

Responding to Disclosures, Allegations and Suspicions of Abuse Policy

Quality Area -2

Purpose

The purpose of this policy is to ensure that all employees and volunteers appropriately respond to disclosures, allegations or suspicions of abuse of a child.

Scope

This policy applies to all Board Members, employees, volunteers and contractors of Bethany Kindergarten Services (BKS).

BKS Statement of Commitment to Child Safety

BKS is committed to child safety. We want children to be safe, happy and empowered. We have zero tolerance of child abuse. We understand our legal and moral obligations to treat concerns seriously and report allegations, safety and wellbeing concerns to authorities. We are committed to the cultural safety of all children including Aboriginal children, children from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

Policy

BKS adopts the best interest principle as outlined in Section 10 of *the Children, Youth and Families Act 2005*, ensuring the best interest of the child or young person is given paramount consideration.

For the purpose of this document, this includes abuse perpetrated by a member of the community or a BKS employee, volunteer, or another child or young person unless otherwise specified.

For the purpose of this document, there is no timeframe restricting the reporting of an incident of abuse. A disclosure, allegation or suspicion of an incident of abuse is relevant regardless of the time or date the incident is alleged to have occurred.

Mandate to report

All BKS employees and volunteers are **mandated** to report any disclosure, allegation or suspicion of sexual abuse against a child under the age of 16yrs to the Victoria Police under the 'failure to disclose' offence in the *Crimes Amendment (Protection of Children) Act 2014*.

All BKS employees and volunteers are **mandated** to report any substantial risk that a child under the age of 16 under the care, supervision or authority of BKS will become a victim of a sexual offence committed by any adult associated with BKS. Any person that knows of the risk of abuse and has the power or responsibility to reduce or remove the risk (*all* employees, volunteers), but negligently fails to do so is committing an offence under the 'failure to protect' offence in the *Crimes Amendment (Protection of Children) Act 2014*.

All BKS employees and volunteers are **mandated by this policy** to report any disclosure, allegation or suspicion of abuse of a child or young person to Child Protection and/or the Victoria Police. Failure to report is a breach of compliance under this policy and a breach of *Code of Conduct* for any BKS employee or volunteer.

Disclosures, Allegations and Suspicions of Abuse

For the purpose of this policy and any other related organisational wide material:

- BKS acknowledges all disclosures, allegations and suspicions as 'reasonable grounds' to make a report to Child Protection.
- If a BKS employee or volunteer is unsure whether the information they have is a disclosure, allegation or suspicion, they must seek further advice from a BKS Kindergarten Services Manager or BKS Child Safety Officer immediately to decide the most appropriate course of action.

Privacy and Confidentiality

Any existing privacy and confidentiality obligations relating to case practice and obligations outlined in the *BKS Privacy and Confidentiality Policy* (or relevant legislation) are superseded by the mandate to report a disclosure, allegation or suspicion of abuse of a child or young person.

It is a requirement under the *Children Youth and Families Act 2005* that the identification of the person making the report to Child Protection must not be disclosed by Child Protection.

Any BKS employee, or volunteer required to make a report, must never disclose any information about the reportable incident/s or the relevant people to another person removed from the process, for example:

- Any colleague who is not a Manager relevant to the process.
- A family member or friend removed from BKS.
- An employee from another organisation or service who is not relevant to the process.

Records

Where applicable, BKS employees and volunteers will provide clear, coherent and objective case notes relating to any disclosure, allegation or suspicion of abuse. These records will be stored securely.

Additional discussions relating to a disclosure, allegation or suspicion of harm or abuse will also be noted by the Manager and notes stored securely on the Kindergarten Service file.

Training and Resources

BKS will ensure that all employees and volunteers (where relevant) will have access to training and materials relating to responding to disclosures, allegations and suspicions of abuse against a child or young person.

All employees and volunteers (where relevant) are mandated to attend training in relation to responding to disclosures, allegations and suspicions of abuse of a child or young person.

