



**Family &
Community Services**
Ageing, Disability & Home Care

Child Protection Guidelines: What ADHC staff need to know about child protection

Summary: These guidelines are designed to assist staff to understand their obligations and responsibilities when they are concerned that children and young people are at risk of or, are being neglected or abused.



Document approval

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Table of Contents

1	Purpose of Child Protection Guidelines.....	4
1.1	Purpose.....	4
1.2	Background and policy links.....	4
	Policy Principles.....	4
	Policy Drivers.....	4
2	Definitions.....	6
3	Scope and application.....	8
4	Legislation.....	8
4.1	Other legislation affecting child welfare.....	9
5	Statement.....	9
6	Roles and responsibilities.....	9
7	Monitoring, evaluation and review.....	10
8	Support and advice.....	10
9	Guidelines.....	10
9.1	Preventing abuse and neglect by those working with children and young people (Working with Children Check).....	10
9.2	Reporting of children and young people at risk of significant harm ...	11
9.3	Exchanging information relating to the health, safety and welfare of children.....	15
9.4	Record Keeping.....	16
9.5	Allegations involving ADHC employees.....	17
10	Voluntary Out-of-Home Care.....	19
11	Appendix: website links used in this document.....	20

1 Purpose of Child Protection Guidelines

1.1 Purpose

This document is designed to assist all Family and Community Services (FACS), Ageing, Disability and Home Care (ADHC) staff to understand their responsibilities to help children and young people grow up safe and well and their obligations when they are concerned that children and young people are being neglected or abused or are at risk of neglect or abuse.

This document is supported by the [ADHC Child Protection Fact Sheet](#). Together these two documents provide staff with:

- an overview of the main legal compliance issues they need to be familiar with
- an explanation of the responsibilities when they suspect that children and young people are being neglected or abused, or are at risk of neglect or abuse
- direction as to what action to take when the behaviour of families, carers or staff gives rise to concerns for children or young people; and
- links to relevant FACS, ADHC supporting documents and external resources that staff should consult for more information about how to respond to specific incidents or concerns.

These documents also apply to ADHC funded services. The procedural sections relate ADHC employees. ADHC funded services are encouraged to use these procedures as a template to guide the development of their own procedures.

1.2 Background and policy links

This document supersedes the document: Child Protection: Responding to Risk of Harm to Children and Young People 2010.

Policy Principles

All children and young people with disability have a right to grow up safely in a family, participate as active and valued members of the community, and have opportunities to reach their full potential at all stages of their lives.

Parents and families are the best carers and protectors of children and young people. Where a family is not able to provide a safe, healthy and nurturing environment, an alternative needs to be put in place.

The NSW Government is committed to supporting the protection of children and young people from abuse and neglect. Child protection issues are a critical area of compliance risk that all ADHC staff should be aware of.

Policy Drivers

The 2006 [United Nations' Convention on the Rights of Persons with Disabilities](#) is designed to promote, protect and ensure the full and equal

enjoyment of all human rights by people with disability. In particular, Article 3(a) *Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons*; and Article 12 *Equal recognition before the law* support an individual's right to make choices

The 1989 [United Nations Convention on the Rights of the Child](#) is the first legally binding international instrument to incorporate the full range of human rights - civil, cultural, economic, political and social rights. The Convention brings together the children's human rights articulated in other international instruments. It articulates the rights more completely and provides a set of guiding principles. It states that '*all children have the right to develop to the fullest, to protection from harmful influences, abuse and exploitation and, to participate fully in family, cultural and social life*'.

In the [National framework for protecting Australia's children](#) Commonwealth, State and Territory Governments agreed to work together to implement a comprehensive national approach to protecting children in response to the increasing number of children who are being exposed to child abuse and neglect. The National Framework outlines an ambitious, long term national approach to ensuring the safety and wellbeing of Australian children. It aims to deliver a substantial and sustained reduction in levels of child abuse and neglect.

The 2008 [Report of the Special Commission of Inquiry into Child Protection Services In NSW](#) resulted in significant changes to the the NSW [Children and Young Persons \(Care and Protection\) Act 1998](#).

The NSW Government responded to the Inquiry with [Keep Them Safe: A shared approach to child wellbeing](#) (KTS). The 2010 – 2014 KTS Action Plan aims to re-shape the way family and community services are delivered in NSW to improve the safety, welfare, and wellbeing of children and young people. The central vision of KTS is that child wellbeing and child protection is a collective or shared responsibility. In recognition that child protection is not the sole responsibility of Community Services, *Keep Them Safe* has changed the way that child abuse and neglect concerns are reported and responded to in NSW. KTS is currently being evaluated and the funding envelope has been extended to 30 June 2016.

