

Child Protection - Mandatory Reporting

Source of Obligation

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), all teachers, child care workers, refuge workers, community housing providers, health professionals such as doctors, nurses and midwives, and Police officers are required by law to report abuse and neglect to the Department of Family and Community Services (FACS), where they **suspect, on reasonable grounds**, that a child (a person under the age of 16) is at **risk of significant harm**.

The Memorandum of Understanding (MOU) between FACS, the Catholic Education Commission NSW (CECNSW) and the Association of Independent Schools of NSW (AISNSW) prescribes additional Mandatory Reporting procedures.

The MOU introduces centralised reporting procedures for non-government schools coordinated and represented by the CECNSW or AISNSW and those procedures are referenced in this policy.

Pacific Hills Christian School's Policy

Pacific Hills Christian School has developed a detailed **Child Protection Policy** which outlines abuse and neglect risk indicators, key requirements when managing student disclosure, initial notification procedures, the development of a management plan, the provision of ongoing support, record keeping and confidentiality.

This policy is designed to set out in plain English, teachers' obligations in relation to Mandatory Reporting of child abuse and neglect in NSW.

What Does 'Reasonable Grounds that a Child is at Risk of Significant Harm' Mean?

Suspecting on **'reasonable grounds'** that a child is **'at risk of significant harm'** is the standard that reporters must use in deciding whether or not to report child abuse to FACS.

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

'Significant' means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

'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. Significance can result from a single act or omission or an accumulation of these.

The concept of **'reasonable grounds'** requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source.

What Must Be Reported?

All suspicions on reasonable grounds, that a child or young person is at risk of significant harm from the following types of abuse and neglect, must be reported:

- physical abuse
- neglect – including supervision, physical shelter/environment, food, hygiene/clothing, medical care, mental health care, education
- ill-treatment
- sexual abuse
- psychological harm
- exposure to domestic or family violence
- carer concern – including substance abuse, mental health and domestic violence.

Refer to the **Child Protection - Abuse and Neglect Identification** policy for more information on the indicators of harm and maltreatment and initial notification of abuse.

Refer to the **New South Wales Mandatory Reporter Guide (MRG)** for guidance on making a decision on whether to report abuse and neglect. This guide includes 'decision trees'.

Grooming behaviours are conduct which may place a child at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

Refer to our **Detecting, Reporting and Addressing Grooming Behaviours** policy.

Additional grounds for making a mandatory report, which are not included in the Children and Young Persons (Care and Protection) Act 1998 (NSW), are listed in the MRG, being 'Danger to Self or Others', 'Relinquishing Care' and 'Unborn Child'. Refer to the website for more information on these grounds for making a mandatory report.

Who is a Mandatory Reporter?

Under the Care and Protection Act persons who:

- (a) in the course of their employment, deliver services including health care; welfare, education, children's services and residential services, to children; or
- (b) hold a management position in an organisation, the duties of which include direct responsibility for, or direct supervision of, the provision of services including health care, welfare, education, children's services and residential services, to children, are mandatory reporters.

All teachers are mandatory reporters. Other School employees may also be mandatory reporters. If you are not sure whether you are a mandatory reporter you should speak to the Principal.

What is the threshold for Mandatory Reporting?

A mandatory reporter must, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, report to Community Services as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm.

In addition, while not mandatory, the School considers that a report should also be made to Community Services where there are reasonable grounds to suspect a young person (16 or 17 years of age) is at risk of significant harm and there are current concerns about the safety, welfare and well-being of the young person.

What should you do if you think a Mandatory Report should be made?

If a child tells a staff member about harm - The staff member should:

- Actively listen to the student and never probe for details or ask leading questions.
- Refrain from questioning excessively through fear of making a mistake in deciding to notify.
- Talk gently and reassuringly, pointing out you are there to help.

