







## What must be reported?

Reasonable grounds to suspect that a child has been or is being abused or neglected; and the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties

Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse
- Emotional/ psychological abuse
- Neglect

## Legal provisions

Sections 6, 10 and 11 of the Children's Protection Act 1993 (SA)

## Victoria

### Who is a mandated reporter?

Registered medical practitioners Nurses Midwives Teachers	It is important to remember that in Victoria, any adult who has a reasonable belief that sexual abuse has occurred must report to the police.	Early childhood teachers School Principals Police Officers
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## What must be reported?

Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(1)(c) or 162(1)(d), formed in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as soon as practicable after forming the belief and after each occasion on which he or she becomes aware of any further reasonable grounds for the belief

A reasonable belief that a sexual offence has been committed in Victoria against a child under the age of 16 years by another person of or over the age of 18 years must disclose that information to a police officer as soon as it is practicable to do so, unless the person has a reasonable excuse for not doing so. Failure to disclose the information to police is a criminal offence.

## Abuse and neglect types that must be reported

- Physical injury
- Sexual abuse
- Sexual offence

## **Legal provisions**

Sections 182(1) (a)-(e), 184 and 162(c)-(d) of the Children, Youth and Families Act 2005 (Vic.)

Section 327 of the Crimes Act 1958

## **Failure to disclose offence**

Reporting child sexual abuse is a community-wide responsibility. Accordingly, a new criminal offence has been created in Victoria that imposes a clear legal duty upon all adults to report information about child sexual abuse to police. The offence commenced on 27 October 2014.

Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 has an obligation to report that information to police. Failure to disclose the information to police is a criminal offence.

## **Failure to Protect**

The offence applies 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.

For further reading on failure to protect:

<http://www.justice.vic.gov.au/home/safer+communities/protecting+children+and+families/failure+to+protect+offence>

## **New South Wales**

The NSW Government has reformed laws to better protect children. These changes take effect from 31<sup>st</sup> August 2018 and have been made with the passage of the Criminal Legislation Amendment (Child Sexual Abuse) Act 2018 (the Amendment Act) in June 2018. Provisions of the Amendment Act introduce new offences for failure to reduce or remove a risk of child abuse, and failure to report child abuse.

### **Failure to protect**

The new section 43B of the Crimes Act commences on 31 August 2018. From this date, an adult working in an organisation that engages adult workers to engage in child related work will commit an offence if he or she knows another adult working there poses a serious risk of abusing a child (under 18 years), he or she has the power to reduce or remove the risk, and he or she negligently fails to do so.

### **Failure to report**

From 31 August 2018, all adults in NSW will be required to report information to Police if they know, believe or reasonably ought to know that a child (under 18 years of age) has been physically or sexually abused. Failing to report information to Police without a reasonable excuse will be punishable by up to two years' imprisonment, or five years' imprisonment if the person has accepted a benefit in exchange for failing to report.

### **Who is a mandated reporter?**

<p>A person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children.</p>	<p>A person who holds a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children</p>
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### **What must be reported?**

Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work.

### **Abuse and neglect types that must be reported**

- Physical abuse
- Sexual abuse
- Emotional/ psychological abuse
- Neglect
- Exposure to domestic violence

### **Legal provisions**

Sections 23 and 27 of the Children and Young Persons (Care and Protection) Act 1998 (NSW)

## Tasmania

### Who is a mandated reporter?

Medical practitioners; registered or enrolled nurses; persons registered under the Health Practitioner Regulation National Law (Tasmania) in the midwifery, dental (dentists, dental therapist, dental hygienist or oral health therapist) or psychology professions; police officers	Probation officers; principals and teachers in any educational institution including kindergartens; persons who provide child care or a child care service for fee or reward; persons concerned in the management of an approved education and care service, within the meaning of the Education and Care Services National Law (Tasmania) or a child care service licensed under the Child Care Act 2001	Any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in, a government agency that provides health, welfare, education, child care or residential services wholly or partly for children, and an organisation that receives any funding from the Crown for the provision of such services; and any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons
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### What must be reported?

A belief, or suspicion on reasonable grounds, or knowledge that: a child has been or is being abused or neglected or is an affected child within the meaning of the Family Violence Act 2004 (a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence); there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or while a woman is pregnant that there is reasonable likelihood that after the birth of the child the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside, or that the child will require medical treatment or other intervention as a result of the behavior of the woman or another person with whom the woman resides or is likely to reside, before the birth of the child

### Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse
- Emotional/ psychological abuse
- Neglect
- Exposure to family violence

### Legal provisions

Sections 3, 4 and 14 of the Children, Young Persons and Their Families Act 1997 (Tas.)

