



Title: Disclosure Management Policy

Purpose

Under the National Framework, protecting children is everyone’s responsibility: parents, communities, governments, and businesses all have a role to play.

CREATE is not considered a mandatory reporter; however, as an organisation committed to the safety and wellbeing of children and young people, CREATE operates under the assumption that all disclosures of abuse and neglect will be reported appropriately to the relevant authorities.

This policy is designed to assist CREATE employees, volunteers, and contractors to:

- identify the indicators of a child or young person who may be in need of protection;
- understand how a “reasonable belief” is formed; and
- make a report of a child or young person who may be in need of protection.

Note: When a child or young person discloses abuse by, or is witnessed to be abused by a CREATE Board member, employee, contractor or volunteer, refer to the *Child Protection Policy* for procedures to be implemented.

Policy Statement

CREATE Foundation is unique in that its consumers are children and young people with a care experience and as such, have generally experienced abuse or neglect that led to them being placed within the care system. Therefore, these children and young people are highly vulnerable.

CREATE is committed to ensuring the safety and wellbeing of children and young people and this policy provides guidance for employees, volunteers, and contractors to respond appropriately to disclosures of harm or risk of harm. This policy covers children and young people up to and including 25 years of age.

Authority

- Children and Young People Act 2008 (ACT)*
- Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- Care and Protection of Children Act 2007 (NT)*
- Child Protection Act 1999 (QLD)*
- Children and Young People (Safety) Act 2017 (SA)*
- Children, Young Persons and their Families Act 1997 (TAS)*
- Children, Young Persons and their Families Amendment Act 2013 (TAS)*
- Children, Youth and Families Act 2005 (VIC)*
- Children and Community Services Act 2004 (WA)*

Policy Approved by Board of Directors	October 2018
Dates Reviewed:	Oct-20; Oct-21

Principles

- CREATE is committed to promoting and protecting at all times the best interests of children and young people involved in its programs and activities.
- CREATE adopts and applies the National Child Safe Organisation Principles, creating a culture, adopting strategies, and taking action to promote child wellbeing and preventing harm to children.
- All children, regardless of their gender, race, religious beliefs, age, disability, sexual orientation, or family or social background, have equal rights to protection from abuse.
- CREATE has zero tolerance for child abuse.
- Child protection is a shared responsibility between CREATE, all employees, volunteers, and contractors.
- CREATE is committed to a physically, psychologically, and emotionally safe and supportive environment for all children, employees, volunteers, and contractors.
- CREATE is committed to the cultural safety of Aboriginal and Torres Strait Islander children, and those from culturally and/or linguistically diverse backgrounds, and to providing a safe environment for children with a disability.

Definitions

Child refers to a person below the age of 18 years.

Young Person refers to a person with a care experience aged between 18 and 25 years.

Child protection refers to any responsibility, measure, or activity undertaken to safeguard children from harm.

Child abuse includes all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment, commercial (i.e., for financial gain) or other exploitation of a child and includes any actions that result in actual or potential harm to a child.

Employees refer to paid employees of CREATE foundation.

Volunteers refer to unpaid volunteers who contribute their time and skills to CREATE.

Contractor refers to a person who provides contracted expert advice for the CREATE Foundation, for a period of time stipulated within a contract and has direct contact with children and young people.

National Manager refers to the following roles: CEO, Operations Manager, Development and Operations Manager, and Influencing Manager.

Harm to a child is any action or experience that can adversely affect the child's physical, psychological, or emotional wellbeing.

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g., rape) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at pornographic material, or in the production of pornographic material, or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Reasonable belief can be said to occur when a belief is formed, based on reasonable grounds, that child abuse has occurred, when all known considerations or facts relevant to the formation of the belief are taken into account and these are objectively assessed. Circumstances or considerations may include the source of the allegation and how it was communicated, the nature of and details of the allegation, and whether there are any other related matters known regarding the alleged perpetrator.

A reasonable belief is formed if a reasonable person believes that:

- (a) The child is in need of protection; or
- (b) The child has suffered or is likely to suffer "significant abuse".

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A “reasonable belief” or “reasonable grounds for belief” is not based on the same standards as having proof, but it is more than mere rumour or speculation.

A “reasonable belief” is formed if a reasonable person in the same position would have formed the belief on the same grounds. For example, a “reasonable belief” might be formed if:

- (a) A child states that they have been abused;
- (b) A child states that they know someone who has been abused (sometimes the child may be talking about themselves);
- (c) Someone who knows a child states that the child has been abused;
- (d) Professional observation of the child’s behaviour leads an employee to form a belief that the child has been abused;
- (e) Signs of abuse lead to a belief that the child has been abused.

