

REPORT CHECKLIST

A guide for making a report to DoCS about children and young people at risk of harm

The Children and Young Persons (Care and Protection) Act 1998 came into effect on 18 December 2000. If you suspect a child or young person might be at *risk of harm*, this checklist will help you decide if you need to make a report. It will help you to gather the relevant information to make a report under the Act. **Please copy this checklist for future reference.**

Please check the notes section for more information about each of the questions.

To make a report call DoCS Helpline: **13 DoCS (dial 13 3627)** – mandatory reporters only
132 111 – general public

Ring 000 immediately if there is a life-threatening situation.

1. DEFINITION OF A CHILD OR YOUNG PERSON

(Refer to the notes section for more details)

Do you have current concerns about the safety, welfare or wellbeing of a child, young person or group of children or young people who fall into the following age groups:

- an unborn infant YES NO
- child (0 - 15 years) YES NO
- young person (16 - 17 years) YES NO

2. CIRCUMSTANCES FOR MAKING A REPORT

(Refer to the notes section for more details)

If you answer YES to all the following questions, you have enough information to make a report.

If you answered NO to any of the questions in this section, you cannot make a report because you do not have enough information. You should discuss other options with your supervisor.

- Does the child or young person usually live in NSW OR is the child or young person in NSW now OR did the issues of concern occur in NSW? YES NO
- Can you identify the child or young person (full name, age and home address) OR can you describe the child or young person AND their current whereabouts OR give the name of a place they regularly go (eg home, school, youth or sporting club) OR can you identify the group (class) of children? YES NO
- Do you have reasonable grounds to suspect that the child or young person is at *risk of harm* OR is the child or young person homeless? YES NO

3. MANDATORY REPORTERS

(Refer to the notes section for more details)

If you answer YES to the following question, you are a mandatory reporter.

- As part of your paid or professional work, do you deliver the following services to children OR do you manage any of the following services to children?
- Children's services YES NO
 - Education YES NO
 - Law enforcement YES NO
 - Residential services YES NO
 - Community services/welfare YES NO
 - Health care YES NO
 - Disability services YES NO
 - Out-of-school hours care YES NO

4. RISK OF HARM

(Refer to the notes section for more details)

If you answer YES to one or more questions in this section AND your concerns are about a child, you MUST make a report to DoCS if you are a mandatory reporter. If you are not a mandatory reporter, you can still make a report.

Do you suspect a child or young person is at *risk of harm* because:

- the child or young person's basic physical needs are NOT being met OR are at risk of not being met? YES NO
- the child or young person's basic psychological needs are NOT being met OR are at risk of not being met? YES NO
- the child or young person requires health care AND their parents have failed to arrange for necessary health care AND are unable or unwilling to? YES NO
- the child or young person has been physically abused or ill treated OR is at risk of being abused or ill-treated? YES NO
- the child or young person has been sexually abused or ill-treated OR is at risk of being abused or ill-treated? YES NO
- the child or young person lives in a household where there is domestic violence AND as a consequence, are they at risk of suffering serious physical harm OR serious psychological harm? YES NO
- the child's or young person's parents/caregivers behaved in such a way towards them that the child or young person has suffered serious psychological harm OR is at risk of suffering serious psychological harm? YES NO
- the child or young person is homeless? YES NO

5. CHILDREN LIVING AWAY FROM HOME WITHOUT PARENTAL PERMISSION

(Refer to the notes section for more details)

If you answer YES to the following question, you MUST make a report to DoCS, even if you are not a mandatory reporter.

- Are you providing residential accommodation to a child who you believe is living away from home without parental permission? YES NO

6. HOMELESS YOUNG PEOPLE

(Refer to the notes section for more details)

If you answer YES this question you MAY make a report.

- Is a young person homeless AND do you have their permission to make a report? YES NO

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NOTES

1. DEFINITION OF A CHILD OR YOUNG PERSON

A *child* is a person under 16 years of age and a young person is 16 or 17 years old. **This is an important distinction because the Act has different provisions for children and young people.**

Mandatory reporting requirements only apply to children. You also can report concerns you have about the safety, welfare or well-being of a young person, but this is not a mandatory reporting requirement.

Refer to Section 3 of the Act for definitions of children and young people.

2. CIRCUMSTANCES FOR MAKING A REPORT

If you answered YES to all the questions, you have enough information to make a report. If you are a mandatory reporter you **MUST** make the report when your concerns are about a child. There are penalties for failing to make a report when you are a mandatory reporter.

If you answered NO to any of the questions in this section, you can not make a report because you do not have enough information. You should discuss other options with your supervisor.

A *report* is when a person contacts DoCS to inform us of their concern for the safety, welfare or wellbeing of a child or young person.

A report can be made to DoCS if you suspect a child or young person is at *risk of harm*. This means you have *current concerns* about the safety, welfare or wellbeing of a child or young person.

You don't need to be certain, you only need to make sure your concerns are well founded and based on information you know or have from a reliable source. If you are still unsure, it is best to contact DoCS for advice.

