

## PROTECTING CHILDREN FROM HARM POLICY

### Overview

This policy applies to all Australian Childhood Trauma Group (ACTG) employees' and contractors.

This policy forms part of the ACTGs **zero tolerance** towards abuse and neglect of children and young people and people with a disability.

This policy should be considered within the context of the ACTG commitment to safeguarding children from harm in all environments.

This policy also outlines the responsibility of all ACTG employees and contractors to report any concern with breaches or actions of other ACTG employees and contractors that contravene our Safeguarding Children Pledge, Child Safety Code of Conduct and other ACTG policies and procedures related to safeguarding children.

ACTG upholds the rights of all children to thrive and is committed to ensuring the safety of all children accessing our services.

ACTG provides leadership and expertise in the field of childhood trauma and as such, clinicians frequently work with children and families already involved with Child Protection and the Out of Home Care Sector. In many cases ACTG clinicians are already supporting families, carers and workers to implement strategies and interventions to reduce the likelihood of further harm occurring.

The purpose of this policy is to therefore ensure ACTG staff and contractors are fully aware of their legal and ethical duties regarding children engaged in our services and are prompt in their reporting of child safety concerns.

ACTG currently works with children in Victoria, the Australian Capital Territory and New South Wales. ACTG Psychologists are considered Mandated Notifiers under legislation in all states. ACTG Social Workers are considered Mandated Notifiers under legislation in the Australian Capital Territory and New South Wales, but not in Victoria, however, all ACTG staff are considered to have an ethical duty of care to report where they have formed a reasonable belief that a child is at risk of significant harm.

ACTG is committed to abiding by the Victorian Child Safe Standards and the National Principles for Child Safe Organisations.

ACTG Clinicians are also required to comply with the child abuse reporting guidelines of their relevant professional body.

### Our expectations

All ACTG employees and contractors are provided with a copy of the following documents:

- Child Safety Code of Conduct
- Safeguarding Children and Young People Pledge.

These documents clearly detail the behavioural expectations of ACTG employees and contractors around children and young people. ACTG employees and contractors are

advised that any breaches, including minor breaches, to these policies are required to be reported.

### **Mandated notifiers:**

- must report without unnecessary delay after forming the belief on reasonable grounds of abuse or neglect;
- are required to report each time they become aware of any further reasonable grounds for their belief;
- do not have to be able to prove that the abuse has occurred;
- have a personal responsibility to report belief of abuse or neglect - it is not the responsibility of your supervisors or senior staff;
- are not legally obliged to report concerns if they encounter abuse in their private lives or when working in a capacity that is not directly related to the professional affiliation under which they are mandated.

All ACTG employees should raise any concerns of abuse or neglect with their immediate supervisor, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If a mandated notifier's immediate supervisor does not believe that a mandatory report is warranted, this does not discharge a notifier of their obligation to do so if they have formed a reasonable belief that abuse may have occurred.

Only one mandated notifier needs to make the report, which must be made promptly and include all the reasonable grounds.

In all jurisdictions, legislation protects the reporter's identity from disclosure. In addition, the legislation notes that if the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

Reporting abuse or neglect does not absolve staff of taking reasonable actions within the scope of their role and relationship with their client to provide continued support or intervention to assist and prevent further abuse. Child abuse report call centre staff may ask what a reporters next steps will be and can talk reporters through what they may be able to do, as a person who currently has a relationship with the child and possibly also their family.

Although only mandated notifiers have a legal responsibility to report child abuse, everyone has a moral and ethical responsibility to report all types of possible or known child abuse.

**If a child is in immediate danger police must be called on 000.**

### **Responsibility**

ACTG will ensure that all employees receive information and training regarding responding to and reporting concerns of child abuse and neglect. Supervisors or the Clinical Leads are responsible for providing practice guidance on continuing to support a child for whom there are safety concerns, and where relevant their family or household.

It is the responsibility of Supervisors or the Clinical Lead to provide practice guidance on continuing to support a child for whom there are safety concerns, and where relevant their family or household.

It is the responsibility of the individual to ensure that the belief or suspicion of child abuse is reported to the relevant State/Territory authority without delay.

