

# Responding to child safety concerns policy & procedure

## Purpose/explanation

The purpose of this policy is to:

- ensure Ausdance Vic staff and partners are aware of and comply with their legal responsibilities to protect the safety and wellbeing of children and young people, including mandatory reporting obligations.
- explain the process to make a report of a child safety concern.
- explain the process following a report to Department of Health and Human Services (DHHS) Child Protection.

## Compliance

Child Safe Standards Ministerial Order No. 870

## Relevant Legislation

- Working with Children Act 2005 (Vic.)
- Children, Youth and Families Act 2005 (Vic.)
- Crimes Act 1956 (Vic.)

In 2014 and 2015 new criminal offences were introduced under this act:

### [a. Failure to disclose offence](#)

The new offence requires that any adult (aged 18 and over) who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police.

### [b. Failure to protect offence](#)

The offence will apply where there is a substantial risk that a child under the age of 16 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 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 fail to do so.

### [c. Grooming offence](#)

This offence targets predatory conduct designed to facilitate later sexual activity with a child. Grooming can be conducted in person or online, for example via interaction through social media, web forums and emails.

## Related documents

*Ausdance Child Safety Statement of Commitment*

*Ausdance Child Safety Code of Conduct*

*Ausdance Working with Children Check Policy*

*Ausdance Student Support Policy*

[Frequently Asked Questions - Reportable Conduct Scheme](#) *Commission for Children and Young People*  
[Mandatory reporting - advice](#) *Victorian Government Department of Health and Human Services*

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## Definitions

Child	Any person under the age of 18
Child Abuse	<ol style="list-style-type: none"> <li>1. Any act committed against a child involving: <ul style="list-style-type: none"> <li>A sexual offence</li> <li>The offence of grooming</li> </ul> </li> <li>2. The infliction, on a child of: <ul style="list-style-type: none"> <li>Physical violence</li> <li>Serious emotional or psychological harm</li> </ul> </li> <li>3. Serious neglect of a child</li> </ol>
Child Neglect	The failure by a parent or caregiver to provide a child (where they are in the position to do so) with conditions that are culturally acceptable as being essential for the child’s physical and emotional development and wellbeing.
Child Safety	All matters related to protecting children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse and responding to incidents or allegations of child abuse.

## Scope

This policy and procedure applies to, and is binding on, Ausdance Vic employees and volunteers, and on all service providers involved in the delivery of Ausdance Vic programs.

## Responsible parties

The Executive Director, Director of Education and Lifelong Learning, and RTO and Education Coordinator are jointly responsible for the implementation of the Code of Conduct within our organisation and any schools we partner with to provide VCE VET Dance.

## General Principles when interacting with children and young people

- Abide by the *Ausdance Child Safety Code of Conduct*.
- Adhere to our *Child Safety Policy* and all relevant state and federal legislation.
- Take all reasonable steps to protect children from abuse and harm.
- Promote the safety, welfare and wellbeing of all children and young people.
- Be vigilant and proactive regarding child safety and child protection issues.
- Provide appropriate supervision for children and young people.
- Treat all children and young people with respect.
- Ensure legal obligations to report allegations to relevant external authorities are met.

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### Reportable Conduct Scheme

Ausdance Vic staff may receive calls or emails about matters of a serious and urgent nature. There are five types of reportable conduct:

- a sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded.
- sexual misconduct committed against, with, or in the presence of a child.
- physical violence committed against, with, or in the presence of a child.
- any behavior that causes significant emotional or psychological harm to a child.
- significant neglect of a child.

In Victoria, mandatory reporting is required if a person believes, based on reasonable grounds, that a child is in need of protection. Allegations or suspicions of physical injury to a child, sexual abuse, sexual offence of a child must be reported as soon as possible.

#### Responsibilities of a mandated reporter

As an RTO, Ausdance Vic has a responsibility to its students. Most students enrolled with us are young people studying VCE VET Dance. Our relationship to them is moderated through a partner secondary school or studio arrangement.

As taken from the [Department of Health and Human Services Mandatory Reporting](#) page, the following professional groups are required to make a report to child protection where they form a reasonable belief, that a child has been or is at risk of significant harm, as a result of physical or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from that abuse:

- registered medical practitioners
- nurses including midwives
- Victoria police officers
- **registered teachers and school principals**
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists
- school counsellors
- people in religious ministry.