## Queensland

### Who is a mandated reporter?

<p>An authorised officer, a public service employee employed in the department, a person employed in a departmental care service or licensed care service</p>	<p>Relevant persons: Doctors; School staff; registered nurses; teachers; a police officer who, under a direction given by the commissioner of the police service under the <i>Police Service Administration Act 1990</i>, is responsible for reporting under this section; a person engaged to perform a child advocate function under the <i>Public Guardian Act 2014</i>; early childhood education and care professionals.</p>
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### What must be reported?

Has a reasonable suspicion that a child in care (a child placed in the care of an entity conducting a departmental care service or a licensee) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse.

Has a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.

Awareness or reasonable suspicion that a child has been or is likely to be sexually abused; and the suspicion is formed in the course of the person's employment.

### Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse

### Legal provisions

Part 1AA, Section 13f of the *Child Protection Act 1999 (Qld)*

Sections 364, 365, 365A, 366, 366A of the *Education (General Provisions) Act 2006 (Qld)*

## Australian Capital Territory

### Who is a mandated reporter?

<p>A person who is: a doctor; a dentist; a nurse; an enrolled nurse; a midwife; a psychologist; a teacher at a school; a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the <i>Education Act 2004</i>;</p>	<p>a police officer; a person employed to counsel children or young people at a school; a person caring for a child at a child care centre; a person coordinating or monitoring home-based care for a family day care scheme proprietor</p>	<p>a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families; the public advocate; an official visitor; a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation</p>
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### What must be reported?

A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the belief arises from information obtained by the person during the course of, or because of, the person's work (whether paid or unpaid)

### Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse

### Legal provisions

Section 356 of the *Children and Young People Act 2008 (ACT)*

## Northern Territory

### Who is a mandated reporter?

Any person. A health practitioner or someone who performs work of a kind that is prescribed by regulation

### What must be reported?

A belief on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation.

Reasonable grounds to believe a child aged 14 or 15 years has been or is likely to be a victim of a sexual offence and the age difference between the child and offender is greater than 2 years.

- Abuse and neglect types that must be reported
- Physical abuse
- Sexual abuse or other exploitation of the child
- Emotional/ psychological abuse Neglect
- Exposure to physical violence (e.g., a child witnessing violence between parents at home)

### Legal provisions

Sections 15, 16 and 26 of the *Care and Protection of Children Act 2007 (NT)*

Section 26(2) of the *Care and Protection of Children Act 2007 (NT)*

### Western Australia

#### Who is a mandated reporter?

Doctors; nurses and midwives; teachers or boarding supervisors; and police officers.	The Principal Registrar, a registrar or a deputy registrar; family counsellors; family consultants; family dispute resolution practitioners, arbitrators or legal practitioners independently representing the child's interests.
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### What must be reported?

Belief on reasonable grounds that child sexual abuse has occurred or is occurring and forms this belief in the course of the person's work, whether paid or unpaid.

Reasonable grounds for suspecting that a child has been: abused, or is at risk of being abused; ill treated, or is at risk of being ill treated; or exposed or subjected to behaviour that psychologically harms the child.

#### Abuse and neglect types that must be reported

- Physical abuse
- Sexual abuse
- Neglect



Psychological harm including (but not limited to) harm caused by being subjected or exposed to family violence.