It is the responsibility of an ACTG clinician to take reasonable measures to maintain a relationship with a child or their family to advocate for safety and continue to support change in behaviour. Should further concerns be raised within this ongoing role, additional reports may need to be made to provide further detail on existing or additional concerns.

Any person working with the ACTG within the scope of this policy is also responsible for adhering to the local State or Territory's legislation in which they are working.

ACTG Clinicians are required to comply with the child abuse reporting guidelines of their relevant professional body.

### **Reporting to Working with Children Check (WWCC)**

- The purpose of the Worker Screening Act 2020 (the Act) and the Worker Screening Regulations 2021 (the Regulations) is to assist in protecting children and young people from sexual or physical harm by ensuring that ACTG employees have their suitability to do so checked by a government body. The Act defines child-related work, outlines occupations that apply and explains relevant offences and findings that are relevant to the WWCC. The check involves an examination of a person's criminal history and relevant professional conduct. It sets out the obligations of individuals and organisations, and how personal information is stored and disposed of.
- Should there be reasonable belief that an ACTG employee or contractor has acted in a way and or / been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work, WWCC authorities may need to be notified.
- ACTG must comply with the requirements of the Worker Screening Act 2020. It is an offence for an employer to knowingly engage a child-related worker who does not hold a WWCC (or equivalent).
- It is an offence for an ACTG employee to engage in child related work when they do not have clearance or if they are subject to a bar.

### **Reportable Conduct**

#### **Victoria**

The Victorian Reportable Conduct Scheme requires organisations in scope to report allegations of child abuse and neglect by their workers and volunteers to the Commission for Children and Young People.

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 (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
- significant neglect.

The head of an organisation is the person responsible for an organisation's compliance with the Reportable Conduct Scheme.

**The head of an organisation must report any allegation of reportable conduct to the Commission for Children and Young People within 3 business days of becoming aware of the allegation.**

**Within 30 days the head of an organisation must provide detailed information about the allegations and their proposed response.**

Further information is also available on the Commission for Children and Young People's website at [www.ccyp.vic.gov.au](http://www.ccyp.vic.gov.au)

### **Australian Capital Territory**

The ACTG complies with the Reportable Conduct Scheme that commenced in the Australian Capital Territory (ACT) from 1 July 2017.

Organisations must report allegations or convictions that occurred after 1 July 2017 to the ACT Ombudsman.

Organisations covered by the scheme need to report allegations, offences or convictions relating to child abuse or child related misconduct by an employee to the Ombudsman. It does not matter whether or not the employee engaged in the conduct in the course of employment or whether a child consents to the conduct. Reportable conduct includes:

- sexual offences and convictions where a child is a victim or is present
- offences against the person, including physical offences and convictions, where a child is a victim or is present
- conviction, or finding of guilt, under a territory law or a state or Commonwealth law, involving reportable conduct
- inappropriate discipline or offences relating to protecting of children from harm in accordance with the provisions of the Education and Care Service National Law
- ill-treatment of a child (including emotional abuse, hostile use of force/physical contact, neglect and restrictive intervention)
- psychological harm
- misconduct of a sexual nature.
- Reportable conduct includes allegations, offences and convictions relating to any of the above.

Organisations must:

- Notify the ACT Ombudsman within **30 days** of becoming aware of the allegation by completing the section [17G notification form](#)
- Provide details of the allegation.
- Provide details of the allegation or conviction.
- Provide the organisation's intended response, including an investigation plan and risk assessment.
- Report to appropriate organisations. These may include ACT Policing, Child Youth Protection Services and Access Canberra (Working with Vulnerable People).

Further information is available on the ACT Ombudsman's website:

<https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>

## Reporting abuse and neglect in disability

The National Disability Abuse and Neglect Hotline (The Hotline), is a free, independent and confidential service for reporting abuse and neglect of people with disability.

Anyone can contact the Hotline, including family members, friends, service providers or a person with disability.

The Hotline works with callers to find appropriate ways of dealing with reports of abuse and neglect of people with disability.

If a caller reports abuse or neglect in a government-funded service, the Hotline will refer the report to the government body that funds the service. The funding body will investigate the report.