- Only ask one general open ended question that is designed to provide sufficient information about whether the suspicion of risk of significant harm is sufficiently strong to warrant a report being made: the question is "What does this mean to you?"
- Do not take a written statement from the child if you believe the incident being reported to you may be subject to mandatory reporting.
- Make personal notes that record an accurate record of the discussion with the child including date and time. The original language used by the child should be recorded as much as possible.
- Where the risk of significant harm is taking place outside the school's control, never assure the student that the conduct will stop as that cannot be guaranteed.
- Do not agree about guilt of the other parties at this stage e.g. do not say 'oh that person is terrible for doing those things to you'.
- Do not make promises that you will not tell anyone; in fact, you should disclose that you have a responsibility to tell the Principal (or delegate).

If a student begins to make a disclosure in a group situation (eg camp sharing time) staff are required to:

- Acknowledge that you have heard the student.
- Indicate your support by explaining that what the student has said sounds important and that it would be better to talk about it later.
- Quietly arrange an appropriate time to see the student away from other students.

If a staff member has reason to suspect Risk of Significant Harm:

- From time to time staff may suspect significant risk of harm may have occurred or may be about to occur.
- Staff need to be aware of the indicators of risk of significant harm.
- Staff are expected to talk immediately with the Principal to determine if the staff member has suspicions of risk of harm. The Principal (or delegate) will work with the staff member to assess reasonable grounds.

When Mandatory Reports Must Be Made

Reports of child abuse and neglect must be made as soon as practicable once a suspicion has been formed. The earlier a report is received the earlier steps can be taken to protect a child, where this is necessary.

Due to the seriousness of child abuse and neglect, reports should be made using the most direct means possible.

In accordance with the terms of the MOU, where a mandatory reporter forms a reasonable belief that a child is at risk of significant harm, they must either report directly to FACS, or to the Head of Agency (HOA). At Pacific Hills Christian School the HOA is the Principal, however should the allegation involve the Principal, the report is to be made to the Chair of the School Board.

Either the Principal or the Chair of the School Board must forward the report of risk of significant harm to FACS as soon as practicable.

Nothing in the MOU precludes any person at the School, including mandatory reporters, from making a report directly to FACS.

Mandatory Reporter Guide (MRG) and Child Protection Hotline

The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes a risk of significant harm (ROSH). The MRG website advises that a decision by the Child Protection Helpline that a report does not meet the ROSH threshold does not necessarily mean the report should not have been made. Ultimately, a report based on a suspicion that a child or young person or class of children or young people is at ROSH is in their best interests.

How is a Report Made?

Concerns that require immediate attention should be reported by the Principal, by calling the FACS Child Protection Helpline on 132 111.

Additionally, the Principal must be notified of the incident prior to, at the time of, or immediately after the report has been made.

The teacher should notify the Principal or Delegate to discharge their responsibility.

When preparing to make a report, the specific circumstances that supported the responses to the NSW Mandatory Reporting Guide **decision trees** (if used) and any unique circumstances supporting a decision to report should be readily available to assist FACS, as well as the following information:

- full name, date of birth (or approximate age), address and phone number of the child or young person, or children or young people, you are concerned about
- full name (including any known aliases), approximate age, address and phone number of the parents or carers
- a description of the child or young person and their current whereabouts
- why you suspect the child or young person is at risk of significant harm (what you have seen, heard or been told)
- whether a language or sign interpreter may be required, whether support is required for a person with a disability or an Aboriginal agency is involved
- your name and contact details.

Sometimes all of this information will not be known to the reporter. As a minimum, FACS needs to be able to identify and locate the child.

Additionally, information about the child or young person's reaction to the report should also be provided to enable FACS to take into account any view or wish expressed by the child or young person, including their opposition to the report being made.