The [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#) support collaborative practice and apply to government and non-government agencies alike. They were developed by Community Services in collaboration with a range of government and non-government agencies to provide information and guidance to all agencies involved in the delivery of child wellbeing and child protection services in NSW.

The FACS [Code of Ethical Conduct](#) outlines the standards of behaviour expected of all staff as public servants and employees of FACS and acts as a guide to ethical decision making. More information about the Code of Conduct is available on the [FACS Policies and Learning intranet page](#).

2 Definitions

The table below is a list of terms, keywords and/or abbreviations used throughout this document.

Term	Definition
Child	Refers to a person under the age of 16 years as defined in the Children and Young Person's (Care and Protection) Act (1998)
Young person	Refers to a person who is aged 16 or 17 years as defined in the <i>Children and Young Person's (Care and Protection) Act (1998)</i> .
Employee	Any person ADHC employs, whether or not they are employed to work directly with children, as well as anyone from outside the agency who is engaged to provide services to children such as contractors, foster carers, volunteers, students on placement.
Risk of Significant Harm (ROSH)	<p>A child or young person is at risk of significant harm (ROSH) 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.</p> <p><i>'This means the concern is sufficiently serious to warrant a response by a statutory authority (such as NSW Police Force or Community Services) irrespective of a family's consent.</i></p> <p><i>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 wellbeing, or in the case of an unborn child, after the child's birth.</i></p> <p><i>The significance can result from a single act or omission or an accumulation of these'.</i></p> <p>Reference: KTS Policy Definition of Significant Harm</p>
Child Protection Helpline	Refers to the Community Services' 24 hour, 7 days a week child protection telephone helpline where you report suspected ROSH by calling 132 111.
Mandatory Reporter	<p>Mandatory reporters are defined in NSW legislation. A mandatory reporter is an individual required by law to report to Community Services when they have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm from abuse or neglect and that those grounds are identified during the course of, or from the person's work.</p> <p>Mandatory reporter: Staff who work with children and young people are legally required to report when they reasonably suspect ROSH to children. Managers, including both paid employees and volunteers, who supervise direct services are also mandated to</p>

	<p>report and can report on behalf of the staff they supervise. In some instances this is a requirement of their position e.g. Home Care and ADHC Accommodation and Respite services.</p> <p>Note that while it is mandatory to report children aged 0-15 years at risk of significant harm, it is not mandatory to report young people aged 16-17 years or unborn children. Professional judgement should be used in deciding whether concerns about the safety, welfare or wellbeing of an unborn child or a young person warrant a report to Community Services.</p> <p>Mandatory reporters should note that the legislation requires that they continue to respond to the needs of the child or young person (within the terms of their work role) even after a report to the Child Protection Helpline has been made.</p>
Voluntary Reporting	<p>Voluntary reporter: All staff who do not work directly with children and young people. Although not mandated by law, all ADHC staff are required to report ROSH that arise during their work.</p>
Mandatory Reporter Guide (MRG)	<p>The online NSW Mandatory Reporter Guide (MRG) is an interactive guide designed to assist all reporters to determine whether their concerns about a child or young person constitute ROSH under the legislative reporting threshold. The MRG is located on the Keep Them Safe website: http://sdm.community.nsw.gov.au/mrg/.</p> <p>The MRG should be used by all staff to determine whether or not to report risk of significant harm to the Child Protection Helpline.</p>
Child Wellbeing and Child protection – NSW Interagency Guidelines	<p>The Child Wellbeing and Child Protection – NSW Interagency Guidelines provide information and guidance to both government agencies and NGOs involved in the delivery of child wellbeing and child protection services in NSW.</p>
Working with Children Check (WWCC)	<p>The process developed to support the application of the <i>Child Protection (Prohibited Employment) Act (1998)</i> and Part 7 of the <i>Commission for Children and Young People Act (1998)</i> in employment screening.</p>

3 Scope and application

The Guidelines are for internal use and apply to all permanent, temporary and casual employees of ADHC, including all Home Care employees. The Guidelines also apply to:

- agency staff
- members of committees, working groups and advisory bodies
- consultants and contractors who are working in ADHC
- volunteers
- work experience students; and
- student placements.

These Guidelines require ALL ADHC staff, whether they are a mandatory or voluntary reporter, to make a report to the Child Protection Helpline if they suspect a child or young person is at risk of significant harm(ROSH).

The Guidelines also apply to ADHC funded services. The procedural sections relate ADHC employees. ADHC funded services are encouraged to use these procedures as a template to guide the development of their own procedures.

