

Child Protection Victoria

Reporting Child Abuse



The Victorian Government introduced legislation in mid 1993 which will require many professionals to notify Child Protection Victoria if they have reasonable grounds to believe that a child is at risk of sexual abuse or physical injury resulting from abuse or neglect. Other Australian states, apart from Western Australia, already have legislation requiring certain professionals to report child abuse. This law is commonly referred to as the mandatory reporting of child abuse.¹

What is the purpose of mandatory reporting?

Physical injury which results from abuse or neglect and sexual abuse have lasting consequences for the well-being of the children concerned. Research indicates that the long-term negative effects of abuse are lessened if the abuse is detected and stopped during childhood and the child receives assistance and support.

Mandatory reporting legislation clarifies the action expected of professionals who have reasonable grounds to believe that a child is at risk of sexual abuse or physical injury resulting from abuse or neglect. It increases the likelihood that children will receive the best possible help and protection.

Interstate research indicates that an increase in sexual abuse and physical injury notifications occurs with the introduction of mandatory reporting. There is no evidence that mandatory reporting will drive child abuse underground. Experience in New South Wales indicates that the introduction of mandatory reporting has not resulted in an increase in false or unsubstantiated reporting. Professional education has a particularly important role in ensuring appropriate reporting.

¹Children and Young Persons (Further Amendment) Act 1993

Which types of abuse will be mandated?

Physical injury which results from abuse or neglect and sexual abuse will be mandated.

While overall reporting rates in Victoria are similar to those in other states, considerably fewer cases of sexual abuse have been detected in Victoria than in other Australian states which have mandatory reporting. It is evident that many children are currently not being protected from sexual abuse, in particular, and that action is required to increase the rate of reporting.

Physical injury resulting from abuse or neglect and sexual abuse are criminal offences. Perpetrators of physical injury resulting from abuse or neglect and sexual abuse may be liable to criminal charges as a result of their actions.

Where there are concerns that a child is at risk of significant harm from emotional abuse or neglect, these concerns should also be discussed with Child Protection Victoria.

Which professional groups will be mandated?

The following groups will be mandated as they have high levels of contact with children and therefore are most likely to become aware of child abuse:

- nurses and medical practitioners (including psychiatrists);
- preschool, primary and secondary teachers and principals;
- operators, owners and professional employees of children's services centres (including kindergartens);
- social workers, youth workers and welfare workers;
- persons working as Youth and Child Care Officers for the Department of Health and Community Services;
- registered psychologists;
- police officers, parole officers and probation officers.

Nurses, doctors and the police will be mandated from November 1993. The other professional groups will be mandated, in stages, throughout 1994. Professionals will be notified of the date on which they will become mandated notifiers.

What training will be provided for professionals?

Health and Community Services (H&CS) is currently consulting with relevant professional groups regarding the implications of mandatory reporting and training needs. Specific training materials are being developed for each of the mandated groups.

In what situations will notification be mandatory?

Mandated professionals will be required to notify Child Protection Victoria *if they believe on reasonable grounds that a child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected or are unlikely to protect the child from such harm.* In such a situation the person must notify Child Protection Victoria of the belief and of the grounds for it as soon as possible. Reasonable grounds may exist where, for example:

- a child tells the professional that he/she has been physically or sexually abused;
- someone else, such as a relative, friend, acquaintance or sibling of the child, tells the professional that the child has been abused;
- the professional's observations of the child's behaviour or knowledge of children generally leads him/her to believe that the child has been abused; or
- the professional observes signs or indicators of abuse.

What are the signs or indicators of physical injury resulting from abuse or neglect?

Physical abuse refers to a situation in which a child suffers, or is likely to suffer, significant harm from an injury inflicted by the child's parents or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of a child. Physical abuse may take the form of:

- bruises or welts, often of different ages;
- burns, scalds, sprains, fractures, dislocations, bites, cuts;
- lacerations or abrasions; and
- poisoning.

In the most extreme cases physical abuse results in the death of a child.

Physical injury and significant harm to

a child may also result from neglect by a parent or caregiver. The failure of a parent or caregiver to adequately ensure the safety of a child may expose the child to extremely dangerous or life threatening situations which result in physical injury and significant harm to the child.

What are the signs or indicators of sexual abuse?

Child sexual abuse occurs when any person uses his or her power over the child to involve that child in sexual activity. Sexual abuse involves a wide range of sexual activity, including fondling, masturbation, voyeurism, exposure to pornography and sexual intercourse. Children are unable to give informed consent to sexual activity because of their dependence and developmental immaturity.

Indicators can alert us to the possibility of sexual abuse and the need for further investigation and include:

- sexual behaviour inappropriate to the child's age, development and vocabulary level;
- sexual themes and fears in the child's conversation, artwork, stories or play;
- complaints of pain or itching in the genital area;
- injury to the genital area; and
- reluctance to go to a certain place or be with a certain person.

How to Notify

To notify suspected child abuse, contact should be made with the nearest Child Protection Unit to speak with a Child Protection Worker. If you need to notify after office hours or at the weekend, contact the 24 Hour Child Protection Crisis Line on 131 278. Whenever possible, the following details should be provided:

- the child's name, age, address and present location;
- the reason for the report (as factual and specific as possible);
- details of the family's situation.

It is not necessary to obtain permission to report concerns, although some

Departments or agencies may require staff to follow certain procedures.

Can notifiers be sued?

Existing provisions of the Children and Young Persons Act provide that a person who has made a notification in good faith is not subject to any liability for defamation or breach of confidence, and that such a notification does not constitute a breach of ethics.

The identity of the notifier is not revealed by the protective worker unless written permission is given by the notifier.

What happens after notification?

When a notification is made to Child Protection Victoria, an investigation will commence. A senior protective worker will decide whether the case should be investigated further. The notifier will be advised of this decision.

If, on the basis of information provided, there is considered to be a risk of significant harm to the child, Child Protection Victoria will visit the child and family.

An assessment will be undertaken of: the nature and level of risk to the child; what needs to change to ensure the child's safety; how likely it is that change will take place; and the services and supports which would reduce the risk. Notifiers will also be advised of the outcome of the investigation.

Where possible, Child Protection Victoria will work with the child within the family. Only when a child's safety cannot be guaranteed will the child be removed from the parents' care. If necessary, the protective worker can take the matter before the Children's Court.

Will the police be involved?

Protective Services will involve the Police in a criminal investigation of situations of sexual abuse or serious physical injury. The police will decide whether charges should be laid against the abuser.

For more information contact your local Child Protection Victoria office, or the Community and Professional Education Unit on (03) 412 7751.