## Making a report

To make a report:

- Call **1800 880 052** (toll free) and speak with an experienced Hotline staff member
- Callers who are deaf or have a hearing or speech impairment can contact the National Relay Service (NRS) by calling **1800 555 677** then asking for **1800 880 052**
- Callers from a non-English speaking background can use the Translating and Interpreting Service (TIS) by calling **13 14 50**
- Send an email to: **hotline@workfocus.com**

## Breaches of this Policy

ACTG employees and contractors are required to report incidents, allegations, disclosures or concerns in relation to abuse or neglect of a child or young person by ACTG employees or others.

For any breach of his policy, the **ACTG Incident Management Policy and Procedure** should be applied. The Incident Management Policy outlines the management of reportable incidents to the NDIS Commission, information about the Reportable Conduct Scheme to the Commission for Children and Young People and the Notifiable Data Breach Scheme to the Office of the Australian Information Commissioner.

Any failure to report these matters is treated as misconduct and may result in disciplinary action up to and including dismissal, or in the termination of services.

## Appendix 1

Information regarding child protection reporting for each state/territory of Australia is collated by AIFS:

<https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

Jurisdiction	Principal act	Other relevant acts/legislation
<a href="#">Australian Capital Territory</a>	<i>Children and Young People Act 2008</i> (ACT)	<ul style="list-style-type: none"> <li>• <i>Adoption Act 1993</i> (ACT)</li> <li>• <i>Children and Young People Act (ACT Childcare Services) Standards 2009</i> (No. 1)</li> <li>• <i>Children and Young People (Employment) Standards 2011</i> (No. 1)</li> <li>• <i>Crimes (Child Sex Offenders) Act 2005</i> (ACT)</li> <li>• <i>Family Violence Act 2016</i> (ACT)</li> <li>• <i>Ombudsman Act 1989</i> (ACT)</li> <li>• <i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)</li> </ul>
<a href="#">New South Wales</a>	<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	<ul style="list-style-type: none"> <li>• <i>Adoption Act 2000</i> (NSW)</li> <li>• <i>Advocate for Children and Young People Act 2014</i> (NSW)</li> <li>• <i>Child Protection (International Measures) Act 2006</i> (NSW)</li> <li>• <i>Child Protection (Offenders Prohibition Orders) Act 2004</i> (NSW)</li> <li>• <i>Child Protection (Offenders Registration) Act 2000</i> (NSW)</li> <li>• <i>Child Protection (Working with Children) Act 2012</i> (NSW)</li> <li>• <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW)</li> <li>• <i>Industrial Relations (Child Employment) Act 2006</i> (NSW)</li> <li>• <i>Ombudsman Act 1974</i> (NSW)</li> <li>• <i>Young Offenders Act 1997</i> (NSW)</li> </ul>
<a href="#">Northern Territory</a>	<i>Care and Protection of Children Act 2007</i> (NT)	<ul style="list-style-type: none"> <li>• <i>Adoption of Children Act 1994</i> (NT)</li> <li>• <i>Child Protection (Offender Reporting and Registration) Act 2016</i> (NT)</li> <li>• <i>Children's Commissioner Act 2013</i> (NT)</li> <li>• <i>Disability Services Act 2004</i> (NT)</li> <li>• <i>Domestic and Family Violence Act 2007</i> (NT)</li> <li>• <i>Information Act 2006</i> (NT)</li> <li>• <i>Youth Justice Act 2005</i> (NT)</li> </ul>
<a href="#">Queensland</a>	<i>Child Protection Act 1999</i> (Qld)	<ul style="list-style-type: none"> <li>• <i>Adoption Act 2009</i> (Qld)</li> <li>• <i>Child Employment Act 2006</i> (Qld)</li> </ul>

