

MacKillop Family Services

NSW-P-003 Mandatory Reporting

1. PURPOSE

1.1 This procedure sets out the mandatory reporting obligations of MacKillop Family Services (MacKillop) in New South Wales (NSW). The *Children and Young Persons (Care and Protection) Act 1998* sets out mandatory and voluntary reporting obligations. Any person who has reasonable grounds to suspect that a child or young person is at significant risk of harm may make a report to the Helpline at the Department of Community Services.

1.2 Mandated reporters must comply with any reporting requirements they have under the *Children and Young Persons (Care and Protection) Act 1998*. Allegations that involve employees and carers of MacKillop will also be reported to the NSW Ombudsman. Reference is made to the procedure NSW-P-004 - *Reportable Conduct*.

2. SCOPE

This document applies to all employees and volunteers (including foster carers) engaged in work or activities associated with MacKillop in NSW.

3. DEFINITIONS

Term	Definition
<i>Mandatory Reporter</i>	<p>A mandatory reporter in NSW is an individual required by under Section 27 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> 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.</p> <p>Mandatory reporters include those who deliver the following services wholly or partly to children as part of their paid or professional work:</p> <ul style="list-style-type: none"> • Health care (e.g. doctors, nurses, dentists and other health workers); • Welfare (e.g. psychologists, social workers and youth workers); • Education (e.g. teachers); • Children's services (e.g. child care workers, family day carers and home-based carers); • Residential services (e.g. refuge workers); • Law enforcement (e.g. police). <p>The NSW legislation also mandates any person who manages an employee from the</p>

	above services to report risk of significant harm.
<i>Significant Harm</i>	A child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person. This means it 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, or in the case of an unborn child, after the child's birth. The significance can result from a single act or omission or an accumulation of these.

4. PROCEDURE

4.1 What to Report?

4.1.1 According to s. 23 of the *Children and Young Persons (Care and Protection) Act 2012*, a child or young person is at risk of significant harm if current concerns exist for the safety and well-being of the child or young person because of the presence of one or more of the circumstances listed below. Further definitions can be found in the **Glossary**.

- The child or young person's basic physical or psychological needs are not being met or are at significant risk of not being met.
- The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care.
- The child or young person has been or is at significant risk of being physically or sexually assaulted or ill-treated.
- The child or young person is living in a household where there has been incidents of domestic violence and, as a consequence, the child or young person is at significant risk of serious physical or psychological harm, or
- A parent or caregiver has behaved in such a way towards a child or young person that the child or young person has suffered or is at significant risk of suffering serious psychological harm.

4.1.2 It should also be noted that a child or young person who exhibits sexually abusive behaviours or who sexually offends may be at significant risk of harm and employees should consider whether a report is required. If an employee is in doubt about a report, they should consult the ***Keep Them Safe Mandatory Reporter Guide*** which is an interactive tool to step through different categories of incidents. Any further queries should be directed to a MacKillop supervisor.

4.2 Pre-natal Reporting

4.2.1 Reports can be made before the birth of a child where there may be significant risk of harm after the child is born. Pre-natal reporting is **not** mandatory.

4.2.2 The intention of pre-natal reporting is to provide an opportunity for early support and assistance to a pregnant woman, where her child, when born, may be at significant risk of harm and to reduce the likelihood of the need for out-of-home care when the child is born.

4.2.3 Pre-natal reporting may be particularly helpful for pregnant women in domestic violence situations, with mental health or hazardous drug use during pregnancy. Reporting may provide the catalyst for assistance. However, pre-natal reporting should only be used when there are clear indications that the child may be at risk of harm. It is not intended to be used as a punitive measure against women under stress.

4.4 Reporting of Children under the Age of 16 Years

4.4.1 Specified mandated persons must report to the Child Protection Helpline (Department of Family and Community Services), if they have reasonable grounds to suspect a child or young person is at significant risk of harm.

4.4.2 Employees are **only** mandated to report if the concerns arise in the course of their work. It is a personal **choice to report concerns that arise in an employee's personal life.**

4.4.3 The NSW Government has developed an on-line *Mandatory Reporter Guide* which is available on the *Keep Them Safe* website. This tool can be helpful to assist staff determine whether a matter is above or below the risk of harm threshold and whether or not to report to the Child Protection Helpline.

4.2.4 If an employee providing residential accommodation for a child or young person believes that the child or young person is living away from home without parental permission, then it is mandatory for the employee to immediately inform the Child Protection Helpline (Department of Family and Community Services) of the child or young person's whereabouts.

4.5 Reporting of Young People Aged 16-17 Years

4.5.1 Under the *Children and Young Persons (Care and Protection) Act 1998*, mandated reporters are only required by law to report significant risk of harm to children and young people under the age of 16 years.

4.5.2 However, where an employee is concerned that a young person aged 16-17 years is at risk of harm from abuse or neglect, he/she should make a report. The young person should be involved in the decision to report and the process of reporting, unless there are exceptional reasons for not including him/her. If the young person is against the report being made, this information must be conveyed to the Child Protection Helpline (Department of Family and Community Services), which must consider the young person's wishes in any assessments and investigations.

