

LIFE CAMPS AUSTRALIA INCORPORATED

# Policy in Relation to Disclosure of Child Abuse

*All Leaders must follow the procedure set out in this document in the event issues in relation to child abuse arise.*

*Importantly, this document is not a comprehensive discussion of the nature and law in relation to child abuse. Rather it provides an overview of the requirements of Life Camps Australia in relation to any disclosure made by a Camper to a Leader while on a Camp.*

*Further information on this topic is available from websites such as those of the Department of Health and Human Services.<sup>1</sup>*

## DEFINITIONS

- **Belief on reasonable grounds** is a belief that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are considered and 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.
- In Victoria, **child** is a person under eighteen years of age.
- **Child abuse** is an act by an adult (including but not limited to parents or caregivers) that endangers a child or young person's physical or emotional health or development. It is not usually a single incident, although it can be. Child abuse includes all forms of physical abuse, emotional ill-treatment, sexual abuse and exploitation, neglect or negligent treatment,

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<sup>1</sup> For example: <https://providers.dffh.vic.gov.au/mandatory-reporting>

commercial (e.g. for financial gain) or other exploitation of a child and includes any actions that results in actual or potential harm to a child.

- In this document unless otherwise indicated **Leader** means any Leader, Volunteer, Chaplain, Camp Speaker and/or the Camp Organiser and may include an employee of Life Camps Australia.

## INTRODUCTION

- Life Camps Australia is committed to promoting and protecting the interests and safety of all children regardless of their gender, race, religious beliefs, age, disability, sexual orientation, family or social background. It has zero tolerance for child abuse. Every person working for Life Camps Australia (whether paid or unpaid) is responsible for the care and protection of children and is required to report child abuse in accordance with this document.
- Disclosure of child abuse may be made by a person of any age, not just a child.
- The Purpose of this policy is:
  - To minimise the risk of child abuse occurring within Camps and events offered by Life Camps Australia.
  - To promote an organisational culture of child safety.
  - To enable Leaders to be aware of their responsibilities for identifying possible occasions for child abuse and for establishing controls and procedures for preventing such abuse and/or detecting such abuse when it occurs.
  - To provide guidance to Leaders as to action they should take where they suspect any abuse has occurred either within or outside of the organisation.
  - To be clear that any form of abuse is not tolerated by Life Camps Australia.
  - To provide assurance that all suspected abuse will be reported.
- In some situations, a belief on reasonable grounds that a child is in need of protection must be reported.<sup>2</sup>
  - The legal position in relation to mandatory reporting depends on who forms that belief. The person acting as Chaplain or Camp Speaker is a mandatory reporter under the *Children, Youth and Families Act 2005 (the Act)*.
    - *Who is a mandatory reporter?* A person in religious ministry s182(1)(ea).
    - *Who is a person in religious ministry?* A person appointed, ordained or otherwise recognised as a religious or spiritual leader in a religious institution s3(1).

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<sup>2</sup> Children, Youth and Families Act 2005 s184



- *What is a religious institution?* An entity that (a) operates under the auspices of any faith; and (b) provides activities, facilities, programs or services of any kind through which adults interact with children s3(1).
- Therefore, if the Chaplain or Camp Speaker forms a belief on reasonable grounds that a Camper is in need of protection, they must report that belief. Any other Leader at Camp is unlikely to be considered a mandatory reporter under the Act.
- In October 2014 a failure to disclose offence came into effect in Victoria. Therefore, any adult who holds a reasonable belief that a sexual offence has been committed by an adult against a child in Victoria must report that belief to police, unless there is a “reasonable excuse” for not reporting.
  - This offence applies to all adults, not just professionals who work with children.
  - What is considered a “reasonable excuse” is clearly defined.

## **POLICY**

- Life Camps Australia considers that it has a moral responsibility (even in the absence of a certain legal duty) to notify the appropriate agency if any Leader forms a belief on reasonable grounds that a Camper is in need of protection.

