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CHILD SAFETY RESPONDING & REPORTING OBLIGATIONS POLICY & PROCEDURES

Autism Abilities acknowledges the traditional owners of the land on which we live, work and travel and pays respect to Aboriginal and Torres Strait Islander elders past, present and future. We are committed to the cultural safety of all children including Aboriginal and Torres Strait Islander children, children from culturally and/or linguistically diverse backgrounds and children with a disability. Everyone is welcome at Autism Abilities regardless of their background, race, culture, religion, gender identity or sexual orientation.

PURPOSE

The purpose of this policy is to outline the policies and procedures Autism Abilities has in place to respond to complaints or concerns relating to child abuse and to ensure that all members of staff understand and follow the various legal obligations that apply to the reporting of child abuse to relevant authorities.

SCOPE

This policy applies to complaints and concerns relating to child abuse made by or in relation to a child or young person, Autism Abilities staff, volunteers or contractors, service providers or visitors or any other person while connected to Autism Abilities (physical and online).

DEFINITIONS

Child abuse

Child abuse includes:

- physical violence inflicted on a child
- sexual offences committed against a child
- grooming of a child by an adult
- family violence committed against or in the presence of a child
- serious emotional or psychological harm to a child
- serious neglect of a child.

The definition of child abuse is broad and can include incidents between children as well as behaviour committed by an adult.

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Grooming

Grooming is a criminal offence under the Crimes Act 1958 (Vic) and is a form of child abuse and sexual misconduct. This offence targets predatory conduct undertaken by an adult to prepare a child, under the age of 16, to engage in sexual activity at a later time.

Grooming can include communicating (including electronic communications) and/or attempting to befriend or establish a relationship or other emotional connection with the child or their parent or carer.

Staff member

For the purpose of this policy a staff member includes all Autism Abilities staff including contractors and volunteers engaged by Autism Abilities to perform child-related work.

POLICY

Autism Abilities understands the important role our organisation plays in protecting children from abuse. We have a range of policies and measures in place to prevent child abuse from occurring.

Information for our participants

- All of our participants including children should feel safe to speak to any staff member to raise any concerns about their safety or any other concerns that they have.
- If a participant does not know who to approach they should start with their primary contact (support coordinator or PBS Practitioner) or contact Autism Abilities directly on 0481 112 928.

Identifying child abuse

To ensure we can respond in the best interests of children when complaints or concerns relating to child abuse are raised, all staff must:

- understand how to identify signs of child abuse and behavioural indicators of perpetrators - for detailed information on identifying child abuse and behavioural indicators of perpetrators refer to Identify child abuse.

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- understand their various legal obligations in relation to reporting child abuse to relevant authorities - for detailed information on the various legal obligations refer to Appendix A.
- follow the below procedures for responding to complaints or concerns relating to child abuse, which ensure Autism Abilities acts in the best interests of all children and complies with our legal, organisational and ethical obligations.

Autism Abilities recognises the diversity of the children, young people, and families we support and takes account of their individual needs and backgrounds when considering and responding to child safety incidents or concerns.

Procedures for responding to an incident, disclosure, allegation or suspicion of child abuse.

In responding to a child safety incident, disclosure, allegation or suspicion, Autism Abilities will follow:

- the Four Critical Actions – Responding to Incidents, Disclosures and Suspicions of Child Abuse
- Autism Abilities Incident Management Policy

Staff responsibilities

1. Immediate action

In line with the Four Critical Actions and Incident Management Policy, if a staff member witnesses an incident of child abuse, or reasonably believes, suspects or receives a disclosure or allegation that a child has been, or is at risk of being abused, they must:

- If a child is at immediate risk of harm, separate alleged victims and others involved, administer first aid (appropriate to their level of training) and call 000 for urgent medical or police assistance where required to respond to immediate health or safety concerns.
- Notify their Manager, the Child Safety Officer &/or the CEO as soon as possible. Submit an incident/near miss report on Employment Hero. It is important to provide all known information and to ensure it is as accurate as possible. It is the responsibility of the Child Safety Officer &/or the CEO to ensure all the appropriate steps in these procedures are taken.