4 Legislation

The changes to the *Children and Young Persons (Care and Protection) Act 1998* commenced on 24 January 2010 and affected a significant shift in the way mandatory reporters considered whether their issues of concern about children and young people were reported to Community Services. The changes also established a scheme for information exchange between the government and non-government sectors. The main changes affecting ADHC staff were:

- raising the mandatory reporting threshold
- two new grounds that indicate a child may be at risk: cumulative impact and inadequate educational arrangements
- removing penalties for not reporting, and
- allowing disclosure of reporter identity to a law enforcement agency investigating a serious offence against a child or young person.

Under s.27 of the *Children and Young Persons (Care and Protection) Act (1998)*, mandatory reporters have a legal requirement to report suspected ROSH to Community Services during the course of their work.

Changes to the Working with Children Checks (WWCC) in NSW came into effect in June 2013, in response to the [Child Protection \(Working with Children\) Act 2012](#) and the *Child Protection (Working with Children) Regulation 2013*. Staff members who are working in positions that involve

contact with children through the course of their work are required to have a current WWCC clearance. For more information see section [9.1 Preventing abuse and neglect by those working with children and young people \(Working with Children Check\)](#).

4.1 Other legislation affecting child welfare

Under the [Child Protection \(Offenders Registration\) Act 2000](#), people convicted of sexual offences and some other offences that involve children must register with the Police and report changes to their living and work arrangements. ADHC staff working with people with disability found guilty of these offences may need to assist them to comply with their registration obligations, and provide information that the Police need to carry out their responsibilities.

Under the [Child Protection \(Offenders Prohibition Orders\) Act 2004](#) the Local Court can make prohibition orders against people who are registrable under the Child Protection (Offenders Registration) Act. Orders can restrict where offenders go, who they can contact, where they work or activities they can undertake. ADHC staff need to support clients who are subject to prohibition orders. Staff must not disclose information about people subject to orders or their victims that they find out about in the course of their work.

The [Child Support \(Registration and Collection\) Act 1998](#) (Cth) and the [Child Support \(Assessment\) Act 198](#) (Cth) authorise the Commonwealth Child Support Agency to register and collect child support payments from employee pay and give it information gathering powers to support these processes.

5 Statement

These Guidelines are to be used by all ADHC staff to operationalise ADHC's responsibilities under the NSW child protection legislation and the *Child Wellbeing and Child Protection: NSW Interagency Guidelines*.

These Guidelines aim to provide clear direction and guidance for all employees, who, in the course of their work, have concerns about the safety, welfare and wellbeing of children and young people, regardless of whether or not those concerns meet the threshold for statutory intervention.

6 Roles and responsibilities

The main roles and responsibilities for the implementation of these Guidelines are as follows:

- All ADHC staff – no matter what their role – are required to report risks of significant harm that arise during their work (voluntary and mandatory reporters).

- All ADHC staff who work with children and young people are legally required to report when they reasonably suspect risk of significant harm to children in the course of their work (mandatory reporting).
- Managers, including both paid employees and volunteers, who supervise direct services are also mandated to report and can report on behalf of the staff they supervise. While managers of staff can report on behalf of their staff, the original mandatory reporter still has a duty to ensure the report is made on their behalf.

7 Monitoring, evaluation and review

It is the responsibility of the Community Access Directorate to monitor and update this document when required. This document will be reviewed every three years and when any significant new information, legislative or organisational change warrants amendments to this document.

8 Support and advice

You can get advice and support about the content of this document from your line manager or by sending an email to:

KeepThemSafeForADHC@facns.nsw.gov.au.

If you are reading/reviewing a printed version of this document, please refer to the intranet to confirm that you are reading/viewing the most recent version of the policy. Following any subsequent reviews and approval, these guidelines will be uploaded to the internet and/or intranet and all previous versions removed.

9 Guidelines

9.1 Preventing abuse and neglect by those working with children and young people (Working with Children Check)

The *Child Protection (Working with Children) Act 2012* covers ADHC staff and volunteers who work with children and young people and other staff who have access to confidential information about children. The main requirements are for these staff to:

- obtain a WWCC clearance from the Commission for Children and Young People/[Office of the Children's Guardian](#).
- notify the Children's Guardian of the names and identifying details of people subject to relevant employment proceedings (i.e. investigations of misconduct involving children), except where there has been a finding that reportable conduct

did not occur. The FACS [Professional Conduct, Ethics and Performance Unit](#) organises these notifications.

Only paid workers are required to pay the fee for a five year clearance. For more help and information, please refer to the fact sheets available from the fact sheets and resources page of the Children's Guardian's website at www.newcheck.kids.nsw.gov.au.

The WWCC identifies relevant criminal records and disciplinary proceedings before people enter the employ or are engaged as a volunteer, contractor or consultant of ADHC (referred to in this document as 'staff'). Where there is a positive result this is to be assessed by the employing agency to determine if they are prohibited from working with children.