## **RESPONSIBILITY**

- **The Board of Life Camps Australia is responsible for ensuring that:**
  - Life Camps Australia promotes a culture of zero tolerance to child abuse; and
  - Appropriate policies and procedures are in place to enable child abuse or any suspicion of it to be dealt with appropriately.
- **The Manager of Life Camps Australia is responsible for ensuring that:**
  - Leaders are aware of relevant laws and organisational policies and procedures including but not limited to the Child Safe Standards that apply to Life Camps Australia;
  - Leaders are aware of their obligations to observe the Code of Conduct;
  - Disclosure of child abuse or a belief on reasonable grounds that a child is in need of protection is reported in accordance with this policy; and
  - Ensuring that any Leader dealing with disclosure of child abuse is provided with appropriate support.
- **The Camp Organisers must:**
  - Promote child safety at all times and provide an environment that is supportive of children’s emotional and physical safety;



- Assess the risk of child abuse within their area of control and minimise risk to the extent it is possible to do so;
- Facilitate the reporting of any inappropriate behaviour or suspected abusive activities; and
- Liaise with the Manager in relation to any incidents or concerns that arise.
- **Leaders should:**
  - Be aware of organisational policies and procedures including but not limited to the Child Safe Standards that apply to Life Camps Australia;
  - Comply with their obligations under the Code of Conduct;
  - Understand what child abuse is and be alert for any indications of such conduct or indicators that a Camper might be or have been subject to such abuse;
  - Report any concerns in accordance with this document.

## COMMONLY RECOGNISED FORMS OF CHILD ABUSE

- **Physical abuse** occurs when a child suffers or is likely to suffer significant harm from an injury inflicted by the child's parent or caregiver. The injury may be inflicted intentionally or may be the inadvertent consequence of physical punishment or physically aggressive treatment of the child.
  - Examples include but are not limited to excessive discipline, severe beatings or shaking.
  - Indicators a child is subject to physical abuse include but are not limited to:
    - *unexplained bruises, burns, bites, broken bones, scars;*
    - *extreme aggression or withdrawal;*
    - *inappropriate clothes for the weather conditions;*
    - *complaints of soreness;*
    - *discomfort with physical contact; and*
    - *emotional problems.*
- **Emotional abuse** occurs when a person repeatedly rejects the child or uses threats to frighten the child and creates an emotional environment which significantly damages the child's physical, social, intellectual or emotional development.
  - Examples include but are not limited constant criticizing, belittling, insulting, rejection, providing no love, support or guidance.
  - Indicators a child is subject to emotional abuse include but are not limited to:
    - *passive and aggressive behavioural extremes;*



- *habit disorders, and*
  - *child sexual abuse.*
- **Sexual abuse** occurs when a person uses power or authority over a child to involve the child in sexual activity. Physical force is sometimes involved. Child sexual abuse involves a wide range of sexual activity.
  - Examples include but are not limited constant sexual physical contact, exposure to pornographic material, child prostitution, oral sex and sexual intercourse.
  - Indicators a child has been subject to sexual abuse include but are not limited to:
    - *physical signs of injuries;*
    - *poor self-esteem and lack of confidence;*
    - *peer problems;*
    - *unusual aversion to physical contact;*
    - *excessive seductiveness and sexualized play inappropriate to the child's age; and*
    - *inappropriate expressions of friendship between the child and an adult.*
- **Neglect** is the failure to provide the child with the basic necessities of life such as food, clothing, shelter, medical attention or supervision, to the extent that the child's health and development is, or is likely to be, significantly harmed.
  - Examples include but are not limited constant failure to provide food, clothing, shelter, medical care, attention, hygiene or supervision.
  - Indicators that a child is neglected include but are not limited to:
    - *consistently hungry or malnourished;*
    - *tired;*
    - *inappropriately dressed for weather conditions; and*
    - *inadequately supervised.*

#### **ISSUES FOR LEADERS TO BE AWARE OF**

- Leaders need to be mindful that a Camper may want to confide information in them.
- Leaders need to understand that they can have a significant influence on a Camper by what they say and do and by how they act or react to a Camper if a Camper confides in them.

