



CEO \ PROC 003

**MANDATORY REPORTING - HARM TO A CHILD  
PROCEDURE**
**Purpose**

The purpose of this procedure is to:

- a) provide the obligations, according to the Mandatory Reporting Policy, of safeguarding the wellbeing and safety of children
- b) provide the process of Mandatory Reporting
- c) provide the training obligations of leaders in Catholic Education
- d) define harm, child, legal protection and confidentiality
- e) provide templates for recording training and participation in training

**Commencement of Procedure**

This Procedure will commence from the date of approval. It replaces all other Mandatory Reporting of harm of children procedures of CEO (whether written or not).

**Application of the Procedure**

This Procedure applies to all employees and volunteers of Catholic Education. It is the responsibility of leadership in Catholic Education to ensure that all staff, whether paid or unpaid, receive training in Mandatory Reporting.

The *Australian Professional Standards for Teachers* require knowledge of the legislative requirements regarding maintaining student safety and wellbeing as part of the professional practice of teachers.

**Reporting Obligations**

In the Northern Territory, all people must report reasonable beliefs of harm, exploitation and neglect of a child aged less than 18 years. This may be what is done to a child, or what is failed to be provided for a child. This belief would be based on recognizing the behavioural, physical and contextual indicators of harm.

If an adult or child discloses harm, let the child or adult know that it must be reported.

A report must be made as soon as possible after forming the belief of harm. Telephone the 24 hour toll free number **1800 700 250** or contact the police on 131 **444**. Provide information about the concern and/or belief of harm and/or imminent threat of harm in as much detail as possible.

Once a report is made, the responsibility for follow-up lies with the Department of Children and Families.

It is an offence if a reasonable belief is held about harm and/or serious or imminent threat of harm and this is not reported. It may result in a fine or prosecution.

Under the *Care and Protection of Children Act*, the requirements of confidentiality or professional ethics is not breached by making a report.

The Department of Children and Families has published the *Information Sharing Guidelines (2012)*, in reference to the *Care and Protection of Children Act*. The guidelines describe the framework for information sharing in relation to child safety and well-being in the Northern Territory. The guidelines outline legal protection for people, like principals, registered teachers and child care workers to share information relating to the safety and wellbeing of a child.

### **Training obligations**

The requirements for school leadership, according to the *Australian Professional Standard for Principals*, include knowledge and understanding of the legislative obligations of child safety and wellbeing. This is consistent with the Catholic Education Office Northern Territory Mandatory Reporting Policy which is underpinned by the *Care and Protection of Children Act*.

Catholic Education will induct Principals of schools/colleges and leadership in the Catholic Education Office in their responsibilities of Mandatory Reporting.

The *Australian Professional Standard for Principals* also outline the professional practices of principals. Two of these practices that relate to Mandatory Reporting are:

1. developing self and others through professional learning and staff induction, and
2. engaging and working with the community to ensure the safety and wellbeing of students and recognize and support families and carers.

Principals in schools and leadership in the Catholic Education are to ensure training in Mandatory Reporting is given to all staff, whether paid or unpaid, and that records of the training are kept. (See Attachment A and Attachment B).

Principals of schools/colleges and leadership in the Catholic Education Office are to ensure that support mechanisms are in place for those who do report. It is not mandated, but it is recommended that the Principal is advised of a report being made so support mechanisms can be put into place when a report is made. The form *Reporting Student Harm Documentation* is to be filled in and emailed to the Director of Catholic Education NT.

### **Definitions**

#### **Child**

Under legislation, a child is defined as a person aged less than 18 years

#### **Confidentiality**

The Act makes it clear that the requirements of confidentiality or professional ethics is not breached by making a report.

#### **Harm**

Under legislation, harm is any significant detrimental effect caused by any act, omission or circumstance that affects the well-being or development of a child

- o **Physical harm** may result in bruising, swellings, welts, broken bones as a result of any action like punching, hitting, beating, shaking, biting or burning.