A WWCC clearance covers a different range of convictions and orders than a standard employment criminal record check, and both may need to be performed depending on the position being applied for.

The WWCC is valid for five years and is owned by the employee. The check can be used in more than one position and with more than one employer during this time.

If you have any questions email wwcc@facs.nsw.gov.au.

What should ADHC employees do?

- Staff members who are working in positions that involve contact with children through the course of their work are required to have a current WWCC clearance.
- Staff members who have access to confidential information about children should discuss the need to obtain a WWCC with their manager.

More information:

- [FACS Employment Screening Policy](#)
- [FACS intranet WWCC page](#)
- [Commission for Children and Young People website](#).

9.2 Reporting of children and young people at risk of significant harm

The *Children and Young Persons (Care and Protection) Act 1998* defines certain classes of people who work with children and their managers as mandatory reporters, who have a statutory obligation to report children who are at risk of significant harm (ROSH) to Community Services.

Section 23 of the Act provides the following definition of ROSH:

1. *'A child or young person is **at risk of significant harm** if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence, to a significant extent, of one or more of the following circumstances:*
 - a) *the child's or the young person's basic physical or psychological needs are not being met or are at risk of not being met*
 - b) *the parent or other carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care*
 - b1) *in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 - the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act*
 - c) *the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated*
 - d) *the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm*
 - e) *the parent or other carer has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm*
 - f) *the child was the subject of a pre-natal report under Section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report*
2. *Any such circumstances may relate to a single act or omission or to a series of acts or omissions.*

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given'.

Reference: [Section 23 Child or young person at risk of significant harm, Children and Young Persons \(Care and Protection\) Act 1998.](#)

Section 25 of the Act states:

'A person who has reasonable grounds to suspect, before the birth of a child, that the child may be at risk of significant harm after his or her birth may make a report to the Director-General.

Note. The intentions of this section are:

- a) *to allow assistance and support to be provided to the expectant mother to reduce the likelihood that her child, when born, will need to be placed in out-of-home care, and*
- b) *to provide early information that a child who is not yet born may be at risk of significant harm subsequent to his or her birth, and*

- c) *in conjunction with section 23 (f) and section 27, to provide for mandatory reporting if there are reasonable grounds to believe that the child is at risk of significant harm subsequent to his or her birth’.*

Reference: [Section 25 Pre Natal Reports, Children and Young Persons \(Care and Protection\) Act 1998](#).

The KTS Policy definition of Significant Harm states:

‘Concerns about suspected risk of significant harm are 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 wellbeing, 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’.

Reference: [KTS policy definition of significant harm](#)

The [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#) provide information and guidance to organisations involved in the delivery of child wellbeing and child protection services in NSW. They support collaborative practice and are applicable to both government agencies and NGOs. The NSW Guidelines include sections on [roles and responsibilities](#), [making a child protection report](#) and [exchanging information](#)

The online [NSW Mandatory Reporter Guide](#) (MRG) is an interactive guide designed to assist all reporters to determine whether their concerns about a child or young person constitute ROSH under the legislative reporting threshold. The Community Services NGO Learning Centre site: <http://elearning.community.nsw.gov.au/NGO/onlinetraining/online-training/modules/keep-them-safe> has an overview and demonstration module on how to use the MRG.

ADHC requires all staff, whether working directly with children (mandatory reporters) or not (voluntary reporters), who have reasonable grounds to suspect that a child or children are at risk of significant harm from abuse or neglect to:

- use the [MRG](#) immediately if a concern exists. Staff should use the interactive online MRG to help them determine whether the concern they have meets the statutory threshold for reporting risk of significant harm and print out the outcome of the report.
- make a report to the Community Services [Child Protection Helpline](#). The Helpline is open 24 hours a day, 7 days a week.

Staff should make an **immediate suspected risk of harm report** to the Helpline

- where the MRG has been applied and the outcome is “Immediate report to Community Services”; or

- where the MRG has not been applied but there is suspected to be a high risk of significant harm or imminent risk or significant safety concerns.

Staff can make a **non imminent suspected risk of harm report** to the Helpline by:

- using the [Risk of Significant Harm fax form](#) or
- using [eReporting](#)

Faxes and eReporting **cannot** be used for immediate suspected risk of harm reports.

Managers of staff can report on behalf of their staff but this does not affect the duty of the mandatory reporter to make sure that the report is made. Failure to report may in some circumstances amount to reportable conduct under [Part 3A of the Ombudsman's \(Child Protection and Community Services\) Act 1974](#) or involve a mandatory reporter in professional disciplinary proceedings. Managers are to advise their senior manager of all ROSH reports and a briefing note may be required.