Jurisdiction	Principal act	Other relevant acts/legislation
		<ul style="list-style-type: none"> <li>• Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017</li> <li>• <i>Child Protection (International Measures) Act 2003</i> (Qld)</li> <li>• Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2017 (Qld)</li> <li>• <i>Child Protection Reform Amendment Act 2017</i> (Qld)</li> <li>• <i>Child Protection Reform Amendment Act 2014</i> (Qld)</li> <li>• <i>Commission for Children and Young People and Child Guardian Act 2000</i> (Qld)</li> <li>• <i>Director of Child Protection Litigation Act 2016</i> (Qld)</li> <li>• <i>Domestic and Family Violence Protection Act 2012</i> (Qld)</li> <li>• <i>Education and Care Services Act 2013</i> (Qld)</li> <li>• <i>Education (General Provisions) Act 2006</i> (Qld)</li> <li>• <i>Family and Child Commission Act 2014</i> (Qld)</li> <li>• <i>Family Responsibilities Commission Act 2008</i> (Qld)</li> <li>• <i>Guardianship and Administration Act 2000</i> (Qld)</li> <li>• <i>Ombudsman Act 2001</i> (Qld)</li> <li>• <i>Police Powers and Responsibilities Act 2000</i> (Qld)</li> <li>• <i>Public Guardian Act 2014</i> (Qld)</li> <li>• <i>Public Health Act 2005</i> (Qld)</li> <li>• <i>Working with Children (Risk Management and Screening) Act 2000</i> (Qld)</li> <li>• <i>Youth Justice Act 1992</i> (Qld)</li> </ul>
<a href="#">South Australia</a>	<i>Children's Protection Act 1993</i> (SA)	<ul style="list-style-type: none"> <li>• <i>Adoption Act 1988</i> (SA)</li> <li>• <i>Child Protection Review (Powers and Immunities) Act 2002</i> (SA)</li> <li>• <i>Child Safety (Prohibited Persons) Act 2016</i> (SA)</li> <li>• <i>Child Sex Offenders Registration Act 2006</i> (SA)</li> <li>• <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016</i> (SA)</li> <li>• <i>Children and Young People (Safety) Bill 2017</i> (SA)</li> </ul>

Jurisdiction	Principal act	Other relevant acts/legislation
		<ul style="list-style-type: none"> <li>• <i>Children's Protection (Miscellaneous) Amendment Act 2005 (SA)</i></li> <li>• <i>Domestic Violence Act 1994 (SA)</i></li> <li>• <i>Family and Community Services Act 1972 (SA)</i></li> <li>• <i>Young Offenders Act 1994 (SA)</i></li> </ul>
<a href="#">Tasmania</a>	<i>Children, Young Persons and their Families Act 1997 (Tas.)</i>	<ul style="list-style-type: none"> <li>• <i>Adoption Act 1988 (Tas.)</i></li> <li>• <i>Child Care Act 2001 (Tas.)</i></li> <li>• <i>Child Protection (International Measures) Act 2003 (Tas.)</i></li> <li>• <i>Children, Young Persons and their Families Amendment Act 2009 (Tas.)</i></li> <li>• <i>Commissioner for Children and Young People Act 2016 (Tas.)</i></li> <li>• <i>Community Protection (Offender Reporting) Bill 2016 (Tas.)</i></li> <li>• <i>Education Act 1994 (Tas.)</i></li> <li>• <i>Family Violence Act 2004 (Tas.)</i></li> <li>• <i>Registration to Work with Vulnerable People Act 2013 (Tas.)</i></li> <li>• <i>Youth Justice Act 1997 (Tas.)</i></li> </ul>
<a href="#">Victoria</a>	<i>Children, Youth and Families Act 2005 (Vic.)</i>	<ul style="list-style-type: none"> <li>• <i>Adoption Act 1984 (Vic.)</i></li> <li>• <i>Child Employment Act 2003 (Vic.)</i></li> <li>• <i>Child Wellbeing and Safety Act 2005 (Vic.)</i></li> <li>• <i>Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)</i></li> <li>• <i>Commission for Children and Young People Act 2012 (Vic.)</i></li> <li>• <i>Family Violence Protection Act 2008 (Vic.)</i></li> <li>• <i>Sex Offenders Registration Act 2004 (Vic.)</i></li> <li>• <i>Working with Children Act 2005 (Vic.)</i></li> </ul>
<a href="#">Western Australia</a>	<i>Children and Community Services Act 2004 (WA)</i>	<ul style="list-style-type: none"> <li>• <i>Adoption Act 1994 (WA)</i></li> <li>• <i>Child Care Services Act 2007 (WA)</i></li> <li>• <i>Children and Community Services Act 2004 (WA)</i></li> <li>• <i>Commissioner for Children and Young People Act 2006 (WA)</i></li> <li>• <i>Community Protection (Offender Reporting and Registration) Act 2004 (WA)</i></li> <li>• <i>Family Court Act 1997 (WA)</i></li> <li>• <i>Restraining Orders Act 1997 (WA)</i></li> </ul>

