alleged victim and others involved
  - administering first aid
  - calling **000 for urgent medical and/or police assistance** to respond to immediate health or safety concerns
  - identifying a contact person at the service for future liaison with police

Where necessary you may also need to maintain the integrity of the potential crime scene and preserve evidence.

\* In Victoria there are a range of legal obligations which set out the actions you **must** take if you suspect a child has, or is at risk of being abused. Some of these obligations apply differently across the range of licensed, approved and other early child services and can vary depending on your role within the service. For further information on how these obligations apply to you see the **Identifying and Responding to All Forms of Abuse in Early Childhood Services**.

#### 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.

Q: Where does the source of suspected abuse come from?

**WITHIN THE SERVICE**

**VICTORIA POLICE**  
You **must\*** report all instances of child abuse which are led by a staff member, contractor or volunteer, or child\* to Victoria Police.

**REPORT TO MANAGEMENT**  
You **must\*** report to your approved provider or licensee.

**NOTIFY THE REGULATOR**  
Licensed or approved early childhood services\* **must also** report to their Quality Assessment and Regulation Division.

Notifications may be made at [www.acecqa.gov.au/national-quality-genda-it-system](http://www.acecqa.gov.au/national-quality-genda-it-system) or by contacting **1300 307 415**.

\* Sexual offending involving children 10 years and over.  
\* Licensed services operate under the Children's Services Act 1996 and approved services operate under Education and Care Services National Law Act 2010.

**WITHIN THE FAMILY OR COMMUNITY**

**DHHS CHILD PROTECTION**  
You **must\*** report to DHHS 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, 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 or licensee.

**NOTIFY THE REGULATOR**  
Approved and licensed early childhood services\* **must** notify the 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 at [www.acecqa.gov.au/national-quality-genda-it-system](http://www.acecqa.gov.au/national-quality-genda-it-system) or by contacting **1300 307 415**.

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 Child FIRST (in circumstances where the family are open to receiving support), or to DHHS Child Protection or Victoria Police.

#### 3 CONTACTING PARENTS/CARERS

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

- **not to contact** 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 does not wish for their parent/carer to be contacted)
- **to contact** the parents/carers and provide agreed information as soon as possible (for licensed and approved services it is a requirement that parents/carers are notified within 24 hours if the suspected abuse occurred at the service)

#### 4 PROVIDING ONGOING SUPPORT

Your service **should\*** take reasonable steps to make a child feel safe and supported whilst they are attending the service. Your service should also consider providing support for children impacted by abuse. E.g. referral to wellbeing professionals. MCH nurses should follow the MCH Service Practice Guidelines to determine appropriate support.

You **must** follow the **Four Critical Actions** every time you become aware of a further instance or risk of abuse. This includes reporting new information to authorities.

| CONTACT   |  |
|---|--|
| <p><b>DHHS CHILD PROTECTION AREA</b></p> <p>North Division <b>1300 664 9777</b></p> <p>South Division <b>1300 655 795</b></p> <p>East Division <b>1300 360 391</b></p> <p>West Division (Rural) <b>1800 075 599</b></p> <p>West Division (Metro) <b>1300 664 9777</b></p> <p><b>AFTER HOURS</b><br/>After hours, weekends, public holidays <b>13 12 78</b></p> <p><b>CHILD FIRST</b><br/><a href="http://www.dhs.vic.gov.au">www.dhs.vic.gov.au</a></p> <p><b>VICTORIA POLICE</b><br/><b>000</b> or your local police station</p> | <p><b>QUALITY ASSESSMENT AND REGULATION DIVISION</b></p> <p><b>NORTH WESTERN</b><br/>Loddon Mallee (03) 5440 3111<br/>Northern Metropolitan (03) 8397 0372</p> <p><b>SOUTH-EASTERN</b><br/>Gippsland Area (03) 5127 0400<br/>Southern Metropolitan (03) 8765 5787</p> <p><b>NORTH-EASTERN</b><br/>Eastern Metropolitan <b>1300 651 940</b><br/>Hume (03) 8392 9500</p> <p><b>SOUTH-WESTERN</b><br/>Barwon South West (03) 5225 1001<br/>Western Metropolitan (03) 8397 0246<br/>Grampians (03) 5337 8444</p> |

# How to make a report

By phone to the Intake Team for the Local Government Area (LGA) **where the child lives.**  
Hours: 8.45am to 5.00pm Monday to Friday

**North Division – 1300 664 977** (LGA's - Banyule, Buloke, Darebin, Campaspe, Central Goldfield, Gannawarra, Greater Bendigo, Hume, Loddon, Macedon Ranges, Mildura, Moreland, Mount Alexander, Nillumbik, Swan Hill, Whittlesea, Yarra & Western metropolitan Melbourne LGA's Brimbank, Hobsons Bay, Maribyrnong, Melbourne, Melton, Moonee Valley, Wyndham.)