It is important to recognise that information that must be reported can arise even when a staff member is not directly working with children, for example, where the capacity or behaviour of a carer or other employee puts children or young people at risk of abuse or neglect.

Interventions by the statutory child protection system can be intrusive and have an impact on families. The decision about whether or not intervention is needed should not be made lightly. It requires a considered approach based on quality information.

Professional judgment should be used to determine whether to inform the parents or carers that a report has been made. Staff do not have to inform the parents/carers of a report to the Child Protection Helpline. Community Services generally advise parents or carers that a report has been made.

Any person making an enquiry or complaint to a staff member about a Helpline report should be referred to Community Services.

Staff who make a report are protected against legal or disciplinary action for disclosing information and their identity cannot be disclosed without their consent or by leave of a court hearing proceedings arising from the report.

Guidance on making a report including practice guidance is available from the [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#). The Interagency Guidelines provide information and support for collaborative practice and apply to government and non-government agencies alike.

What should ADHC employees do?

- use the [MRG](#) and print out the report
- talk with their manager.

- make a report to the Community Services Child Protection Helpline on 132 111 when there are reasonable grounds to suspect that a child, or children, are at risk of significant harm from abuse or neglect.
- document the concerns
- if the concern does not reach the statutory threshold for risk of significant harm, document the concerns and continue the relationship and/or refer on for support
- managers of staff who do not have computer access are responsible for using the MRG, documenting concerns in CIS for ADHC clients and producing and uploading relevant documentation.

More information:

- [ADHC intranet page: Child wellbeing and protection](#)
- [ADHC Child Protection CIS Instruction Sheet](#)
- [Risk of Significant Harm fax form](#)
- [eReporting fact sheet](#)
- [eReporting User Access form](#)
- [Guide to making an eReport](#)
- [Keep Them Safe - about the MRG](#)
- [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#)
- [Community Services Child Protection Helpline](#)
- [Community Services resources for mandatory reporters](#)

9.3 Exchanging information relating to the health, safety and welfare of children

Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* allows and in some circumstances requires government agencies and non-government organisations that are prescribed bodies to exchange information that relates to a child or young person's safety, welfare or wellbeing. ADHC falls within the definition of a prescribed body and will request and provide information that relates to the health, safety and welfare of children.

Community Services primarily uses Chapter 16A to collect the information it needs to perform its statutory child protection role. However, Community Services may also seek the information under section 248 of the *Children and Young Persons (Care and Protection) Act 1998* which contains stronger powers of direction and discretion. The consent of the child, young person or their carers is not necessary where information is exchanged under Chapter 16A or section 248.

Community Services or other prescribed organisations may make a direct request to ADHC. A request may cover information whose relevance to child protection is not immediately obvious, for example information about the conduct of a former employee. In these circumstances, it is important that staff are aware of the wide scope of Chapter 16A.

Factsheets, guidance, checklists, and form letters to request and provide information are available on the Community Services [NSW Interagency Guidelines website pages](#).

What should ADHC employees do?

- Be clear about the purpose of the request and how the information is expected to help ADHC or the other agency to provide a service or manage a risk in relation to the safety, welfare or wellbeing of the child/young person.
- Consult with and obtain approval from your manager except in very urgent situations.
- Complete the relevant [letter and checklist](#) available on the NSW Interagency Guidelines website to assist your decision-making and make the request.
- Be aware of the [FACS Information Security Policy](#). The policy refers to how we classify store and access sensitive information.
- Document ALL records of information exchange under Chapter 16A and s248 about ADHC clients. A copy of the letters used for information exchange must be uploaded to a secured TRIM location.
- Managers of staff with no access to computers are responsible for documenting the matter and producing and uploading relevant documentation to a secured TRIM location.

More information:

- [Child Wellbeing and Child Protection – NSW Interagency Guidelines - Exchanging information relating to children or young people in a child wellbeing and child protection context](#)
- [FACS Information Security Policy](#)
- [ADHC Child Protection CIS Instruction Sheet](#)
- [ADHC intranet page: Child wellbeing and protection](#)

9.4 Record Keeping

All concerns, reports and actions by ADHC staff regarding risk of harm/neglect, or risk of significant harm must be documented immediately.

All Reports to the Child Protection Helpline require a Category 1 Incident Executive Briefing response (see ADHC [Incident Management Policy](#))

The primary mode of documenting concerns for ADHC clients is on CIS. CIS has business rules in regard to the recording of information related to concerns and reports regarding risk of harm and neglect.