Risk Management

CREATE will ensure that child safety is a part of its overall risk management approach. CREATE’s Leadership Committee is committed to identifying and managing risks at CREATE and identifying them through the Risk Register, the contents of which are reported regularly to the Board.

CREATE will ensure all employees, contractors and volunteers are appropriately skilled in implementing the organisation’s Child Protection and Disclosure Policies as part of the induction process and in an ongoing manner through staff training and development.

Disclosure of harm

A disclosure is when a child or young person tells someone that they have experienced some form of abuse and/or neglect by another person. Disclosure may occur on one occasion or sometimes, as a revelation over time.

It is important to act promptly and in accordance with CREATE policy in the event a disclosure of harm is received from a child or young person, irrespective of the alleged source of harm.

Employees, contractors and volunteers have a duty of care to report any disclosure of harm or potential risk of harm to children and young people accessing CREATE’s services. This includes disclosures made face-to-face, over the phone, through electronic channels, and through surveys and consultations.

Safety is paramount for children and young people and the priority is the immediate safety of the child or young person post-disclosure. The child or young person must be advised what will happen with the information they have provided and be advised of CREATE’s obligation to report these concerns to the relevant authorities.

Suspicion of harm without direct disclosure

CREATE employees, contractors and volunteers may suspect the harm of a child or young person, in the absence of a disclosure being made by a child or young person. Some may show signs of abuse through their behaviour, emotions, or physical appearance. Signs of abuse and neglect may include physical, sexual, or emotional indicators. These factors do not mean the child is being harmed, but can make employees, volunteers, and contractors aware of the possibility that the child may be at risk. CREATE’s Child Protection Policy and Child Protection Practice Guide outline the processes and procedures to follow at the first suspicion of harm.

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Reporting of disclosure or suspicion of harm

When to report to Police

If a child or young person **under the age of 18** is at imminent risk of harm (particularly in a life-threatening situation), the suspected incident must be reported immediately to the Police by dialling 000. If necessary, an ambulance may also be called by dialling 000.

If a young person **over the age of 18** is in a life-threatening situation, the incident must be reported immediately to the Police by dialling 000. If necessary, an ambulance may also be called by dialling 000. If a young person over the age of 18 discloses historical harm, or has been the victim of a crime, the young person should be encouraged to explore options that would assist them to be safe. This may include reporting to Police.

Who can make a notification to Child Protection Authorities?

State Coordinators and National Managers are responsible for making all reports reports/notifications to statutory bodies and Police. If a disclosure is identified by an employee, contractor or volunteer, it must be escalated to the State Coordinator or National Manager to review and follow process for appropriate notification and reporting.

When to make a notification to child protection authorities

Child protection is everybody's responsibility. State/territory child protection authorities must be informed if there is a reasonable belief that a child (including an unborn child) has suffered, is suffering, or is at unacceptable risk of suffering significant harm. A report must be made to child protection authorities immediately if there is concern for the safety and wellbeing of a child or young person and warrants a notification response.

Most of the children and young people that CREATE engages with have experienced harm or were at risk of harm. When a child or young person CREATE is involved with discloses some form of harm, it may be an historical issue and may have already been dealt with by child protection services. Generally, where an incident of abuse and/or neglect is historical in nature and employees, volunteers, or contractors have been advised that the issue was previously reported, an immediate notification to child protection departments is not required.

For cases of historical disclosures of abuse, State Coordinators and National Managers are to check with the CEO or delegated National Manager who will check the Notification Record Register to confirm if CREATE has previously made a notification to the child protection authorities. If CREATE has previously made a notification to the relevant child protection authority for the same issue, this information is to be noted on the Suspected Disclosure Form by the State Coordinator or National Manager and a reference made in the Notification Record Register by the CEO or delegated National Manager.

If a report has been made to the Police by a State Coordinator or National Manager and the child /young person is under 18, then the disclosure must also be reported to the child protection authority in the appropriate state/territory by the State Coordinator or National Manager as soon as possible and no longer than 4 hours after being made aware of a report being made to the Police. If the report has been received after business hours, then the after-hours line to the relevant authority must be used to lodge the report as per the requirement of the child protection authority in each state or territory.

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Where the report is historical in nature, and the incident has not previously been reported, then a report/notification is to be made to the relevant state/territory authority the State Coordinator or National Manager by 5pm the business day after the staff member became aware of the disclosure.

