

Reporting information about child sexual abuse

Practice Guide – issued April 2015

Purpose

This practice guide provides instruction for complaints management staff on the process to report information about child sexual abuse.

How to use this document

This document should be read in association with the following documentation:

- *Betrayal of Trust: Fact Sheet - The new 'failure to disclose' offence*
Available on the Department of Justice and Regulation internet
- *Failure to disclose offence fact sheet for DHS staff and funded organisations*
- *Child Protection Practice Manual – Advice no 1008 Abuse and harm – legal and practice definitions*
Available on the Department of Health and Human Services internet

Overview

On Monday 27 October 2014, a new criminal offence for failure to disclose child sexual abuse came into force.

The new offence requires that any adult who holds a reasonable belief that sexual offence has been committed in Victoria by an adult against a child (aged under 16) has an obligation to report that information to **police**, unless they have a reasonable excuse.

The new offence applies to all adults, not just professionals who work with children. This means that all departmental staff and funded organisations are required to report to police a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria (unless they have a reasonable excuse).

This offence has been introduced as part of the *Crimes Act 1958*, in response to a recommendation in Betrayal of Trust, the report of the Victorian Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-government Organisations.

Disclosure of child sexual abuse as part of the complaint management process

During the process of lodging a complaint, a complainant may disclose information about a sexual offence against a child. The following steps detail the process for managing this disclosure in accordance with the obligation to report that information to police.

NOTE: This practice guide should be read in conjunction with Department of Justice and Regulation *Failure to disclose offence* fact sheet and *Fact sheet for Department of Human Services staff and funded organisations*.

Process Flow for DHHS staff - Disclosure of child sexual abuse

Step 1	Complainant makes a disclosure of a child being sexually abused	
Step 2	Ask complainant "has this information been reported to Police / DHS Child Protection?"	
	No I have not reported this to the Police or Child Protection	Yes , I have told the Police or Child Protection
Step 3	DHHS staff member to advise the complainant: <ul style="list-style-type: none"> any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child (aged under 16) has an obligation to report that information to the Police as an employee of DHHS you are obligated to report this information to the Police* 	NFA
Step 4	DHHS staff member to obtain the following information: <ul style="list-style-type: none"> Complainant name / contact details First name / surname / DOB /address of child/ren Details of perpetrator and alleged sexual abuse (if known) e.g. date, location Any other relevant information 	
Step 5	DHHS staff member to go to: Child Protection contacts page on the www.dhs.vic.gov.au website <ul style="list-style-type: none"> Enter child's suburb to determine which divisional intake number you will contact 	
Step 6	DHHS staff member to call intake area, state: <ul style="list-style-type: none"> Your name, position and location That a disclosure of a child being sexually abused has been made during a complaint that you are managing. Information obtained from complainant re: disclosure (step 4). That it is "my understanding new allegation on open case" Seek assurance this report is recorded as such and that Vic Police will be notified as per the protocol 	
Step 7	Complete file note that report has been made to CP intake on dd/mm/yy	

* The obligation to report does not apply where the information comes from a person aged 16 or over and this person requests that the offence not be reported. An exception to this is when the person has an intellectual disability and does not have the capacity to make an informed decision about whether or not the information should be disclosed.