The [ADHC CIS Business Rules for Community Access](#) provide guidance on how to use CIS. The [ADHC Child Protection CIS Instruction Sheet](#) provide advice on recording:

- use of the MRG
- report to the Child Protection Helpline
- requests to/by ADHC under Chapter 16A
- section 248 requests by Community Services

Care workers, such as those working in Home Care, accommodation support or respite services who do not have access to CIS must report to their manager every instance when they have been involved in any of the actions outlined above. This will enable their manager to complete the recording of the matter on their behalf. This will be in CIS if it is an ADHC client or in a briefing note or additional documentation uploaded to TRIM. The manager is also responsible for recording and monitoring any further follow up required.

What should ADHC employees do?

- Be aware of the [FACS Information Security Policy](#). The policy refers to how we classify store and access sensitive information.
- Document ALL concerns, reports and actions for ADHC clients in CIS and/or in a briefing note. A copy of the MRG decision report must be placed in TRIM along with all other relevant documentation.

The line manager will consult with their senior manager and a briefing note or additional documentation may be required.

More information:

- [FACS Information Security Policy](#)
- [ADHC Incident Management Policy](#)
- [ADHC CIS Business Rules for Community Access](#)
- [ADHC Child Protection CIS Instruction Sheet](#)

9.5 Allegations involving ADHC employees

The [Ombudsman's \(Child Protection and Community Services\) Act 1974 \(Part 3A\)](#) mandates that staff must be reported to the NSW Ombudsman when they are alleged to have engaged in reportable conduct against a child and that this must be investigated.

The [Professional Conduct, Ethics and Performance Unit](#) (PCEP) is responsible for reporting these matters to the Ombudsman and for conducting reportable conduct investigations against ADHC employees. For more information contact the PCEP on 9716 2073 or email PCEP@fac.s.nsw.gov.au.

If staff become aware, directly or indirectly, of an allegation of reportable conduct by another staff member towards a child or young person, they must report the matter *immediately* to their manager. They can, if the manager is not available, also report the matter directly to PCEP. They must also maintain confidentiality when they become aware of an allegation of reportable conduct.

All allegations of reportable conduct require a Category 1 Incident Executive Briefing response (see ADHC [Incident Management Policy](#)) including notification using the [PCEP Notification Form](#) within 24 hours.

The manager will also assist the staff member to apply the [MRG](#) to ascertain whether the incident needs to be reported to the Child Protection Helpline, or whether any further action needs to be taken. Managers must also maintain confidentiality.

All Government agencies must notify the Ombudsman where conduct of an employee arises in the course of employment. Conduct that must be reported to the Ombudsman under the Ombudsman Act 1974 includes:

- convictions or findings of guilt for sexual offences involving children; or
- allegations that the employee has committed a sexual offence or sexual misconduct involving children or any assault, ill-treatment or neglect or behaviour that causes psychological harm to a child.

[Designated public sector authorities, including ADHC and designated non-government agencies](#) (Ombudsman Act 1974), must report any allegations against employees they are made aware of, wherever the conduct takes place (this includes conduct by employees in their private life, that is, regardless of whether the conduct arose in the course of work or outside the workplace).

Where an investigation of reportable conduct leads to a finding that the alleged conduct occurred or cannot be disproved, a relevant employment proceeding and identifying details of the employee must be provided to the Commission for Children and Young People. This is done by the PCEP. The Police or Community Services may also undertake a parallel investigation. The Ombudsman's office monitors investigations by agencies and may conduct its own investigation.

What should ADHC employees do?

- Talk to their manager if they have concerns about another ADHC employee in relation to the health, safety and welfare of children.
- Contact the PCEP on 9716 2073 or email PCEP@fac.s.nsw.gov.au. All inquiries directed to the PCEP are treated in the strictest of confidence on a need to know basis.

More information:

- [FACS Professional Conduct, Ethics and Performance Unit](#)
- [FACS PCEP Notification Form](#)
- [ADHC - Child Protection: Reporting allegations about employees fact sheet](#)
- [ADHC -Child Protection: Responding to Allegations Against Employees Policy](#)
- [NSW Ombudsman Guidelines for employment related child protection](#)
- [ADHC Incident Management Policy](#)

10 Voluntary Out-of-Home Care

The *Children and Young Persons (Care and Protection) Act 1998*, has a number of provisions to safeguard the interests of children and young people in Voluntary Out-of-Home Care (VOOHC), many of whom have a disability.

VOOHC is where a parent of a child or young person voluntarily makes arrangements with an organisation for the placement of their child or young person in out-of-home care. This may include centre-based respite, host family care or residential care. Staff supporting children and young people using such services are mandatory reporters.

Under the legislation, ADHC is both a provider of VOOHC services and a designated agency. As a designated agency, ADHC is required to review and/or develop case plans for children and young people in registered agencies, when requested. As a registered agency, ADHC is required to enter details of all children and young people in receipt of VOOHC into the Children's Guardian VOOHC Register. The NSW Children's Guardian provides independent oversight of VOOHC agencies.

