



POLICY/PROCEDURE: Child Protection

Policy Statement

CatholicCare NT (CCNT) programs are funded to provide counselling and/or other support services to individuals and families. A number of these programs specifically focus on counselling and support for children and young people, either separately or in conjunction with their families. CCNT is committed to the protection of children and young people from all forms of harm.

The Care and Protection of Children Act 2007 (Northern Territory Government) forms the basis of this policy. The policy aims to ensure that children and young people who are clients of CCNT or are visiting CCNT premises are protected from child abuse and that their best interests are promoted.

The policy covers children and young people up to the age of 18 years and the word “child” is used to describe both very young children and adolescents.

The aim of the Child Protection Policy is to:

- protect children from abuse
- prevent abuse from re-occurring
- promote the best possible outcome for the child, including addressing the child's and the family's need for follow up assistance
- support parents/caregivers to increase the family's capacity to protect their children

This Child Protection Policy and Procedure has been endorsed by;

The Senior Management Team of **CatholicCare NT**

Represented by:

Signed:

Name: Jayne Lloyd

Position: Director

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Procedure

1. Definitions of Child Abuse

Child abuse is usually a pattern or cycle, not a one-off incident. It is distinct from the occasional verbal 'outburst' in a generally loving home. Abuse is a pattern of negative and harmful interactions that cause long term damage unless there is intervention.

Child abuse can take many forms. Adults may harm children through actions toward the child, both in a verbal or physical way. They may also harm children through neglect of their care. Rarely does a child experience only one form of abuse. Many children who are sexually abused are also being physically and emotionally abused.

2. Types of Abuse

2.1 **Physical abuse** refers to all non-accidental physical injuries caused by a child's parent or carer, or where there is a high risk of injuries occurring. Physically abusive behaviour may include shaking, slapping, bruising, lacerations or welts, biting, punching, scalding, burning, throwing a child, suffocation or strangulation.

2.2 **Emotional or psychological abuse** is the failure to meet the child's emotional needs for love and security, or their psychological needs for stimulation or nurturing. It tends to be a chronic behavioural pattern directed at a child whereby a child's self esteem and social competence is undermined or eroded over time resulting in significant emotional deprivation or trauma.

Emotionally abusive behaviour may include constant criticism, scapegoating, terrorising, isolating, rejection, corrupting them, belittling, manipulative behaviours, excessive teasing, ignoring a child, punishing normal social behaviours, withholding praise and affection and exposure to domestic/family violence.

2.3 **Neglect** is failing to meet the child's basic physical and emotional necessities of life, including adequate supervision of young children for long periods, nutrition, clothing, personal hygiene, safety in the home, medical care, love and affection or even failure to use available resources to meet those needs. In its extreme form it includes abandonment.

2.4 **Child sexual abuse** is when an adult or someone bigger or older involves a child in any sexual activity or sexual threat. It involves an abuse of the unequal power relationship between the child and the adult or other person and is a betrayal of the child's trust. Coercion (physical and emotional) and exploitation of the dependency and immaturity of children is intrinsic to child sexual abuse. Sexually abusive behaviours may include exposure to sexually explicit material, sexualised photographs of the child, genital exposure, fondling, voyeurism, persistent intrusion of a child's privacy, involvement with pornography, digital, penile or object penetration, child prostitution and genital mutilation.

2.5 Cumulative Harm

Cumulative harm refers to the effects of patterns of circumstances and events in a child's life, which diminish a child's sense of safety, stability and wellbeing. Cumulative harm is the existence of compounded experiences of multiple episodes of abuse or 'layers' of neglect. The unremitting daily impact on the child can be profound and exponential, covering multiple dimensions of the child's life (DHS Victoria).

3. Indicators of Child Abuse

Below are some indicators to use as a guide, however there are many indicators of child abuse and indicators need to be considered in the context of the child's personal circumstances, including cultural background. The presence of one indicator may not imply abuse. For more comprehensive information refer to: "Reporting Child Abuse and Neglect: It's Everyone's Responsibility" located at:

http://childrenandfamilies.nt.gov.au/Child_Protection/Child_Abuse/index.aspx

3.1 Indicators of Physical Abuse (includes behavioural)

- child is habitually absent from school (may be kept away until bruising disappears)
- any injury on a very young baby
- facial, head and neck bruising
- bruises or welts in the shape of an object such as belt buckle or fingerprints
- bite marks
- burns or scalds that show the shape of the item, e.g. cigarette burns
- child is unduly frightened of the parent or any significant person in their life
- expresses little or no emotion when hurt

3.2 Indicators in parents or caregivers may include:

- family history of violence, including previous harm to children
- illogical account of the injuries, or no account at all
- refuses to attend school or health centre appointments
- the fabrication, exaggeration and inducing of illness in a child

3.3 Indicators of Emotional Abuse (includes behavioural)

- overly compliant, passive and undemanding behaviour
- anti-social, destructive behaviour
- speech disorders
- delays in physical development
- failure to thrive (without an organic cause)