Mandated reporters, are legally obliged to:

- make a report to Child Protection if you believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse
- make the report as soon as practicable after forming the belief
- make a report each time you become aware of any further grounds for your belief

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Keep in mind:

- you don't have to prove that the abuse has occurred
- a belief is a belief on reasonable grounds if a reasonable person in your position would have formed the belief on those grounds
- grounds for a belief are matters of which you have become aware, and opinions based on those matters
- if you have formed the belief, you are obliged to make the report even if someone in a position of authority over you directs you not to make a report
- you are responsible for reporting your belief – it is not the responsibility of your boss, supervisor, principal or anyone else – however, if you honestly and reasonably believe all of the grounds for your belief have already been reported to Child Protection by someone else, this is a valid reason for you not to make the same report
- mandatory reporting requirements take precedence over professional codes of practice where confidentiality or client privilege would otherwise apply
- a report made in good faith does not constitute unprofessional conduct or a breach of professional ethics, nor does it subject the person to any liability, or contravene the confidentiality provisions in the legislation governing health and mental health services.

More information is available on the Department of Health and Human Services [Mandatory reporting page](#).

### Procedures

The following procedure is taken from the Department of Education, *Protecting Children — Reporting and Other Legal Obligations*.

<https://www2.education.vic.gov.au/pal/protecting-children/policy>

Recognising different types of child abuse

Types of child abuse include:

- physical abuse
- sexual abuse
- grooming
- family violence
- emotional abuse
- neglect

For information, refer to: [PROTECT: Identify child abuse](#)

### Four Critical Actions

#### **Making a report or referral — the Four Critical Actions**

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Refer to the section below on *Reporting Obligations* for information on the legal reporting obligations of all school staff. For the purposes of this document, all teachers and administrators connected to Ausdance Vic's VCE VET Dance program should be considered *school staff*.

School staff must follow the Four Critical Actions when responding to an incident, disclosure or suspicion of child abuse.

When making any report in regard to suspected child abuse, it is strongly recommended that you use the [Responding to suspected child abuse template](#) created by DET to keep clear and comprehensive notes.

### **Critical Action 1: Responding to an emergency**

If there is not risk of immediate harm go to Action 2.

If a child is at immediate risk of harm school staff must ensure their safety by:

- separating alleged victims 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 school for future liaison with police

School staff may also need to maintain the integrity of the potential crime scene and preserve evidence.

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### **Critical Action 2: Reporting to authorities/referring to services**

As soon as immediate health and safety concerns are addressed school staff must report all incidents, suspicions and disclosures of child abuse as soon as practicable. Failure to report physical and sexual child abuse may amount to a criminal offence.

#### ***If the source of suspected abuse comes from within the school:***

##### ***Victoria Police***

School staff must report all instances of suspected child abuse involving a school staff member, contractor or volunteer to Victoria Police (call 000 or your local police station). School staff must also report internally to:

- School principal and/or leadership team
- Employee Conduct Branch — 03 9637 2595
- DET Incident Support and Operations Centre — 1800 126 126

All allegations of 'reportable conduct' must be reported as soon as possible to the Employee Conduct Branch.

#### ***If the source of suspected abuse comes from within the family or community:***

##### ***DHHS Child Protection***

School staff 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 had, or is likely to have, a serious impact on the child's safety, stability or development and the parents have not protected or are unlikely to protect the child

##### ***Victoria Police***

School staff must also report all instances of suspected sexual abuse (including grooming) to Victoria Police (call 000 or your local police station).

School staff must also report internally to:

- School principal and/or leadership team
- DET Incident Support and Operations Centre — 1800 126 126

### **Other concerns**

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If a school staff member believes that a child is not subject to abuse, but they still hold significant concerns for the child's wellbeing the school staff member must still act. This may include making a referral or seeking advice from:

- [Child FIRST](#) / the [Orange Door](#) (in circumstances where the school staff member believes the family is open to receiving support)
- [The Lookout](#) has a service directory, information, and guidance to help you respond to family violence
- Family violence victims/survivors can be referred to 1800 Respect for counselling, information and a referral service: 1800 737 732
- DHHS Child Protection
- Victoria Police — call 000 or your local police station

### **Critical Action 3: contacting parents/carers**

The principal must consult with DHHS Child Protection or Victoria Police (call 000 or your local police station) to determine what information can be shared with parents/carers. They may advise:

- not to contact the 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 (this must be done as soon as possible, preferably on the same day of the incident, disclosure or suspicion)
- how to communicate with all relevant parties with consideration for their safety

### **Critical Action 4: providing ongoing support**

The school must provide support for children impacted by abuse. This can include the development of a student support plan in consultation with wellbeing professionals. This is an essential part of the school's duty of care requirements.