Where an employee, volunteer or contractor is unsure if the abuse has been previously reported to relevant child protection authority, or where an employee, volunteer, or contractor holds continuing concerns about a child or young person under 18 years of age who has disclosed abuse or neglect, they are to contact the State Coordinator or National Manager within 4 hours of disclosure being made to report to the relevant child protection authority .

In the instance of a disclosure, by a person 18 years of age and over, of harm that occurred whilst in care, if the employee, volunteer, or contractor holds concerns about other children or young people who may be connected with the carer or worker in question, an immediate notification to the State Coordinator or National Manager is required who then will report to the relevant child protection authority.

CREATE's position is that employees, contractors and volunteers need to be cautious, and report concerns to child protection authorities based on their observations and experience as these authorities have the ultimate responsibility for investigating and following up the concerns if warranted. Assessing the urgency or significance of a disclosure in relation to harm of a child is not the responsibility of CREATE staff. (Refer to the *Child Protection Practice Guide* for further information.)

Up-to-date contact details for the statutory child protection departments with responsibility for receiving and responding to reports of child abuse can be found here: <https://aifs.gov.au/cfca/publications/cfca-resource-sheet/reporting-child-abuse-and-neglect>

Record Keeping

When a referral to the Police or notification to relevant state and territory child protection authorities is made, the state office is responsible for ensuring that appropriate documentation is kept and reported to National Office. The CEO or delegated National Manager is responsible for ensuring that documentation is kept up to date.

Record Keeping Documentation

The Suspected Disclosure Form will record the details of disclosure and notification for an individual case. The Notification Record Register will record details of all disclosures and notifications made by National Managers or State Coordinators. Employees, contractors and volunteers are responsible for ensuring these records are provided to their State Coordinator or National Manager, immediately upon the notification or report to Police being made. The National Manager or State Coordinator will forward the completed documentation to the CEO or delegated National Manager (to be identified in the CREATE Contact List) within one business day of disclosure being made. The delegated National Manager will ensure all documentation is completed, processes followed and update the National Record Register and inform the CEO within 4 hours of receiving notification. The delegated National Manager is responsible for managing the spreadsheet of disclosures and ensuring this information is stored in a secure area with access only available to the CEO and the CEO's Personal Assistant and the delegated National Manager.

Where a suspected disclosure is discovered during the conduct of a research project or consultation where information has been provided anonymously (e.g., via online surveys), as per the Consultation Policy (with Children and Young People) contact details required to identify the discloser may not be available and

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therefore the disclosure process as described in this Policy cannot be implemented. Information available will be noted and, where possible, the details forwarded to relevant child protection bodies as soon as practical for their records and attention.

Privacy

All personal information related to the reporting/notification process is confidential and shall be kept in accordance with the *Privacy Management Policy*.

Post Reporting - Wellbeing

The experience of receiving a disclosure from a child or young person can be distressing for employees, volunteers, and contractors. CREATE is committed to the wellbeing of its employees, and any employee, contractor or volunteer who manages a disclosure should liaise with their National Manager or State Coordinator to appropriately debrief following the situation. CREATE also offers counselling services through the Employee Assistance Program (LifeWorks) and any CREATE employee, contractor or volunteer who manages a disclosure is encouraged to utilise this service to debrief.

Links

- Confidentiality Agreement
- Risk Management Policy
- Privacy Management Policy
- Recruitment and Selection Policy
- Code of Conduct
- Code of Ethics
- Performance Development Policy and Guideline
- Child Protection Policy
- Incident Reporting Policy
- Working with Children Check Practice Guide
- Child Protection Practice Guide
- Consultation Policy (With Children and Young People)
- Relevant State or Territory Child Protection Legislation
- Suspected Disclosure Form

Links to External Resources

Responding to children and young people's disclosures of abuse. This document contains information that will help family, friends, other adults and professionals to respond to a child's disclosure of abuse.

<https://aifs.gov.au/cfca/publications/responding-children-and-young-people-s-disclosures-abu>

Responding to children and young people's disclosures of abuse: A chart

<https://aifs.gov.au/cfca/sites/default/files/disclosure-infoqraphic.pdf>

The good practice guide to Child Aware Approaches: Keeping Children Safe and Well. This paper defines Child Aware Approaches, outlines the philosophies and principles underpinning this strategy, and offers case study examples of how the principles can be applied in practice. This paper is intended for service managers and practitioners working with vulnerable children and families, particularly those working in adult-focused service sectors.

<https://aifs.gov.au/cfca/publications/good-practice-guide-child-aware-approaches-keeping-children-safe-and-wel>

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