All employees and volunteers are directed by this policy to follow the *BKS Responding to Disclosures, Allegations and Suspicions of Abuse Procedure* when responding to a disclosure, allegation or suspicion of abuse against a child or young person.

Definitions

Child- person between the ages of birth to 18 years

Employee- is a person employed by and paid by BKS.

Volunteer- is a person who volunteers to work for BKS, after appropriate training and registration, without being paid.

Abuse- any form of non-accidental emotional, physical, sexual, verbal, accumulative harm, neglect and/or grooming behaviors.

Mandated by law- a person mandated to report to the Secretary/Victoria Police under the *Children, Youth and Families Act 2005*.

Mandated by policy- a BKS employee or volunteer to whom this policy applies.

Reasonable grounds- if a reasonable person practicing the profession or carrying out the duties would form the same belief.

ZERO TOLERANCE- BKS will not tolerate any form of abuse (as defined above) to a child or young person. Abuse of a child or young person is a criminal offence and will be treated accordingly

Disclosure- is the term used to describe when a child or young person tells a BKS employee or volunteer about an incident or incidents of abuse, of which they were or are a victim.

Allegation- is the term used to describe when a child or young person (or any other person) tells a BKS employee or volunteer about an incident or incidents of abuse, of which another child or young person was a victim.

Suspicion- is the term used to describe when a BKS employee or volunteer, may in the course of their duties, have reason to suspect an incident or incidents of abuse against a child or young person, based on an informed understanding of types and indicators of abuse, an instinct and/or substantial evidence.

A person in authority- is someone who, by reason of their position within a relevant organisation, has the power or responsibility to reduce or remove a substantial risk that a child under the age of 16 years, who is under their care, supervision or authority, may become the victim of sexual abuse committed by an adult associated with the organisation. For the purpose of this definition, *all* BKS employees and volunteers have the power and capacity to make a report.

Responsibilities

The **BKS Board of Directors** is responsible for the effective implementation of this policy.

The **BKS Executive Director** is responsible for maintaining this policy and associated procedures.

All Board Directors, management, employees and volunteers and where applicable, contractors are responsible for complying with this policy.

Policy Application

Refer *BKS Responding to Disclosures, Allegations and Suspicions of Abuse Procedure*.

Legislation and standards

Relevant legislation and standards include but are not limited to:

Children, Youth and Families Act 2005 (Vic)

Child Safety and Wellbeing Act 2005 (Vic)

Charter of Human Rights and Responsibilities Act 2006 (Vic)

Child Safe Standards (Vic)

Crimes Amendment (Protection of Children) Act 2014 (Vic)

Education and Care Services National Law Act 2010 (Vic): Sections 165, 166, 167

Education and Care Services National Regulations 2011 (Vic): Regulations 84, 85, 86, 99, 100, 101, 102, 168(2)(h)

Education Training and Reform Act 2006 (Vic) (As amended in 2014)

Family Law Act 1975 (Cth)

National Quality Standard, Quality Area 2: Children's Health and Safety

Standard 2.3: Each child is protected

Element 2.3.4: Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse and neglect

Working with Children Act 2005 (Vic)

Working with Children Regulations 2006 (Vic)

Related BKS Policies

Child Safe Policy

Screening and management of contractors, volunteers and students

Responding to Disclosures, allegations and suspicions of Abuse Procedure

Recruitment, Selection and Appointment Policy and Procedure

Acceptance and Refusal of Authorisations Policy

Child Safe Environment Policy

Code of Conduct Policy

Complaints and Grievances Policy

Delivery and Collection of Children Policy

Incident, Injury, Trauma and Illness Policy

Inclusion and Equity Policy

Interactions with Children Policy

Participation of Volunteers and Students Policy

Privacy and Confidentiality Policy

Staffing Policy

Supervision of Children Policy

Appendices

Nil