Important Note:

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If you are uncertain if an incident, disclosure, allegation or suspicion gives rise to a concern about child abuse you must **always err on the side of caution** and report the concern to your Manager, Child Safety Officer or the CEO.

If the concerns relates to the conduct of another member of staff at Autism Abilities notify the Child Safety Officer or the CEO immediately. The Child Safety Officer and CEO then has the responsibility to report the allegations to Victoria Police and the Commission for Children and Young People.

Refer to Appendix B for guidance on how to respond to a disclosure of child abuse.

2. Reporting to authorities and referring to services

As soon as immediate health and safety concerns are addressed, and relevant staff have been informed, the CEO and Child Safety Officer must report all incidents, suspicions, and disclosures of child abuse as soon as possible. The following steps will ensure Autism Abilities complies with the four critical actions as well as additional actions required under the Child Safe Standards. The CEO and Child Safety Officer must ensure:

- all relevant information is reported to the Department of Families, Fairness and Housing (DFFH) Child Protection, Victoria Police or relevant services where required
- all reportable conduct allegations or incidents are reported by the CEO or Child Safety Officer to Victoria Police and the Commission for Children and Young People.

In circumstances where staff members are unable to confirm that the information has been reported by Autism Abilities, the staff member who has formed the reasonable belief must contact the relevant authority as outlined in the Four Critical Actions to make the report.

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

3. Contacting parents or carers

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Your Manager, the Child Safety Officer or the CEO must ensure parents and carers are notified unless advised otherwise by DFFH Child Protection or Victoria Police, or there are other safety and wellbeing concerns in relation to informing parents/carers.

4. Ongoing protection and support

The Child Safety Officer &/or the CEO must ensure appropriate steps are taken by Autism Abilities to protect the child and other children from any continued risk of abuse. These steps must be taken in consultation with any relevant external agency such as DFFH Child Protection, Victoria Police and/or the Commission for Children and Young People.

Ongoing protection will also include further reports to authorities if new information comes to light or further incidents occur.

Appropriate, culturally sensitive and ongoing support must be provided to all affected children.

5. Recordkeeping

The Child Safety Officer will ensure that:

- detailed notes of the incident, disclosure, allegation or suspicion are taken including, where possible, by the staff member or volunteer who reported the incident, disclosure, or suspicion to them.
- detailed notes are taken of any immediate or ongoing action taken by Autism Abilities to respond to the incident, disclosure, allegation or suspicion.
- all notes and other records relating to the incident, disclosure, allegation or suspicion, including Autism Abilities immediate and ongoing actions, are stored securely on Employment Hero, if needed further documentation may be stored securely in the Autism Abilities Shared Drive Management folder Child Safety and Reporting.

For visitors and community members

All community members aged 18 years or over have legal obligations relating to reporting child abuse – refer to Appendix A for detailed information.

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Any person can make a report to DFFH Child Protection or Victoria Police if they believe on reasonable grounds that a child is in need of protection. For contact details, refer to the Four Critical Actions.

Members of the community do not have to inform Autism Abilities if they are making a disclosure to DFFH Child Protection or the Victoria Police. However, where a community member is concerned about the safety of a child or children at Autism Abilities, the community member should report this concern to the CEO or Child Safety Officer so that appropriate steps to support the child can be taken

Additional requirements for all staff

All staff play an important role in supporting child safety and wellbeing and have a duty of care to take reasonable steps to prevent reasonably foreseeable harm to children. Fulfilling the roles and responsibilities in the above procedure does not displace or discharge any other obligations that arise if a person reasonably believes that a child is at risk of child abuse. This means that if, after following the actions outlined in the procedure, a staff member reasonably believes that a child remains at risk of abuse, they must escalate their concerns to Victoria Police, The Commission for Children and Young People and/or DFFH Child Protection.