4.6 Making a Report to the NSW Department of Family and Community Services

4.6.1 The NSW Department of Family and Community Services is the central agency for all reports about significant risk of harm from abuse and neglect.

Reports must be made to Child Protection Helpline on **telephone 13 2111**. The Child Protection Helpline will tell mandatory reporters whether the report they have made meets the threshold of significant harm or not. Full details of the report must be recorded and placed on the child or young person's file.

The Child Protection Helpline will provide a reference number for the report and provide written confirmation of the report. This information must be placed on the child or young person's file.

4.6.2 Employees **must not** disclose information about a report to the child or young person's parents, family or significant others. This disclosure may hinder the investigation and assessment process.

4.6.3 When the employee is making the report, it is important to inform the Child Protection Helpline about any special circumstances, language, culture or disability that may require special skills or assistance.

4.6.4 In circumstances where the report does not meet the minimum Department of Family and Community Services threshold, MacKillop will endeavour to provide or refer to appropriate care and support services.

4.7 Information to provide in a Report

If possible, employees will provide the following information to the Child Protection Helpline and document the information in the child or young person's file:

- name and contact details of the employee as notifier.
- name of the child or young person.
- date of birth of the child or young person.
- contact details or whereabouts of the child or young person.
- details of the child or young person's school.
- name, date of birth/age and contact details of the child or young person's parents.
- identifying information about any other children or young people who may be in the household, including contact details for schools or child care centres.
- when the child or young person was last seen.
- name of the person who is suspected of abusing the child or young person and if possible, occupation.
- cultural background of the child or young person, including the need for language or sign interpreter.
- suggested contact details of an appropriate Aboriginal or Torres Strait Islander community agency that should be involved.
- details of alleged abuse or neglect, including the date, time, location and possible injuries.
- reasons for the concerns about the child or young person.
- events, conversations or observations that lead to the concerns about the child or young person.

4.8 Internal Reporting

The relevant Manager and the General Manager NSW Services are to be notified of all mandatory reports. It is the responsibility of the Manager to ensure that an Incident Report is completed for all mandatory reports. See procedure (CO-P-08 Incident Reporting).

4.9 Further Information

Employees can find further information about the process undertaken by the Department of Family and Community Services and other authorities in relation to assessing and responding to reports of child protection in the *NSW Interagency Guidelines for Child Protection Intervention 2006*. *Note: These Guidelines are currently under revision.

REFERENCES

- CO-P-08 Incident Reporting
- HR-P-014, Privacy and Confidentiality
- HR-P-013 – Code of Conduct
- NSW-P-004 Reportable Conduct
- *NSW Interagency Guidelines for Child Protection Intervention, 2006*
- [Mandatory Reporter Guide | Keep Them Safe](#)
- *Children and Young Persons (Care and Protection) Act 1998 Section 23*

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Glossary

<i>Neglect</i>	Neglect occurs when a child or young person is harmed or potentially harmed by the failure of a parent, guardian or carer to fulfil a duty to provide the basic physical and emotional necessities. It can be an ongoing situation of repeated failure by a parent, guardian or carer or a single significant event that causes harm to the child or young person or places him/her at risk.
<i>Physical Assault</i>	Physical assault is an act committed on or towards a child or young person, or application of force or an act that causes a child or young person to think that immediate force will be used. The act is either hostile or reckless. Physical assault includes such actions as hitting, pushing, throwing objects, kicking and threatening to hit. The intention of the perpetrator is not relevant.
<i>Psychological Harm</i>	Psychological Harm is behaviour that results in significant emotional harm or trauma to a child or young person. There needs to be a causal link between the inappropriate behaviour and the harm. It is generally characterised by a sustained or repeated pattern of behaviour and is targeted at a particular child or young person or group of children or young people. However, a one-off act can have severe repercussions for a child or young person. Examples include spurning (degrading or belittling a child or young person, harsh criticism), terrorising (exposure to chaotic circumstances, setting unrealistic expectations with threats of harm or loss if not met), ignoring (failing to emotionally care and

	support a child or young person), isolating (denying a child or young person the opportunity to engage in social activities with peers or adults), and exploiting (promoting self-destructive, anti-social, criminal and other maladaptive behaviours in a child or young person).
<i>Sexual Offences</i>	A Sexual Offence is an act of indecency (against community standards), exposing oneself, sexual assault (e.g. sexual intercourse) or indecent assault (e.g. touching without consent accompanied by indecency).
<i>Sexual Misconduct</i>	Sexual Misconduct is a range of behaviours or a pattern of behaviour that may be aimed at the involvement of a child or young person in sexual acts. It may include inappropriate conversations of a sexual nature, unwarranted and inappropriate touching, sexual exhibitionism, personal correspondence of a sexual nature (including electronic communication), possession of child pornography, and grooming behaviour (i.e. persuading a child or young person that a special relationship exists, testing of boundaries). This behaviour can be with or without the consent of the child or young person.