3.4 Indicators in parents or caregiver may include:

- consistent criticism, belittling, teasing of the child
- excessive or unreasonable demands
- belief that a particular child is bad or 'evil'
- exposure to chronic or extreme domestic violence
- child was premature at birth
- mother/father of child is young
- history of substance misuse by either parent
- history of gambling and leaving child alone at these times
- history of mental health issues

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3.5 Indicators of Neglect (includes behavioural)

- begging or stealing food and gorging when food is available
- indiscriminate with affection, including extreme longing for adult affection
- extended stays at school, public places and other homes
- being constantly dirty, unwashed or inappropriately dressed for the weather
- having unattended physical problems and a lack of routine medical care
- being consistently without adequate supervision and at risk of injury or harm

3.6 Indicators in parents or caregiver may include:

- inability to respond emotionally to the child
- mental health difficulties in either parents or carer which impacts on their capacity to care
- lack of interest in developing parenting skills or improving relationship with the child
- leaving child inappropriately without supervision
- one child treated differently to another

3.7 Indicators of Sexual Abuse (includes behavioural)

- describes sexual acts
- has detailed and sophisticated understanding of sexual behaviour beyond that expected of child or young person
- displays regressive behaviour, e.g. bed-wetting, soiling
- runs away
- has a sudden accumulation of money or gifts
- sexually transmitted diseases
- discomfort in urinating or defecating
- frequent urinary tract infections
- unwarranted fear of being examined by a registered health professional
- initiates sexual activity with significantly younger or less able children
- persistent masturbation

3.8 Indicators in parents or caregiver may include:

- exposing the child to prostitution or pornography
- prior commission, or been suspected, of child sexual abuse
- resistance towards the developmental stages that enable children to become confident and independent outside the family, e.g. an adolescent attending a movie or sporting activity with friends

4. Mandatory Reporting of Child Abuse

Reporting Obligation:

In the Northern Territory all people have an obligation to report to the Central Intake Team **1800 700 250** if they believe on reasonable grounds that a child has suffered harm or exploitation or has been, or is likely to be, the victim of a sexual offence.

According to Section 26 (1) of the Act, if a staff member believes, on reasonable grounds, that:

- a child has suffered or is likely to suffer harm or exploitation
- a child aged less than 14 years has been or is likely to be a victim of a sexual offence
- a child has been or is likely to be a victim of an offence against section 128 of the Criminal Code Act (sexual intercourse or gross indecency involving child over 16 years under special care)

The staff member is obliged, as soon as possible after forming that belief, to report (orally or in writing) their belief, any knowledge of the person forming the grounds for that belief and any factual circumstance on which that knowledge is based to the CEO (Chief Executive Officer of the Department) or a police officer.

Section 26 (1) refers to reporting of all types of child abuse and alleged sexual abuse of a child under 14 years. It also refers to Section 128 of the Criminal Code Act for a child between the ages of 16 – 18 years where they are under special care of the offender, i.e., step-parent, guardian, teacher, foster parent, religious, etc.

According to Section 26 (2) of the Act, if a staff member believes, on reasonable grounds, that:

- a child aged at least 14 years (but less than 16 years) has been or is likely to be a victim of a sexual offence
- that the difference in age between the child and alleged sexual offender is more than 2 years
- the staff member is obliged, as soon as possible after forming that belief, to report (orally or in writing) their belief, any knowledge of the person forming the grounds for that belief and any factual circumstance on which that knowledge is based to the CEO (Chief Executive Officer of the Department) or a police officer

Section 26 (2) refers to reporting of alleged sexual abuse of a child between the ages of 14 and 16 years of age. This takes into account that children within this age bracket may be having consensual sexual relations with another person of a similar age (but with no more than 2 years age difference) in which case this is not a reportable offence.

Failing to report may incur a maximum of 200 penalty units (equivalent to \$26,600). A penalty unit is currently equal to \$133 but may change each financial year.

The Care and Protection of Children Act 2007 is not clear about reporting of alleged child abuse between the age of 16 and 18 years. Given that the age of consent is 16 years and children can legally leave home at 16 years, this is a grey area. However, staff are recommended to discuss any concerns they may have with their Team Leader, Manager and Senior Manager in order to make the best possible decision in relation to reporting requirements and ensuring the wellbeing of children within this age group.

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Section 27 of the NT Care and Protection of Children Act 2007 provides protection to people making a report. A person who makes a report under Section 26 is not liable either civilly or criminally, and is not considered to have breached any professional code of conduct. Generally speaking, the report or its content is not admissible in court proceedings, and people cannot be compelled to provide evidence about who made the report. This could change if the court decides it is of critical importance to the proceedings, or to not do so would prejudice the proper administration of justice. NB: the child protection workers must protect the identity of the person making the report.