Jurisdiction	Principal act	Other relevant acts/legislation
		<ul style="list-style-type: none"> <li>• <i>Working with Children (Criminal Record Checking) Act 2004</i> (WA)</li> <li>• <i>Young Offenders Act 1994</i> (WA)</li> </ul>

### **Mandated notifiers:**

For further information on making a report, including who to contact, please refer to the following websites:

- Victorian staff: <https://providers.dhhs.vic.gov.au/mandatory-reporting> and <https://providers.dhhs.vic.gov.au/mandatory-reporting-child-protection-victoria-registered-psychologists-factsheet>
- ACT Staff: <https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe>
- Regarding children residing in NSW: <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters>

### **Professional Association guidelines:**

Australian Association of Social Workers:

<https://www.aasw.asn.au/practitioner-resources/code-of-ethics>

Australian Psychological Society:

<https://www.psychology.org.au/getmedia/d873e0db-7490-46de-bb57-c31bb1553025/APS-Code-of-Ethics.pdf>

## Appendix 2 – Definitions of Abuse

Term	Definition
<b>Child or young person</b>	A person under the age of eighteen years.
<b>Emotional or psychological abuse</b>	Emotional or psychological abuse occurs when a child does not receive the love, affection, or attention they need for healthy emotional, psychological, and social development. Such abuse may involve repeated rejection or threats to a child. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviors continue to an extent that results in significant damage to the child's physical, intellectual, or emotional wellbeing and development.
<b>Family Violence</b>	<p>Family violence is:</p> <p>(a) behaviour by a person towards a family member of that person if that behaviour—</p> <ul style="list-style-type: none"> <li>(i) is physically or sexually abusive; or</li> <li>(ii) is emotionally or psychologically abusive; or</li> <li>(iii) is economically abusive; or</li> <li>(iv) is threatening; or</li> <li>(v) is coercive; or</li> <li>(vi) in any other way controls or dominates the family member and causes that family member to feel fear for the safety or wellbeing of that family member or another person; or</li> </ul> <p>(b) behaviour by a person that causes a child to hear or witness, or otherwise be exposed to the effects of, behaviour referred to in paragraph (a).</p>
<b>Grooming</b>	Grooming is an offence which targets communication by an adult, including online communication, with a child or their parents with the intent of committing child sexual abuse. There is no set pattern in relation to the grooming of children. For some perpetrators, there will be a lengthy period before the abuse begins. Grooming can take place in any setting where a relationship is formed, such as leisure, sport, music, or in internet chatrooms, in social media or by other technological channels.
<b>Harm</b>	<p>Harm to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:</p> <ul style="list-style-type: none"> <li>• physical, psychological, or emotional abuse or neglect.</li> <li>• sexual abuse or exploitation;</li> <li>• a single act, omission, or circumstance; and</li> <li>• a series or combination of acts, omissions, or circumstances.</li> </ul>
<b>Neglect</b>	Neglect is the persistent failure or deliberate denial to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention, or supervision to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect, and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.

Term	Definition
<b>Physical abuse</b>	Physical abuse occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently because of physical punishment or the aggressive treatment of a child. Physically abusive behavior includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, excessive and physically harmful over training, and kicking. It also includes giving children harmful substances such as drugs, alcohol, or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child at risk of being hurt. Physical abuse also includes threats to physically harm.
<b>Sexual abuse</b>	Sexual abuse occurs when an adult or a person of authority (e.g., older) involves a child in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit. It can include making sexual comments to a child, engaging children to participate in sexual conversations over the internet or on social media, kissing, touching a child's genitals or breasts, oral sex or intercourse with a child. Encouraging a child to view pornographic magazines, websites and videos is also sexual abuse. Engaging children to participate in sexual conversations over the internet is also considered sexual abuse.
<b>Sexual exploitation</b>	Sexual exploitation is a form of sexual abuse where offenders use their power, (physical, financial, or emotional) over a child or young person, or a false identity, to abuse them sexually or emotionally. It often involves situations and relationships where children and young people receive something (food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money etc.) in return for participating in sexual activities. Sexual exploitation can occur in person or online, and sometimes the child or young person may not even realise they are a victim.

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