



# GUIDELINES 01.04.03-G

## Mandatory Reporting of Abuse and Neglect

### **MANDATORY REPORTING OF ABUSE AND NEGLECT**

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), in NSW all teachers, child care workers, refuge workers, community housing providers and health professionals such as doctors, nurses, 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.

#### **Source of Obligation**

The Memorandum of Understanding (MOU) between FACS, Catholic Schools NSW (CSNSW) and the Association of Independent Schools of NSW (AISNSW) prescribes additional mandatory reporting procedures.

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

#### **St Gabriel's School Policy**

St Gabriel's 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 the Department of Family and Community Services.

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.

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. 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; and
- carer concern – including substance abuse, mental health and domestic violence.

Refer to the New South Wales Mandatory Reporter Guide 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).

Additional grounds for making a mandatory report are listed in the New South Wales Mandatory Reporter Guide which are not included in the Children and Young Persons (Care and Protection) Act 1998 (NSW) 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.

### **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 report to the Principal. The Principal must forward the report of risk of significant harm to the Department of Family and Community Services as soon as practicable.

### **How is a Report Made**

If the matter involves the Principal, the report must be made to the Regional Director via the EREA National Office at (03) 9426 3200. The Regional Director will liaise with Senior College Executives to ensure the report is made as soon as possible

Nothing in the MOU precludes any person at the College, including mandatory reporters, from making a report directly to the Department of Family and Community Services.

Concerns that require immediate attention should be made by the Principal by calling the Department of Family and Community Services Child Protection Helpline on 132 111.

When preparing to make a report, the specific circumstances that supported the responses to the decision trees (if used) and any unique circumstances supporting a decision to report should be readily available to assist the Department of Family and Community Services, as well as the following information:

- full name, date of birth (or approximate age), address and phone number of the child or children 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 and their current whereabouts;
- why you suspect the child 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; and
- your name and contact details.

Sometimes all of this information will not be known to the reporter. As a minimum, the Department of Family and Community Services 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 the Department of Family and Community Services to take into account any view or wish expressed by the child or young person, including their opposition to the report being made.

### **MOU: Feedback**

Under the terms of the MOU, the Principal is obligated to provide feedback to the mandatory reporter that a report to the Department of Family and Community Services has been made. Mandatory reporters are encouraged to follow up with the Principal 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](#).

St Gabriel's School is registered to lodge eReports via the Department of Family and Community Services eReport Portal. Please contact Jon Franzin Principal should you wish to lodge an eReport.

### **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 college to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

Reports made to the Department of Family and Community Services are confidential and the reporter's identity is generally protected by law.

### **Confidentiality of the Reporter's Identity**

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 the Department of Family and Community Services, to determine whether the child is actually at risk of significant harm. The Department of Family and Community Services 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/young person, other individual family members, or to the family together; or
- arrange protective placement of the child/young person.

Reporters will be informed of the action that will be taken by the Department of Family and Community Services in writing, 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.

Where further information of abuse or neglect becomes available, further reports may need to be made to FACS or the Police.

### Implementation

The Reporting Children at Risk Policy is implemented through a combination of:

- staff training;
- effective communication and incident notification procedures;
- effective record keeping procedures; and
- initiation of corrective actions where necessary.

### Discipline for Breach of Policy

Where a staff member breaches this policy St Gabriel’s School may take disciplinary action, including in the case of serious breaches, summary dismissal.

### Key Reference

New South Wales Mandatory Reporter Guide

<b>Date of Next Review</b>	June 2022
<b>Approval Authority</b>	School Principal
<b>Related Policies and Procedures</b>	01.01.00-G – Child Protection Policy 01.01.01-G – Child Protection Compliance Procedure 01.01.02-EREA – Commitment Statement of Child Safety 01.01.01-EREA – Child Protection Flow Chart Children and Young Persons (Care and Protection) Act 1998 01.04.00-G – Reporting Children at Risk Policy 01.04.01-G – Reporting Children at Risk Procedures <a href="#">make a child protection report factsheet.pdf</a> <a href="#">mandatory reporter guide (MRG).pdf</a> <a href="#">NSW interagency guidelines</a> <a href="#">enhancements to the 6<sup>th</sup> edition of the MRG.pdf</a>