Strategies may include development of a safety plan, direct support and referral to wellbeing professionals and support services.

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

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### Reporting Obligations

As members of a community, everyone has a moral obligation to protect any child under our care and supervision from reasonably foreseeable harm.

School staff members play a critical role in protecting children and must meet their legal obligations to identify, respond and report child abuse.

The easiest way to comply with your legal and moral obligations is to remember that you must report any reasonable suspicion that a child has been abused, or is at risk of being abused, by following the Four Critical Actions.

This includes abuse that has, or is suspected to have, taken place within or outside of school grounds and hours.

All school staff members have a duty to take reasonable steps to protect children under your care and supervision from harm that is reasonably foreseeable.

Your duty of care also extends to students who are:

#### **Aged 17 years and over**

In circumstances where you suspect that a student over the age of 17 is subject to abuse you should still follow the Four Critical Actions for Schools. Although DHHS Child Protection generally work with children under 17 they can still be contacted with concerns relating to students 17 and over for referral and advice. Other services, such as the Orange Door, can provide services and support to adolescents.

### Concern about behaviours in a Dance Studio Setting

When a parent or guardian is concerned about general behaviours in a dance studio setting:

- Encourage a discussion with the studio principal to address concerns
- If the principal will not act, the parent may consider the following options:
  - a) If the school is part of a syllabus organisation, report directly to the entity. Teachers or schools become members to teach a syllabus and enter students into examinations and competitions. Without membership, schools may lose reputation, students, and financial security.
    - Australian Academy of Theatrical & Ballet Dancing <https://www.aatbd.com.au/>
    - Australian Teachers of Dancing <https://www.atod.net.au/>
    - Australian Dance Vision <https://www.adv.org.au/>
    - Australian Institute of Classical dance <http://www.ballet.org.au/wordpress/>
    - Australian Irish Dancing Association <https://www.aidainc.com/>
    - Australasian Dance Association <https://www.adatahre.com.au/>
    - Cecchetti Ballet Australia <http://www.cecchettiballet.org/>
    - Commonwealth Society of Teachers of Dancing <https://comdance.org/>

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- International Society of Teachers of Dancing <https://www.istd.org/home/>
  - Royal Academy of Dance <https://au.royalacademyofdance.org/>
  - Southern Federation of Dance Inc. <http://www.dancesfd.asn.au/>
  - State Dance Association Inc: <https://www.statedanceassociation.com.au/>
  - Teachers of Australian Academy of Dancing <http://www.taad.com.au/>
  - DanceSport Australia <https://dancesport.org.au>
  - Australian Dancing Board <http://www.adb.org.au/>
  - Australian Dancing Society Ltd <https://www.australiandancingsociety.com.au/>
  - Australian Institute of Dancing <https://www.aiddance.com/>
  - Australian National Dance Association (ANDA)  
<https://www.danceanda.com.au/>
  - Crown International Dance Association Inc.  
<https://www.crowndanceevents.com.au/about-cida/>
  - Federal Association of Teachers of Dancing (FATD)  
<https://www.fatd.com.au/about>
- b) Withdraw the student from the school and seek a school that matches the family's values and expectations. Ausdance Vic has provided a guide for parents on choosing an appropriate school: How to choose a dance school for your child factsheet #20 <https://ausdance.org.au/articles/details/choosing-a-dance-school-for-your-child>

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### Victim Support Services

Where a matter has been raised, reported to the police and is under investigation, there can be a period of time where the victim and their family and friends need advice and support.

Ausdance Vic are not qualified to provide support for victims.

Organisations offering support for people in these situations include:

- Kids Helpline 1800 551 800
- Lifeline 131 114
- Child Protection Crisis Line 131 278 (24 hours)
- Sexual Assault Crisis Line (after hours) free call 1800 806 292
- Gatehouse Centre, Royal Children's Hospital on 03 9345 6391 (24 hours)
- Safe Steps Family Violence Response Centre 1800 015 188
- Alannah and Madeline Foundation <https://www.amf.org.au/>
- Australian Childhood Foundation <https://www.childhood.org.au/>