- **Sexual harm** of a child aged less than 14 years includes sexual suggestions, exhibitionism, showing pornography, inappropriate touching in private parts of the body, masturbation, oral sex and penetration of the genital or anal areas with an object, penis or any other part of the body. It also include commercial sexual exploitation of a child which might involve enticing a child to be involved in a sexual activity or be photographed for money or other reward.
- Section 127 of the *Criminal Code* states that any sexual activity with a child under the age of 16 is a criminal offence, as persons under 16 cannot lawfully consent to sexual activity. Section 26 of the CPCA requires mandatory reporting when there is a reasonable belief that:
  - a child less than 14 years has been or is likely to be a victim of sexual harm
  - a child less than 18 years has been or is likely to be a victim of sexual harm where there is a **special care relationship**, e.g. step parent, teacher, sport's coach. This is according to Section 128 of the Criminal Code.

Careful consideration is required in all instances of awareness that a child between 16 and 18 years is involved in sexual activity, as to whether it was wanted (consensual), without coercion and whether or not it is believed harm has occurred.

- **Exploitation** of a child includes sexual or any other forms of exploitation. For example, enticing a child to be involved in a sexual activity or be photographed for money or other reward.
- **Emotional harm** causes the child to feel frightened, ashamed, upset, alone and have low selfworth. It may result from repeated criticising, teasing, belittling or 'putting down' a child constantly shouting and screaming at a child ignoring and refusing to help or accept a child, calling a child by degrading names, shaming the child in front of others, threatening to physically punish a child or abandon them, exposing a child to domestic violence, encouraging a child to engage in criminal activities, constantly ignoring a child and refusing to show affection and withdrawing love or threatening to do so.
- **Neglect** occurs when a parent or parents fail to provide basic physical and emotional care of a child.

It may be shown when a child does not have enough food, clothing is not clean, does not have a place to live; when a child is not provided with the necessary medical, dental and/or other health care including not providing medication for health conditions; when young children are left alone, not adequately supervised, or when parents fail to remove dangerous things from their environment or do not watch them closely, particularly in dangerous circumstances; constantly ignoring a child's need for attention and how they feel or failing to spend time and listen to a child; failing to send a child to school and/or not providing them with learning opportunities;

abandoning a child (by not organising the necessary care for them).

### Legal Protection

The Information Sharing Guidelines outlines legal protection for people, like principals, registered teachers and child care workers to share information relating to the safety and wellbeing of a child.

### Variations

CEO reserves the right to vary, replace or terminate this Procedure from time to time.

### Related Policies, Legislation and Documents

These documents should be used to support the *Mandatory Reporting - Harm to a Child Procedure*.

- CEO Mandatory Reporting Policy 2014
- The Care and Protection of Children Act (Northern Territory), as in force at 1 July 2012
- Information Sharing Guidelines (1 July 2012) (Northern Territory)
- Criminal Code Act (As in force at 7 October 2013) (Northern Territory)
- Teacher Registration (Northern Territory) Act (as in force 1 September 2010)
- Reporting Child Abuse and Neglect: It's everybody's responsibility, Department of Children and Families
- Powerpoint: DECS Mandatory Reporting
- Documents:  
[http://childrenandfamilies.nt.gov.au/Child\\_Protection/Child\\_Abuse/index.aspx](http://childrenandfamilies.nt.gov.au/Child_Protection/Child_Abuse/index.aspx)
- Booklet : DET Child Protection and Mandatory Reporting, Revised Sept. 2009
- Reporting Student Harm Documentation

Number	CEO\PROC 003	Mandatory Reporting - Harm To A Child Procedure	
Approved by	Director CENT	Signature	
Date approved	18/1/2016	Version number	1
Document application	CEO staff All Catholic Education employees and volunteers in schools, whether paid or unpaid	SIRF area	Leadership, Pastoral Care and Wellbeing, Teaching and Learning



MANDATORY REPORTING

Training Declaration Form

School: \_\_\_\_\_

I hereby acknowledge that I have in-serviced all people working within the school/college/early learning centre/preschool/ Out of School Care facility, both paid and voluntary, in Mandatory Reporting requirements.

All people in-serviced have completed the relevant acknowledgement form.

I am aware that I am required to in-service staff members who were absent or who commence at the school after the training session. Once in-serviced these staff are required to sign the Acknowledgement form.

Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(DET Policy: Safeguarding the Wellbeing of Children - Obligations for the Mandatory Reporting of Harm and Exploitation, 2010)