#### **WHAT TO DO IF A CAMPER DISCLOSES DETAILS THAT MAY INDICATE CHILD ABUSE**



➤ **The Leader should:**

- look at the Camper directly.
- let the Camper use their own words.
- let the Camper take their time.
- accept what the Camper says.
- tell the Camper the Leader believes the Camper.
- be aware, while they listen, that the Camper may have been threatened.
- tell the Camper that the Camper is not to blame.
- reassure the Camper they have done the right thing by telling the Leader and that the Leader takes what they say very seriously.
- let the Camper know what the Leader is going to do next, who is going to be told and why and roughly what will happen.
- let the Camper know if the Leader intends to make a report to the appropriate authorities.
- finish on a positive note and tell the Camper they are brave and strong for sharing and that the Leader is pleased that the Camper told them.
- as soon as possible afterwards make handwritten notes of exactly what the Camper said, the date and time of the discussion and the context in which the discussion occurred.
- report the discussion to the Camp Organiser at the earliest opportunity.
- discretely monitor the Camper to ensure the Camper is feeling alright after making the disclosure.

➤ **The Leader must not:**

- press the Camper for information;
  - *for example the Leader must not use leading questions or repetitively quiz the Camper.*
- investigate the Camper's claims;
- confront the alleged perpetrator of the abuse;
- make promises to the Camper;
- disclose the content of the disclosure except as authorised by the Camp Organiser;
- under any circumstances ridicule, reject, bully or tease the Camper; or
- engage in behaviour that intimidates or harasses the Camper or that may be perceived by the Camper as intimidation or harassment.



## RESPONDING TO AN ALLEGATION OF ABUSE

- If abuse is disclosed or discovered it is most essential that the Leader:
  - does not delay;
  - does not act alone;
  - does not investigate;
  - consults with the Camp Organiser who will inform the Manager; and
  - if the Camper is in immediate danger, calls the police.

## WHAT TO DO IF A LEADER FORMS A BELIEF ON REASONABLE GROUNDS THAT A CAMPER MAY BE AT RISK OF CHILD ABUSE

- Where:
  - a Leader forms their own belief based on reasonable grounds that a child may be at risk or in danger of child abuse; or
  - a complaint of abuse comes to the notice of a Leader in the form of hearsay or rumour and not from the person who is the subject of the alleged abuse

the matter should be reviewed promptly and discretely by the Camp Organiser and reported to the Manager.

- NOTE: if the alleged abuser is a Leader or the Camp Organiser the Leader must advise the Manager direct and the Manager will review the complaint.
- The Manager, having made such enquiries as are appropriate to determine the basis for the belief formed by the Leader, must then determine whether there is either:
  - a belief on reasonable grounds that the Camper is at need of protection; or
  - there are significant concerns about the wellbeing of the Camper

sufficient to report (see below) and the Manager must keep a record of the reasons they did or did not report the concerns.

- For certainty, if the person acting as Chaplain or Camp Speaker forms a belief based on reasonable grounds that a child may be at risk or in danger of child abuse, that belief must be reported in any event.

## REPORTING

- Life Camps Australia is committed to reporting any **evidence or disclosure of child abuse or any belief on reasonable grounds that a Camper is at need of protection** to Child Protection.



- To report concerns that are life threatening contact Victoria Police: 000
- To report concerns about the immediate safety of a Camper outside of normal business hours, contact Child Protection Emergency Services: 131278
- Where a Camper does not appear to be in need of protection Life Camps Australia is committed to reporting any **significant concerns about the wellbeing of a Camper** to either Child FIRST or The Orange Door.<sup>3</sup>
- Reports to third parties will be made by either the Camp Organisers or the Manager.
- In addition to any report being made to a third party, the Leader must complete an Incident Report so that Life Camps Australia has details of the disclosure or concern on record. The Incident Report will be held in a confidential manner but may be disclosed to authorities if it is necessary and lawful to do so.

## INVESTIGATIONS

- If the appropriate child protection service or the police decide to conduct an investigation into the report, Life Camps Australia will co-operate fully with the investigation.
- If an investigation concludes that on the balance of probabilities an offence (or a breach of the organisation's policies and procedures)
- has been committed by a Leader then disciplinary action may follow.

Last reviewed: *October 2021*

Last reviewed: *February 2023*

*Text added in relation to Failure to Disclose Offence*

Last reviewed: *December 2024*

*ABN details updated*

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<sup>3</sup> <https://providers.dffh.vic.gov.au/mandatory-reporting>