What should ADHC employees do?

Where a child or young person in VOOHC is considered to be at risk of significant harm a report may be made by staff or the NSW Children's Guardian to Community Services.

More information

- [ADHC VOOHC intranet page](#)
- [VOOHC User Manual for ADHC Staff](#) provides guidance to ADHC staff in fulfilling their roles and responsibilities under the *Children & Young Persons (Care & Protection) Act*
- [ADHC Out-of-Home Care Policy](#) to guide the provision of placements

for children and young people

- Detailed statutory guidelines for agencies supervising and managing both forms of out-of-home care can be found at www.kidsguardian.nsw.gov.au.

11 Appendix: website links used in this document

[United Nations' Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/convention/conventionfull.shtml)

<http://www.un.org/disabilities/convention/conventionfull.shtml>

[United Nations Convention on the Rights of the Child](http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf)

http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

[National framework for protecting Australia's children](http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business)

<http://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/protecting-children-is-everyones-business>

[Children and Young Persons \(Care and Protection\) Act 1998](http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N?)

<http://www.legislation.nsw.gov.au/fullhtml/inforce/act+157+1998+FIRST+0+N?>

[Child Support \(Registration and Collection\) Act 1998](http://www.austlii.edu.au/au/legis/cth/consol_act/csaca1988427/) (Cth)

http://www.austlii.edu.au/au/legis/cth/consol_act/csaca1988427/

[Child Support \(Assessment\) Act 198](http://www.austlii.edu.au/au/legis/cth/consol_act/csa1989294/) (Cth)

http://www.austlii.edu.au/au/legis/cth/consol_act/csa1989294/

[Report of the Special Commission of Inquiry into Child Protection Services In NSW:](http://www.dpc.nsw.gov.au/about/publications/publications_categories_list#special%20commission%20of%20inquiry%20into%20child%20protection%20services%20in%20new%20south%20wales)

[http://www.dpc.nsw.gov.au/about/publications/publications_categories_list#special commission of inquiry into child protection services in new south wales](http://www.dpc.nsw.gov.au/about/publications/publications_categories_list#special%20commission%20of%20inquiry%20into%20child%20protection%20services%20in%20new%20south%20wales)

[Keep Them Safe: A shared approach to child wellbeing](http://www.keepthemsafe.nsw.gov.au/about) (KTS):

<http://www.keepthemsafe.nsw.gov.au/about>

[Keep Them Safe - about the MRG:](http://www.community.nsw.gov.au/kts/guidelines/reporting/mrg2.htm)

<http://www.community.nsw.gov.au/kts/guidelines/reporting/mrg2.htm>

[Mandatory Reporter Guide \(MRG\):](http://sdm.community.nsw.gov.au/mrg/) <http://sdm.community.nsw.gov.au/mrg/>

[Child Wellbeing and Child Protection – NSW Interagency Guidelines:](http://www.community.nsw.gov.au/kts/guidelines/info_exchange/introduction.htm)

http://www.community.nsw.gov.au/kts/guidelines/info_exchange/introduction.htm

[Office of the Children's Guardian:](http://www.kids.nsw.gov.au/) <http://www.kids.nsw.gov.au/>

[FACS Professional Conduct, Ethics and Performance Unit \(PCEP\):](http://dadhc-intranet.nsw.gov.au/corporate_services/pcep/child)

http://dadhc-intranet.nsw.gov.au/corporate_services/pcep/child

[FACS PCEP Notification Form:](http://dadhc-intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/forms/PCEP_Notification_form.doc) http://dadhc-intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/forms/PCEP_Notification_form.doc

[FACS Employment Screening Policy:](http://intranet.facs.nsw.gov.au/__data/assets/file/0009/262971/Employment_Screening_Policy.doc) http://intranet.facs.nsw.gov.au/__data/assets/file/0009/262971/Employment_Screening_Policy.doc

[FACS intranet WWCC page:](http://intranet.facs.nsw.gov.au/policies_and_learning/working_with_children_checks) http://intranet.facs.nsw.gov.au/policies_and_learning/working_with_children_checks

[Commission for Children and Young People:](http://www.kids.nsw.gov.au) www.kids.nsw.gov.au.