### **Legal provisions**

Sections 124A and 124B of the *Children and Community Services Act 2004*

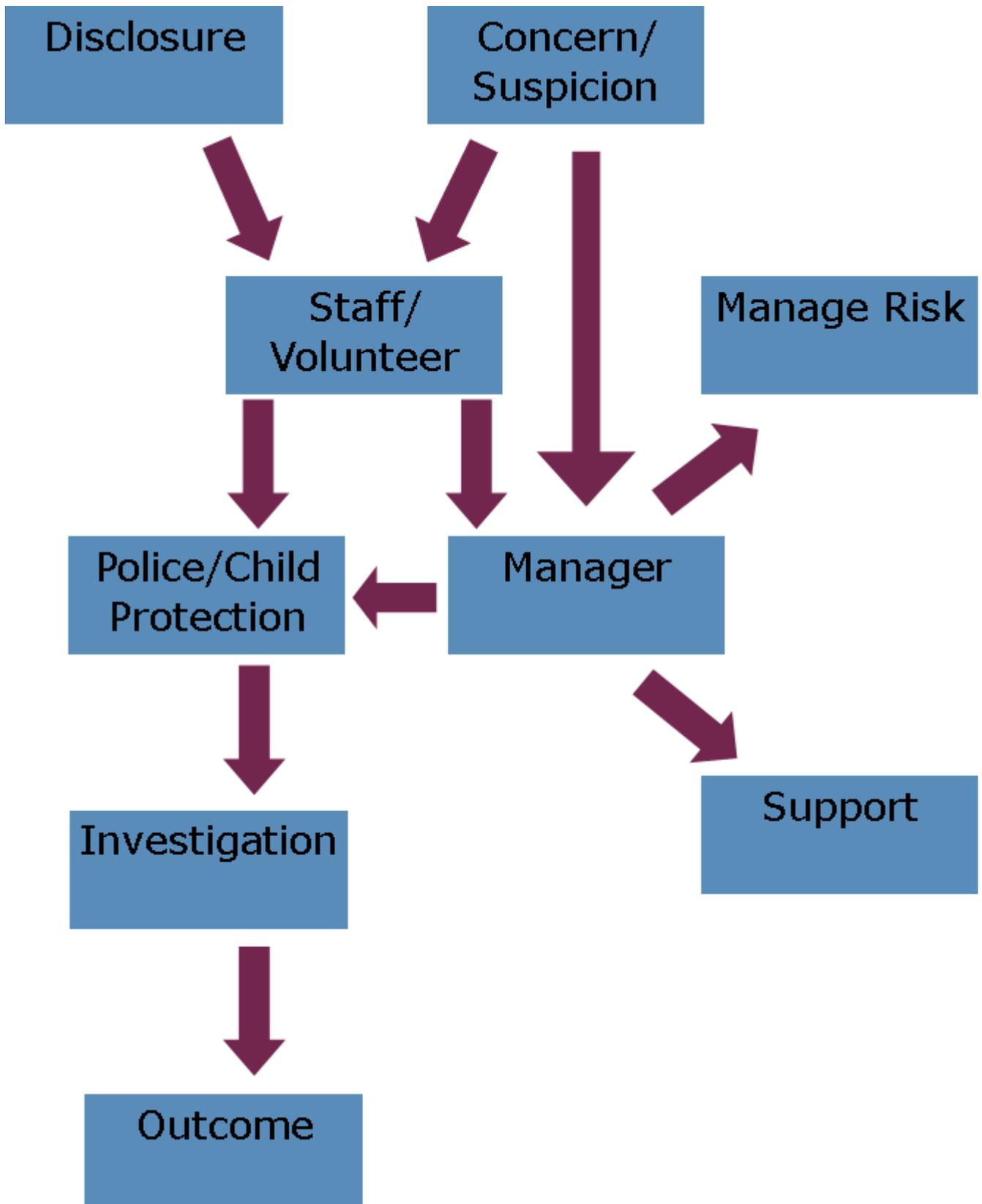
Sections 5, 160 of the *Family Court Act 1997 (WA)*

### **Commonwealth Law**

In addition to state and territory laws, the *Family Law Act 1975 (Cth)* creates a mandatory reporting duty for personnel from the Family Court of Australia, the Federal Circuit Court of Australia and the Family Court of Western Australia. This includes registrars, family consultants and counsellors, family dispute resolution practitioners or arbitrators, and lawyers independently representing children's interests. Section 67ZA states that when in the course of performing duties or functions, or exercising powers, these persons have reasonable grounds for suspecting that a child has been abused, or is at risk of being abused, the person must, as soon as practicable, notify a prescribed child welfare authority of his or her suspicion and the basis for the suspicion.



### Responding to complaints/disclosures and concerns process



## Responding to concerns and disclosures

### Receiving a disclosure of abuse or neglect from a child

#### DO

- Try to stay calm and in control
- Listen carefully to the child and what they are saying, letting them use their own words. Tell them they have done the right thing by telling you,
- Assure them that this is not their fault and they are not responsible for the abuse,
- Let the child know what will be happening next,
- Tell them that you are pleased they have told you,
- Advise SOTW Child Safe Officer or Managing Director and report to the Police or Child Protection.

#### DO NOT

- **Make promises you cannot keep**, such as promising that you will not tell anyone,
- **Push the child into giving details** of the abuse. Your role is to listen to what the child wants to tell you and make observations – not to conduct an investigation,
- Become **overly emotional, upset or angry** in front of the child,
- **Ignore, disbelieve or downplay** what the child has told you,
- **Indiscriminately discuss** the circumstances of the incident with others not directly involved with the child.

### Receiving a concern or suspicion from an adult

Ask as many questions as possible to get a good idea about the concern.

Record everything including who made the allegation. Complete the incident reporting form.

Ask if they have any evidence that can be presented.

A SOTW Ltd staff member should call the student and check if everything is okay. They should not try and force information from the child but ensure they have presented themselves as a point of contact and reminded the student of their options for disclosing any abuse. The chaperone is best person as can speak to the student in their native tongue and can ensure clear communication.

Concerns should not be passed on to the host without clearance from police or appropriate authority (e.g. child protection).

The chaperone should present all relevant information to SOTW Ltd in a non-biased manner (even if they themselves do not believe the concern or suspicion to be founded)

### 1. Advise the appropriate authorities

Call whichever department is appropriate (refer to the important phone numbers provided in this document) and report all information. Even if there was a suspicion with no disclosure or this should still be reported. The employee can first report to the Managing Director unless the case is an emergency (refer to important phone numbers provided in this document).