5. Notification Procedure

When a CCNT staff member believes that a child has been abused, the following procedures are to be followed:

- 5.1 Following the disclosure of alleged abuse or if a staff member believes, on reasonable grounds, that a child is at risk of physical, emotional or sexual harm or neglect, the staff member is not to question or extract information from the child in relation to the abuse. It is the role of Police and/or Protective Services Officers to conduct investigations if they see fit to do so.
- 5.2 The staff member will discuss their belief, and any factual information that underpins their belief and any knowledge of the person/s allegedly perpetrating the abuse, with their Team Leader, Manager or Senior Manager in order to support the worker to clarify the details for a report. If the Team Leader, Manager or Senior Manager are unavailable, mandatory reporting must still be initiated. The incident is then to be discussed with the Team Leader, Manager or Senior Manager as soon as practicable.
- 5.3 If a child is assessed as being at risk, abused or being exploited, the worker is mandated to report incident/s to Police or Department of Children and Families (DCF).
- 5.4 To assist in making a clear and comprehensive report to Child Protection, a CCNT Organisation Form: Child Protection Reporting Form (ORG/SP/F037) is to be completed and attached to CSnet client file as a record of report.
- 5.5 Upload the Child Protection Reporting form on client's CSnet file and reference this in case notes. Submit a copy of the form, preferably by email, to the Team Leader/Manager and Senior Manager Program and Service Development. This will be retained in a central repository for the purpose of statistical analysis and tracking.
- 5.6 Where possible, a child or child's family will be advised if a Child Protection Report is to be made. This would not apply if it were assessed as endangering the child or exacerbating the situation, particularly in instances of suspected sexual abuse within the family.
- 5.7 All contact relating to the child needs to be clearly documented in the client's file.
- 5.8 Where the child is part of the School Counselling program, the Principal is to be advised of any notification to DCF in a timely manner.
- 5.9 CCNT workers do not need to prove there is any risk, abuse or exploitation. Report your assessment of the child's/children's situation as factually as possible.

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6. Child Abuse Concern / Allegation involving a Staff Member

- 6.1 If a staff member is alleged to have abused a child who is receiving CCNT services or connected to the delivery of services, or other staff become aware of any concerning behaviour of a staff member, their Team Leader, Manager or Senior Manager must be informed.
- 6.2 The notification procedure and management of the matter is the same as above.
- 6.3 The Director must be notified and decisions regarding interim arrangements will be made by senior management in conjunction with Police/DCF as required.
- 6.4 It is a requirement under the Safeguarding Children standards that the Australian Childhood Foundation (ACF) be notified within 28 days. A form and process is currently being developed to capture the information required. In the meantime, workers must contact their Manager or Senior Manager.

7. Protection for Staff Making a Report

- 7.1 A person acting in good faith in making a report under Section 26 of the Care and Protection of Children Act is not civilly or criminally liable, or in breach of any professional code of conduct for making a report or for disclosing any information in the report.
- 7.2 If allegations of child abuse are made against a staff member, refer to CCNT Policy/Procedure: Allegations of Misconduct (ORG/HR/P017).

References

Legislation

- NT Care and Protection of Children Act 2012 (2007)
- Information Act 2006
- Disability Services Act 2004
- Criminal Code Act 2006
- Family Law Act 1975

Associated Documents

This document should be read in conjunction with these forms and procedures:

- CCNT Policy/Procedure: Allegations of Misconduct (ORG/HR/P017)
- CCNT Policy/Procedure: Duty of Care (ORG/SP/P003)
- CCNT Organisation Form: Child Protection Reporting Form (ORG/SP/F037)
- CCNT Organisation Form: SP Client Assessment (ORG/SP/F004)
- CCNT Organisation Form: SP Client Risk Alert Sheet (ORG/SP/F006)

Links

NT Care and Protection of Children Act 2012 (2007)

http://www.austlii.edu.au/au/legis/nt/num_act/capoca200737o2007315/

Information Act 2006

<http://notes.nt.gov.au/dcm/legislat/legislat.nsf/d989974724db65b1482561cf0017cbd2/babd941b1e14838a69257ae7007ee21d?OpenDocument>

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Disability Services Act 2004

http://www.austlii.edu.au/au/legis/nt/consol_act/dsa213/

Criminal Code Act 2006

<http://notes.nt.gov.au/dcm/legislat/legislat.nsf/d989974724db65b1482561cf0017cbd2/cd0122ee34108ae769257a5f007a1c7f?OpenDocument>

Family Law Act 1975

<http://www.comlaw.gov.au/Details/C2013C00053>

Office of Children and Families – Child Abuse

http://childrenandfamilies.nt.gov.au/Child_Protection/Child_Abuse/index.aspx

Catholic Church in Australia – Integrity in the Service of the Church

http://www.catholic.org.au/index.php?option=com_docman&task=doc_view&gid=1345&tmpl=component&format=raw&Itemid=395