COMMUNICATION

This policy will be communicated to our community in the following ways:

- Available publicly on the Autism Abilities website.
- Included in all new staff induction processes.
- Be reviewed & confirmed by each staff manager annually in Employment Hero.
- Included in the Autism Abilities Employee Handbook.
- Hard copy available from administration upon request.

FURTHER INFORMATION AND RESOURCES

The following policies and documents are relevant to this policy:

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- Child Safety and Wellbeing Policy
- Child Safety Code of Conduct
- Code of Conduct
- Four Critical Actions
- Participant Rights Statement
- NDIS Code of Conduct
- Prevention & Response to Abuse, Neglect, Discrimination & Exploitation Policy
- Feedback & Complaints Policy
- Embracing Diversity Policy

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APPENDIX A

Legal Obligations Relating to Reporting Child Abuse

The following information outlines the various legal responsibilities relating to the reporting of child abuse to relevant authorities.

Autism Abilities staff are not mandatory reporters under the *Child, Youth and Families Act 2005 (Vic)*, which identifies mandatory reporters to be:

- registered teachers and early childhood teachers
- school counsellors including staff who provide direct support to students for mental, emotional or psychological wellbeing, including (but not limited to) school health and wellbeing staff, primary welfare coordinators, student wellbeing coordinators, mental health practitioners, chaplains, and Student Support Services staff
- nurses
- registered psychologists
- police officers
- registered medical practitioners
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- people in religious ministry
- midwives

All of the above individuals are mandatory reporters and must make a report to the Department of Families, Fairness and Housing (DFFH) Child Protection as soon as practicable if during the course of carrying out their professional duties, they form a belief on reasonable grounds that:

- a child has suffered, or is likely to suffer, significant harm as a result of physical abuse and/or sexual abuse; and
- the child's parents or carers have not protected, or are unlikely to protect, the child from harm of that type.

A mandatory reporter who fails to comply with this legal obligation may be committing a criminal offence. The identity of a person who reports any protective concerns to DFFH Child Protection is protected by law. It is an offence for a person, other than the person who made the

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report, to disclose the name of the person who made a report or any information that is likely to lead to their identification.

Irrespective of the fact that Autism Abilities staff are not classified as mandatory reporters, Autism Abilities requires all staff who form a reasonable belief that a child is in need of protection to act in accordance with the policy outlined in this document.

Any person can make a report to DFFH Child Protection (131 278 – 24 hour service) if they believe on reasonable grounds that a child is in need of protection even if they are not a mandatory reporter listed above.

Reporting child wellbeing concerns to Child FIRST/Orange Door

Autism Abilities encourages staff to make a referral to Child FIRST/Orange Door when they identify a need for additional parenting support and/or have concerns for a child's wellbeing. Note that the family must be open to receiving support for a referral to be accepted.

<https://www.vic.gov.au/familyviolence/the-orange-door.html/>

Reportable Conduct

The Reportable Conduct Scheme is focussed on staff conduct and how organisations investigate and respond to suspected child abuse. The scheme aims to improve organisational responses to suspected child abuse and to facilitate the identification of individuals who pose a risk of harm to children. There are five types of 'reportable conduct' listed in the Child Wellbeing and Safety Act 2005:

- sexual offences against, with or in the presence of, a child.
- sexual misconduct (which includes grooming) against, with or in the presence of, a child.
- physical violence against, with or in the presence of, a child.
- behaviour that causes significant emotional or psychological harm to a child.
- significant neglect of a child.

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A Reportable Conduct allegation is made where a person makes an allegation, based on a reasonable belief, that a staff member has committed reportable conduct or misconduct that may involve reportable conduct.

If any member of staff become aware of reportable conduct by any current or former employee, contractor or volunteer, they must notify the CEO or Child Safety Officer immediately. The CEO has a legal obligation to inform the Commission for Children and Young People and Victoria Police when an allegation of reportable conduct is made.