The relevant department will investigate and provide an outcome for the case.

### 2. Advise the Managing Director of SOTW Ltd (if this has not already been done)

The managing director can be contacted on 0416 264 938 or via email [sandeep@studentsoftheworld.com.au](mailto:sandeep@studentsoftheworld.com.au). The Managing Director must ensure that all possible information has been collected by the witness, victim and/or employee who received the information\*, that relevant authorities have been contacted and that an internal report is developed on an incident report form.

\*the manager should contact the witness or employee to gain this information. They should avoid making the child disclose (potentially again) and instead oversee the report being made by the person who received the disclosure or witnessed the incident.

### 3. Risk management

Ensure the child is removed from harm and taken to a safe place if their host residence is not/no longer safe. This should be done with the assistance of police or child protection.

### 4. Ongoing child support

Ensure the parents/caregivers are contacted and advised. The child should have access to speak with their parents to discuss the options regarding whether they would like to remain in the country or return home. The child will then remain with a Students of the World representative until such time that a decision has been made.

If the child is comfortable to stay in the country, they must be found a new host family (to be selected accordingly)

Child must have access to a counsellor and all relevant help that can be provided.

SOTW Ltd Managing Director must keep in contact with both the parents and the student to ensure that the situation is under control and any further risk to the child has been reduced as much as possible.



## Important Phone Numbers

If you need to report an offence that requires immediate police or ambulance attention:

Call - 000

Reporting contacts (by state):

ACT	VIC	QLD	TAS
<p><b>Child and Youth Protection Services (CYPS).</b></p> <p>A concern for a child can be reported online through <a href="#">Child Concern Report Form</a>.</p> <p><a href="#">General Public Phone</a> 1300 556 729 (24/7).</p> <p><a href="#">Mandated Reporter Phone</a> 1300 556 728 (24/7).</p> <p>After Hours Crisis Service: 1300 556 729</p>	<p><b>Child Protection: The Department of Health and Human Services (DHHS).</b></p> <p><a href="#">Intake Divisions (9am-5pm)</a> North: 1300 664 977 South: 1300 655 795; East: 1300 360 391 West (metro): 1300 360 391 West (rural and regional): 1800 075 599</p> <p>After-Hours Child Protection Emergency Service: 13 12 78</p> <p>If a person has a reasonable belief that a child has been sexually abused, you must report that information to police.</p>	<p><b>Child Safety Services: Department of Child Safety, Youth and Women</b></p> <p><a href="#">Child Safety Services Enquiries Unit</a>: 1800 811 810</p> <p><a href="#">Regional Intake Services 9am-5pm (Monday-Friday)</a></p> <p>Brisbane: 1300 682 254 Central: 1300 703 762 Far North: 1300 684 062 Ipswich: 1800 316 855 North Coast: 1300 703 921 North QLD: 1300 706 147 South East: 1300 679 849 South West: 1300 683 390</p> <p><a href="#">After Hours Service Centre</a> 1800 177 135 07 3235 9999</p>	<p><b>Child Safety Service: Department of Health and Human Services (DHHS).</b></p> <p><a href="#">Phone</a>: 1300 737 639</p> <p>An <a href="#">online notification form</a> is also available for use in non-urgent circumstances.</p>



WA	SA	NT	NSW
<p><b>Child Protection: Department of Communities, Child Protection and Family Support.</b></p> <p><u>Phone</u> 1800 273 889 (business hours)</p> <p>9223 1111 (Crisis Care Unit)</p> <p><u>Email:</u> <a href="mailto:cpduty@cpfs.wa.gov.au">cpduty@cpfs.wa.gov.au</a></p>	<p><b>Department for Child Protection.</b></p> <p><u>Phone:</u> South Australia has a 24/7 Child Abuse Report Line: 131 478</p>	<p><b>Community Support and Care.</b></p> <p><u>Phone:</u> Child Abuse Hotline: 1800 700 250</p> <p>Crime Stoppers: 1800 333 000</p>	<p><b>Child Protection: Family and Community Services.</b></p> <p><u>Phone:</u> Child protection helpline: 132 111</p> <p><u>Police:</u> General Inquiries</p>

## Responding to complaints

1. Receive a written or verbal complaint from a student, host family member or school.
2. Complaint should be acknowledged with a response within 24hours. The response should confirm that it has been understood and how the complainant will be informed throughout the process. If the complainant wishes to remain anonymous then they may do so.
3. Action must be taken within 48hrs and resolved as quickly as possible.
4. The process must be recorded in a report spreadsheet. The report must include all dates, times and people involved with details of the complaint and process to resolve it.
5. Once the complaint is resolved Students of the World should keep in touch to ensure that the issue has no ongoing problems for the student or host family.
6. The complaint form should be saved with the student profile in the server.