**East Division - 1300 360 391** (LGA's - Alpine, Benalla, Boroondara, Greater Shepparton, Indigo, Knox, Manningham, Mansfield, Maroondah, Mitchell, Moira, Monash, Murrindindi, Strathbogie, Towong, Wangaratta, Whitehorse, Wodonga, Yarra Ranges)

**South Division - 1300 655 795** (LGA's - Bass Coast, Baw Baw, Bayside, Cardinia, Casey, East Gippsland, Frankston, Glen Eira, Greater Dandenong, Kingston, Latrobe, Mornington Peninsula, Port Phillip, South Gippsland, Stonnington, Wellington)

**West Division - 1800 075 599** (Rural & Regional LGA's only - Ararat, Ballarat, Colac-Otway, Corangamite, Glenelg, Golden Plains, Greater Geelong, Hepburn, Hindmarsh, Horsham, Moorabool, Moyne, Northern Grampians, Pyrenees, Queenscliffe, Southern Grampians, Surf Coast, Warrnambool West Wimmera, Yarriambiack.

**After Hours Child Protection Emergency Service – 131 278** (Statewide service - 5.00pm to 9.00am Monday to Friday & 24 hours on weekends & public holidays)

<http://www.dhs.vic.gov.au/for-individuals/children,-families-and-young-people/child-protection/child-protection-contacts>

# How to make a report

The Child Protection Intake Worker will ask you for certain information, including:

details – the child's or young person's name, age and address

indicators of harm – the reason for believing that the injury or behaviour is the result of abuse or neglect

reason for reporting – the reason why the call is being made now

safety assessment – assessment of immediate danger to the child or children. For example, information may be sought on the whereabouts of the alleged abuser or abusers and the child

## How to make a report (continued)

description – description of the injury or behaviour observed

other services – your knowledge of other services involved with the family

family information – any other information about the family

cultural characteristics – any specific cultural or other details that will help to care for the child, for example, cultural origins, interpreter or disability needs.

A report should still be made, even if you don't have all the information listed above. The reporter's identity is protected unless they provide written consent for it to be disclosed or it is required by order of the Court.

# Your ongoing role when making a report

When child protection becomes involved, this may provoke a crisis for the family. After making a report, some of your ongoing responsibilities can include:

- acting as a support person for the child during interviews
- participating in case planning meetings or case conferences
- continuing to monitor the child's or young person's behaviour in relation to ongoing harm
- providing written reports for case planning meetings or court proceedings
- helping families make the changes required to keep children safe.

# Children at Risk Learning Portal

## Children at Risk Learning Portal



### Login

Forgotten your password?

Login

Sign up

or

Enrol all your staff

### Free online training and resources for health professionals working with vulnerable children

## Welcome

Welcome to learning more about the important role that health professionals play in protecting vulnerable children.

Developed for General practitioners and allied health professionals, this portal provides free training and information on a range of topics relating to the early identification and management of children at risk of abuse and neglect.

By completing the training you will

- Further develop your skills and knowledge
- Improve your awareness of vulnerability and children at risk
- Better understand your mandatory obligations
- Access information and supporting resources

# Legislative framework

## Best Interests Principles

In determining a child's 'best interests', consideration must be given to:

- the need to protect the child from harm
- the need to protect the child's rights
- the need to promote the child's development.

## Failure to disclose offence

In response to a recommendation from the report of the 2013 Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and other non-Government organisations, *Betrayal of Trust*, a new criminal offence that requires any adult aged 18 years and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16 years) disclose that information to police.

# Failure to disclose offence

The failure to disclose offence differs from mandatory reporting under the *Children Youth and Families Act 2005* because:

- It applies to all adults, not just certain professionals who work with children
- It is limited to the reporting of sexual abuse. Mandatory reporters are required to report suspected physical abuse and sexual abuse
- It requires the person to report a suspected crim to Victoria Police rather than reporting a concern about a child needing protection to Child Protection; and
- The suspected sexual offence must be reported even if the child's parents are acting to protect the child.