[Child Protection Helpline:](http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/reporting_suspected_abuse_or_neglect.html) http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/reporting_suspected_abuse_or_neglect.html

Community Services NGO Learning Centre site:
<http://elearning.community.nsw.gov.au/NGO/onlinetraining/online-training/modules/keep-them-safe>

[Risk of Significant Harm fax form:](http://www.community.nsw.gov.au/docswr/_assets/main/documents/riskofharm_fax_report.doc) http://www.community.nsw.gov.au/docswr/_assets/main/documents/riskofharm_fax_report.doc

[eReporting:](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_fact_sheets/eReporting_fact_sheet.pdf) http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_fact_sheets/eReporting_fact_sheet.pdf

[eReporting User Access form:](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_documents/DoCS_Connect_-_eReporting_User_Access_Form_v4.doc) http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_documents/DoCS_Connect_-_eReporting_User_Access_Form_v4.doc

[Guide to making an eReport:](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_documents/Making_an_eReport_to_the_Helpline.ppt) http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/keep_them_safe_documents/Making_an_eReport_to_the_Helpline.ppt

[Child Wellbeing and Child Protection – NSW Interagency Guidelines:](http://www.community.nsw.gov.au/kts/guidelines/info_exchange/introduction.htm) http://www.community.nsw.gov.au/kts/guidelines/info_exchange/introduction.htm

[ADHC intranet page: Child wellbeing and protection:](http://dadhc-intranet.nsw.gov.au/client_services/community_access/keep_them_safe_a_shared_approach_to_child_wellbeing) http://dadhc-intranet.nsw.gov.au/client_services/community_access/keep_them_safe_a_shared_approach_to_child_wellbeing

[ADHC Child Protection CIS Instruction Sheet:](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/Child_Protection_CIS_Instructions_2014.pdf) http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_the_m_safe/Child_Protection_CIS_Instructions_2014.pdf

[Community Services resources for mandatory reporters:](http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html) http://www.community.nsw.gov.au/docs_menu/preventing_child_abuse_and_neglect/resources_for_mandatory_reporters.html

[Online training on how to use the MRG:](#)

<http://elearning.community.nsw.gov.au/NGO/onlinetraining/online-training/modules/keep-them-safe>.

[ADHC Incident Management Policy:](#) [http://dadhc-](http://dadhc-intranet.nsw.gov.au/documents/working_at_dadhc/ohs/incidents_and_injuries/incident_management/Incident_Management_policy_Sept_2010.pdf)

[intranet.nsw.gov.au/documents/working_at_dadhc/ohs/incidents_and_injuries/incident_management/Incident_Management_policy_Sept_2010.pdf](http://dadhc-intranet.nsw.gov.au/documents/working_at_dadhc/ohs/incidents_and_injuries/incident_management/Incident_Management_policy_Sept_2010.pdf)

[FACS Information Security Policy:](#)

http://intranet.facs.nsw.gov.au/__data/assets/file/0005/263822/Information_Security_Policy.pdf

[Information Exchange letter and checklist:](#)

http://www.community.nsw.gov.au/kts/guidelines/info_exchange/info_index.htm

[Child Protection: Reporting allegations about employees fact sheet:](#)

(http://dadhc-intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/policies/Child_Protection_Fact_Sheet.pdf)

[Child Protection: Responding to Allegations Against Employees:](#) [http://dadhc-](http://dadhc-intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/policies/Child_Protection_Policy_-and-_Procedures.pdf)

[intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/policies/Child_Protection_Policy_-and-_Procedures.pdf](http://dadhc-intranet.nsw.gov.au/documents/corporate_services/ethics_and_prof_standards/policies/Child_Protection_Policy_-and-_Procedures.pdf)

[NSW Ombudsman Guidelines for employment related child protection:](#)

<http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/child-protection>

[ADHC Out-of-Home Care Policy:](#)

http://www.adhc.nsw.gov.au/__data/assets/file/0006/254490/OOHC_Policy_-_Internet.pdf

[ADHC Voluntary Out-of-Home Care \(VOOHC\) intranet page:](#) [http://dadhc-](http://dadhc-intranet.nsw.gov.au/client_services/community_access/keep_them_safe_a_shared_approach_to_child_wellbeing/voluntary_out-of-home_care)

[intranet.nsw.gov.au/client_services/community_access/keep_them_safe_a_shared_approach_to_child_wellbeing/voluntary_out-of-home_care](http://dadhc-intranet.nsw.gov.au/client_services/community_access/keep_them_safe_a_shared_approach_to_child_wellbeing/voluntary_out-of-home_care)

[VOOHC User Manual for ADHC Staff:](#) [http://dadhc-](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_them_safe/voluntary_out-of-home/Version_2_VOOHC_User_Manual_FINAL_ADHC_Intranet_Feb_2012.pdf)

[intranet.nsw.gov.au/documents/client_services/community_access/keep_them_safe/voluntary_out-of-home/Version_2_VOOHC_User_Manual_FINAL_ADHC_Intranet_Feb_2012.pdf](http://dadhc-intranet.nsw.gov.au/documents/client_services/community_access/keep_them_safe/voluntary_out-of-home/Version_2_VOOHC_User_Manual_FINAL_ADHC_Intranet_Feb_2012.pdf)