You can make a report about:

- a group of children or young people
- an unborn child, where the child may be at *risk of harm* after his or her birth
- homeless children and young people.

Refer to Sections 23,24,25,120 & 121 of the Act.

3. MANDATORY REPORTERS

A *mandatory reporter* is someone who is required by law to make a report to DoCS if they have *current concerns* about the safety, welfare or wellbeing of a *child*. A child is a person under 16 years of age. There are penalties for failing to make a report.

A mandatory reporter is any person who delivers the following services to children as part of their paid or professional work:

- health care (eg doctors, nurses, dentists and other health workers)
- welfare (eg psychologists, social workers and youth workers)
- education (eg teachers)

- children's services (eg childcare workers, family day carers and home-based carers)
- residential services (eg refuge workers)
- law enforcement (eg police)
- disability services (eg respite service worker, therapist)
- out-of-school hours care (eg worker in a centre which provides care for school aged children less than 13 years old, someone who provides this service in their own home)

You are also a mandatory reporter if you hold a management position, either paid or voluntary, in any of these services and your duties include direct responsibility for, or direct supervision of, the provision of these services.

If you are not a mandatory reporter, you can also make a report.

Refer to section 27 of the Act and clause 7 of the Children and Young Persons (Care and Protection) Regulation for more details about mandatory reporters.

4. RISK OF HARM

The questions outline the reasons that make you concerned about the safety, welfare and wellbeing of a child or young person.

If you answer YES to one or more questions in this section AND your concerns are about a child, you **MUST** make a report to DoCS if you are a mandatory reporter.

Risk of harm means you have *current concerns* about the safety, welfare and wellbeing of a child or young person for any of the following reasons:

- the child or young person's **basic physical or psychological needs** are not being met or at risk of not being met (neglect)
- the parents/caregivers have not arranged necessary **medical care** for the child or young person, and are either unable or unwilling to do so
- the child or young person has been, or is at risk of being, **physically or sexually abused** or ill-treated
- the child or young person is living in a household where there have been incidents of **domestic violence**, and as a consequence, is at risk of serious physical or psychological harm
- the parent or caregiver has behaved in such a way towards the child or young person that they have suffered, or are at risk of suffering **serious psychological harm**
- a child or young person is **homeless** and at risk of harm.

Current concerns simply means at the time of making the report you were concerned about the safety, welfare or wellbeing of the child or young person.

The following section gives more explanation and general guidance about what constitutes *risk of harm*. Further details can be found in Section 23 of the Act.

i. THE CHILD OR YOUNG PERSON'S BASIC PHYSICAL OR PSYCHOLOGICAL NEEDS ARE NOT BEING MET OR AT RISK OF NOT BEING MET (NEGLECT).

Neglect occurs where there is *risk of harm* or actual harm to a child or young person caused by the failure to provide the basic physical and emotional necessities of life.

A key indicator of neglect is where the care of a child or young person is continually being ignored.

Neglect of basic physical needs:

Occurs when a person, whether or not the parent of the child or young person, fails to provide the basic staples of life to an adequate degree without reasonable excuse. These basic staples include the following:

- Food
- Physical shelter
- Safety from harm (which includes issues of adult supervision)
- Hygiene
- Clothing

Neglect of basic psychological needs:

Occurs when a child or young person is not receiving sufficient or appropriate interaction or stimulation from their parents/caregivers. This usually means that the child or young person fails to achieve appropriate attachments with their parents/caregivers. Their ongoing intellectual, emotional and physical development maybe also be affected.

ii. THE PARENTS/CAREGIVERS HAVE NOT ARRANGED NECESSARY MEDICAL CARE FOR THE CHILD OR YOUNG PERSON, AND ARE EITHER UNABLE OR UNWILLING TO DO SO.

This occurs when a child or young person is at *risk of harm* because they have not received medical care which they need. Their parents or caregivers cannot or will not arrange the medical care for the child or young person.

iii. THE CHILD OR YOUNG PERSON HAS BEEN, OR IS AT RISK OF BEING, PHYSICALLY OR SEXUALLY ABUSED OR ILL TREATED.

Physical abuse:

Physical abuse can be recognised as an assault or a non-accidental injury to a child or young person by a parent or person who is responsible for them. It includes injuries which are caused by excessive discipline, severe beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, attempted suffocation or strangulation.

Physical assault is a hostile act by an adult towards a child or young person. An assault may occur even if the adult has not meant to harm, or has the consent of the child or young person. Assault can include pushing, shoving, throwing objects, spitting, hitting, smacking and threatening behaviour (either verbal or action).

Sexual abuse:

Sexual abuse is any sexual act or sexual threat imposed on a child or young person. Adults or older children who sexually abuse children or young people exploit the child or young person's dependency and immaturity. Coercion, either physical or psychological, is intrinsic to child sexual abuse and differentiates child sexual abuse from consensual peer sexual activity.

iv. THE CHILD OR YOUNG PERSON IS LIVING IN A HOUSEHOLD WHERE THERE HAVE BEEN INCIDENTS OF DOMESTIC VIOLENCE, AND AS A CONSEQUENCE, IS AT RISK OF SERIOUS PHYSICAL OR PSYCHOLOGICAL HARM.