Student Interviews in cases reported to FACS

- In relation to reportable cases of risk of significant harm where FACS has been notified, officers of Joint Investigation and Response Team may wish to carry out student interviews, sometimes jointly, at School.
- No student will be interviewed at the School against the wishes of the student unless the FACS or JIRT teams have appropriate authorisation to do so and it is the Principal's responsibility to inform the student of this.
- At the commencement of the interview, the Principal should ask the investigating officers to explain to the student, in the presence of the Principal (or delegate) the purpose of the interview and their role.
- The Principal will inform the student of his or her right to choose a supportive adult to be present at the interview. If a person is nominated by the student, the interview must not commence until that person has arrived.
- Joint Investigation and Response Team Officers are responsible for communicating with parents about any matters related to an interview.
- What takes place in the interview becomes part of the investigation and must remain confidential.
- Except in cases which involve a member of the family, or for another reason supplied legally by FACS or JIRT, it is expected that a parent of the child concerned will be present at any interview with the child.

Exchange of Information with FACS

- Before any phone discussions occur between officers of FACS and the Principal, the Principal, must always confirm the identity of the caller by phoning the known number of the Family and Community Services Centre before any discussions occur.

- Any information requested verbally must be confirmed in writing promptly.
- Any staff that receive a call from FACS or Joint Investigation and Response Team must refer the officers to the Principal.

Feedback To Mandatory Reporter

Under the terms of the MOU, the Principal or Chair of the School Board is obligated to provide feedback to the mandatory reporter that a report to FACS has been made. Mandatory reporters are encouraged to follow up with the Principal or Chair of the School Board if a reasonable time has passed and they haven't received such feedback.

Concerns that do not require immediate attention can be reported using an **eReport**.

If Pacific Hills Christian School has evidence of a crime, the matter will also be reported directly to the police with respect to the offender.

Staff/Volunteer/Others Misconduct

Where a matter that is subject to Mandatory Reporting also involves an allegation against a staff member or any person engaged by the School to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

For details refer to our **Child Protection – Reportable Conduct of Staff, Volunteers and Others Policy**.

Confidentiality of the Reporter's Identity

Reports made to FACS are confidential and the reporter's identity is generally protected by law.

It is important to note however that NSW Police may be granted access to the identity of the reporter if this is needed in connection with the investigation of a serious offence against a child or young person. The request must come from a senior NSW Police officer and the reporter must be informed that their identity is to be released, unless informing them of the disclosure will prejudice the investigation.

What Happens After a Report is Made?

The Child Protection Helpline will assess the information that is provided, along with information that may be known to FACS, to determine whether the child or young person is actually at risk of significant harm. FACS may then do one of the following:

- screen out the report because it does not meet the threshold for risk of significant harm
- refer the report to Brighter Futures (an early intervention program designed to build the resilience of families and children that are at risk)
- assess the report but not open it for ongoing services
- offer ongoing services/further assessment to the child or young person, other individual family members, or to the family together
- arrange protective placement of the child or young person.

Reporters will be informed in writing of the action that will be taken by FACS, including whether the report made met the threshold of significant harm and/or whether no further action was recommended.

Even after a report to the Child Protection Helpline has been made, reporters must continue to respond to the needs of the child or young person within the terms of their work role. This may include providing a report to the NSW Police and/or arranging for medical care.

Implementation

All staff will be made aware of the policy through Annual Mandatory training which will involve:

- Staff meeting early Term One with presentation by the Assistant Principal Administration and Welfare. This meeting will cover areas of Child Protection and other Policies related to Student Duty of Care and Work Health and Safety. Minutes will be taken at the meeting and an attendance roll kept. Staff not attending will be expected to discuss this with their supervisor
- All staff will be asked to complete Training Modules in Complispace
- All staff will have to complete test Questions in Complispace in relation to Child Protection

New staff will be made aware of their Child Protection Obligations through:

- The Staff Induction Program conducted in Semester 1 and the Annual Mandatory Training Program

For new staff arriving during the year:

- Each staff member will meet with the Assistant Principal Administration and Welfare within the first week of employment
- Staff will then complete their Complispace training modules

Refer to the **Volunteer Management Policy** for the annual mandatory training of volunteers.

Record Keeping

Records in relation to Child Protection are kept by the Principal or delegate and stored in the office of the Assistant Principal Administration & Welfare.

Discipline for Breach of Policy

Where a staff member breaches this policy, Pacific Hills Christian School may take disciplinary action, including in the case of serious breaches, summary dismissal.