Failure to disclose offence

Reporting child sexual abuse is a community-wide responsibility. All adults (ie persons aged 18 years and over), not just professionals who work with children, have a legal obligation to report to Victoria Police, as soon as practicable, where they form a 'reasonable belief' that a sexual offence has been committed by an adult against a child under the age of 16 in Victoria.

Failure to disclose information to Victoria Police (by calling 000, local police station or the Police Assistance Line 131 444) as soon as practicable may amount to a criminal offence unless a person has a 'reasonable excuse' or exemption from doing so.

'Reasonable belief' is not the same as having proof. 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 'reasonable belief' might be formed when:

- a child states that they have been sexually abused.
- a child states that they know someone who has been sexually abused (sometimes the child may be talking about themselves).
- someone who knows a child states that the child has been sexually abused.
- professional observations of the child's behaviour or development leads a mandated professional to form a belief that the child has been sexually abused.
- signs of sexual abuse leads to a belief that the child has been sexually abused.

"Reasonable excuse" is defined by law and includes:

- fear for the safety of any person including yourself or the potential victim (but not including the alleged perpetrator or an organisation).

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- where the information has already been disclosed to Victoria Police and you have no further information to add (for example, through a mandatory report to DFFH Child Protection or a report to Victoria Police from another member of staff).

Failure to protect offence

This reporting obligation applies to staff in a position of authority. This includes the CEO and leadership team. Managers and senior staff members. Any staff member in a position of authority who becomes aware that an adult associated with Autism Abilities (such as an employee, contractor, volunteer or visitor) poses a risk of sexual abuse to a child under the age of 16 under their care, authority or supervision, must take all reasonable steps to remove or reduce that risk. This may include removing the adult (ie persons aged 18 years and over) from working with children pending an investigation and reporting your concerns to Victoria Police. If a staff member in a position of authority fails to take reasonable steps in these circumstances, this may amount to a criminal offence.

APPENDIX B

Managing Disclosures of Child Abuse

Important Information for Staff

When managing a disclosure relating to child abuse you should:

- listen to the child and allow them to speak.
- stay calm and use a neutral tone with no urgency and where possible use the child's language and vocabulary (you do not want to frighten the child or interrupt the child).
- be gentle, patient and non-judgmental throughout.
- highlight to the child it was important for them to tell you about what has happened.
- assure them that they are not to blame for what has occurred.
- do not ask leading questions, for example gently ask, "What happened next?" rather than "Why?".
- be patient and allow the child to talk at their own pace and in their own words.
- do not pressure the child into telling you more than they want to, they will be asked a lot of questions by other professionals, and it is important not to force them to retell what has occurred multiple times.
- reassure the child that you believe them and that disclosing the matter was important for them to do.

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- use verbal facilitators such as, “I see”, restate the child’s previous statement, and use non-suggestive words of encouragement, designed to keep the child talking in an open-ended way (“what happened next?”).
- tell the child in age appropriate language you are required to report to the relevant authority to help stop the abuse, and explain the role of these authorities if appropriate (for a young child this may be as simple as saying “I will need to talk to people to work out what to do next to help you”).
- Take prompt action in relation to following the procedures as outlined in this document and all associated policies and procedures.

When managing a disclosure, you should AVOID:

- displaying expressions of panic or shock.
- asking questions that are investigative and potentially invasive (this may make the child feel uncomfortable and may cause the child to withdraw).
- going over the information repeatedly (you are only gathering information to help you form a belief on reasonable grounds that you need to make a report to the relevant authority).
- making any comments that would lead the child to believe that what has happened is their fault.
- making any promises you will keep the information the child provided confidential.
- making promises to the child about what will occur next or that things will be different given the process can be unpredictable and different for each child depending on their circumstances (instead reassure them that you and others will do your best to help).