Domestic violence is violent, abusive and intimidatory behaviour by one person against another in a personal, intimate relationship. Domestic violence occurs between two people where one has power over the other causing fear and physical and/or psychological harm. Domestic violence can have a profound effect on children and young people. Some of the forms of domestic violence are:

- Physical assault
- Sexual assault
- Psychological abuse
- Social abuse (ie: being stopped from seeing your friends and family, being isolated socially or geographically against your will), and
- Economic abuse (having no access to or control over money and other resources).

v. THE PARENT OR CAREGIVER HAS BEHAVED IN SUCH A WAY TOWARDS THE CHILD OR YOUNG PERSON THAT THEY HAVE SUFFERED, OR ARE AT RISK OF SUFFERING SERIOUS PSYCHOLOGICAL HARM.

Serious psychological harm is behaviour by a parent, or person close to the child or young person which destroys their confidence and self-esteem resulting in serious emotional deprivation or trauma.

Psychological abuse involves serious impairment of a child's or young person's social, emotional, cognitive, intellectual development and/or disturbance of their behaviour.

Parenting practices which can cause serious psychological harm include:

- High criticism/low warmth
- Domination of children
- Ongoing scapegoating
- Ongoing social isolation
- Excessive, inappropriate or inconsistent discipline
- Child/young person being the butt of degrading or derisive statements
- Inconsistent, inappropriate and unrealistic expectations

vi. THE CHILD OR YOUNG PERSON IS HOMELESS AND AT RISK OF HARM

A child or young person may be at *risk of harm* when homeless. This may occur if the child or young person does not have access to food or shelter or if they are living in a situation where they are unsafe.

A child or young person is homeless if they are living without family assistance in any of the following circumstances:

- No accommodation at all, 'roofless'
- Only temporary or transient accommodation
- Emergency, refuge or crisis accommodation

Other long term supported accommodation for homeless people such as hostels or transitional accommodation.

A child or young person who is living in accommodation where they do not have access to basic utilities (power, running water) may also be regarded as homeless.

For further details about homelessness, see sections 120 and 121 of the Act.

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5. CHILDREN LIVING AWAY FROM HOME WITHOUT PARENTAL PERMISSION

If you answer YES to the question, you MUST make a report to DoCS, even if you are not a mandatory reporter.

If you are providing accommodation for a child, or for someone you think is probably under 15 years, and they are living away from home without parental permission, you must advise DoCS. This applies to a child living in your home or if you provide an accommodation service to children, such as in a refuge.

For more details about children living away from home without parental permission, please refer to Section 122 of the act.

6. HOMELESS YOUNG PEOPLE

If you answer YES to this question you MAY make a report to DoCS. However, in these situations, mandatory reporters are not obliged to make a report to DoCS.

For more details about homeless young people, please refer to Section 121 of the Act.

7. MAKING A REPORT TO DoCS

To make a report, call DoCS Helpline. This is our centralised initial assessment and referral service. A Child Protection Caseworker will take information from you and guide you through the reporting process, as well as provide you with any relevant information you require.

To make a report, a confidential number has been set-up specifically for mandatory reporters – 13 DOCS (dial 13 3627). Your clients and the general public need to call DoCS Helpline on the general number 132 111 to make a report.

When making a report, please have available all relevant information that you or your organisation has about the child's or young person's situation and family structure. This includes their full name, age and contact details.

In order to make an initial assessment of the *risk of harm* to the child or young person, the Caseworker will ask about the following issues:

- *Is the child or young person residing in NSW or did the issues of concern occur in NSW?*
- *Can you describe them and their current whereabouts or a place that they regularly go?*
- *Do you suspect, on reasonable grounds, that the child or young person is at risk of harm or is the child or young person homeless?*

If there is a life-threatening situation you should ring 000 immediately.

You may be contacted later for further information about your report. You will only be asked for information that is directly relevant to making this report or which helps us make an initial assessment of the case.

8. MORE INFORMATION ABOUT THE NEW ACT

A full version of the Act is available online (www.community.nsw.gov.au) or you can purchase a hard copy through the Government Information Service (Ph 02 9743 7200).

For more information about how the Act directly affects you, please call DoCS on 9716 2174.

We also have a specific booklet that outlines the major concerns for mandatory reporters in the Act. Please contact DoCS on 9716 2255 to order your copy now.

TO MAKE A REPORT

DoCS Helpline takes reports of child abuse from across NSW for the cost of a local call, 24 hours a day, 7 days a week.

All calls to our Helpline are answered by specialised child protection staff.



MANDATORY REPORTERS ONLY

13 DoCS
(dial 13 3627)

GENERAL PUBLIC

132 111

NSW Department of Community Services
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