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## MANDATORY REPORTING

### **Mandatory Reporter**

A mandatory reporter in NSW is an individual required by under Section 27 of the *Children and Young Persons (Care and Protection) Act 1998* to report to the Child Protection Helpline **when he/she has reasonable grounds to suspect that a child, or a class of children, is at risk of significant harm from abuse or neglect, and those grounds arise during the course of or from the person's work.**

Mandatory reporters include those who provide substitute care wholly or partly to children as part of their paid or professional work:

The NSW legislation also mandates any person who manages an employee from the above services to report risk of significant harm.

### **Significant Harm Definition**

Members of the community and mandatory reporters who suspect that a child or young person is at 'risk of significant harm' (the statutory threshold) should report their concerns to the Child Protection Helpline. This new statutory threshold has replaced 'risk of harm' in the *Children and Young Persons (Care and Protection) Act 1998*.

A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.

What is meant by 'significant' in the phrase 'to a significant extent' is that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

What is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well-being.

In the case of an unborn child, what is significant is not minor or trivial, and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child after the child's birth.

The significance can result from a single act or omission or an accumulation of these.

### **Reportable Conduct under the *Ombudsman Act 1974***

Agencies are required to notify the NSW Ombudsman of any reportable allegations and convictions that concern their employees.

Reportable conduct refers to the following:

- Any sexual offence or sexual misconduct committed against, with or in the presence of a child (including a child pornography offence); or
- Any assault, ill treatment or neglect of a child; or
- Any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

Reportable conduct does not extend to the following:

- Conduct that is reasonable for the purposes of the discipline, management or care of children, having regard to the age, maturity, health or other characteristics of the children, and to any relevant codes of conduct or professional standards;
- The use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated and the result of the investigation recorded under workplace employment procedures; or
- Conduct of a class or kind exempted from being reportable conduct by the Ombudsman under Section 25CA.

This Guide is intended to assist mandatory reporters who have become concerned about possible abuse or neglect of a child or young person and must make a decision whether or not to report their concerns to the Child Protection Helpline.

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The reporting decision is not an easy one, and the consequences of the decision are considerable. New South Wales has undertaken the effort to develop the first known statewide, multidisciplinary mandatory reporting guidance tool in order to achieve the following goals.

1. Assist mandatory reporters as they gain familiarity with a new reporting threshold, risk of significant harm.
2. Help ensure that children and families requiring statutory child protection services are promptly reported.
3. Help increase direct family contact in response to reports of risk of significant harm by eliminating time spent on reports that could be diverted for a more appropriate service/services.
4. Provide alternative options for reporters to assist children, young people and families who would be better served outside of the statutory child protection system.

This Guide is not intended to replace critical thinking or to prohibit a mandatory reporter from any course of action he/she believes is appropriate. Instead, the Guide incorporates proven design principles that help focus on the most critical pieces of information for the decision at hand. The Guide reflects the consensus of multiple government departments and non-government agencies concerning situations that are best served through statutory responses and those that are best served through alternative interventions.

The NSW government has established the KTS Support Line to assist NGOs with the changes under the *Keep Them Safe* (KTS) specifically with the introduction of the new mandatory reporting threshold.

The KTS Support Line **1800 772 479** operates from 8am to 5pm Monday to Friday.

The Support Line is for mandatory reporters in NGOs. It provides assistance in using the new Mandatory Reporter Guide, in determining whether a matter meets the threshold for Risk of Significant harm and in understanding the changes under KTS. It also assists NGO mandatory reporters with referral pathways for cases that fall below the threshold.

#### Procedure

##### Training workers

1. All workers must be informed at Orientation that they are Mandatory reporters whilst working for Interchange
2. All workers must be informed of the mandatory Reporting policy and accompanying procedures
3. All workers should receive training in keeping Them Safe Principle, in identifying examples of risk of significant harm, and procedures to follow
4. All service coordinator should familiarise themselves with the on-line Mandatory Reporting guide

##### Reporting procedure

1. Workers concerned that a child is at immediate risk should ring emergency services and contact one of the service coordinators or the Manager (refer Emergency contact list)
2. Workers concerned that child might be at risk of significant harm must inform a service coordinator or Manager the next working day to receive assistance in making a mandatory report
3. Any service coordinator receiving a notification from a worker concerned about risk of significant harm should make themselves available to assist the worker to determine whether there is a reportable risk. The coordinator should use the on-line Mandatory Reporting Guide <http://sdm.community.nsw.gov.au/mrg/aapp/summary> and the Keeping Them safe helpline 1800 772 479
4. If a reportable risk is determined the coordinator should assist the worker to make the report to the Child Protection Line on **133627**.