



MMuDS Reporting Procedure for allegations of Child Abuse

Historically, allegations of child sexual abuse were often handled with denial and concealment, resulting in a tendency to avoid properly investigating the problem. With the spotlight now firmly on child abuse, it is imperative that MMuDS properly responds to any allegations of child abuse (or any misconduct) in order to protect the safety of children in our care, and minimise the risk of a legal claim being made against your organisation.

Different responses will be appropriate depending on the circumstances of the person making the report, and the level of risk or danger that is suspected. Reporters may include:

- A child reporting a concern about a member or volunteer;
- An adult (e.g. a worker or volunteer) reporting a concern about another member or volunteer; and
- A child or adult reporting a problem with a parent or carer, or someone else external to the organisation.

There are many circumstances under which any suspicions about child abuse must be reported to an external authority. It's best practice to default to this action even where law does not require it – to act otherwise may put a child in danger and may leave you open to accusations of a cover up.

Whether a person has engaged with an external body or not, MMuDS should act quickly to minimise any ongoing risks to the child in our care, and to MMuDS personnel or the organisation as a whole. Such actions could include:

- Consulting MMuDS Child Safe Policies and information to ensure any relevant procedures are complied with;
- Standing the accused member/ volunteer down, or transferring them to a position that does not involve contact with children, until an investigation has been concluded;
- Providing appropriate support to the child or children involved (this may involve counselling, special consideration for assessment, or other pastoral care);
- Commencing an internal investigation (as outlined below);
- Reviewing your child protection procedures to determine whether any changes are needed to better protect the children under your care.

Child abuse is an extremely sensitive, risky and legally complex arena. As such, MMuDS will seek urgent expert legal advice before taking any internal investigation. Contact: Moores Legal Services 03 9843 2100 or info@moores.com.au

1. Determine if it is appropriate to undertake an internal investigation at this time

If there is an external body, such as the police or a regulatory body, involved in the matter MMuDS should ask that body how they want you to proceed before undertaking any internal investigation.

Such bodies may, for example, seek your assistance in investigating one aspect of the complaint (e.g. the employment-related misconduct).

Alternatively, you may be advised not to take any action internally until an external investigation is completed.

2. Allegation/s from a complainant – course of action

Any person receiving an allegation of child abuse should obtain and document the specific details regarding the alleged incident that occurred by asking questions such as:

- Can you tell me what happened from the start?
- When and where did the incident occur?
- Did anyone see the incident?
- Who was there?
- What was said/done?
- Use the MMuDS Child Safe Incident Report Form

Where the complaint amounts to a reasonable suspicion based on circumstantial evidence – and such a complaint is quite legitimate – details of the circumstantial evidence should be sought.

At this point, the person receiving the complaint needs to report the matter to an internal representative (such as the organisation's child safety officer) and in the case of sexual abuse it is mandatory to report to an external body or in the case of other forms of abuse, it is a voluntary action. However it is best to report any abuse to the external authority see details below:

North-eastern rural and regional - 1800 650 227

After hours and to report concerns about the immediate safety of a child: Child Protection Crisis Line (24 hours) - 131278

3. Undertaking an internal investigation

Where an allegation involves MMuDS volunteers or actions on your own premises, it may be appropriate to undertake an internal investigation in parallel with a police or other external investigation. – This would be done after obtaining a legal perspective: **Contact: Moores Legal Services 03 9843 2100 or info@moores.com.au**

Such investigations are inherently complex and sensitive in nature, and therefore should be conducted by an appropriately qualified investigator utilising the principles of natural justice and procedural fairness.

All participants in the investigation must be required to maintain confidentiality and should be required to sign a confidentiality agreement as part of the process. This will assist to preserve the integrity of the investigation.