

### 1.0 Purpose

The safety, welfare and well-being of children and young people are our paramount consideration when delivering YOTS services. Our primary objective will always be to work collaboratively and act on concerns to safeguard the wellbeing of children and young people across all State jurisdictions in which we work. Where YOTS Workers observe conduct that places any of our young people in potentially harmful situations and is not covered by Mandatory Reporting Procedures refer to the YOTS Child Safe Policy.

### 2.0 Scope

The following procedures apply specifically to Mandatory Reporting in NSW outlining the process YOTS' Mandatory Reporters are required to follow. Under Child Protection Legislation YOTS Workers (employees, board directors, and volunteers) who work with children or young people or manage services are mandatory reporters.

YOTS Schools are required to follow this procedure in conjunction with the YOTS' Schools Child Safe Procedures.

Mandatory Reporting Procedures for Victoria and Queensland can be found at Appendices A and B.

### 3.0 Definitions

Chapter 16 A	Section of the <i>Children and Young Persons (Care and Protection Act) 1998</i> allowing prescribed bodies to share information that relates to the safety, welfare or wellbeing of a child or young person.
Child	For the purposes of the Children and Young Persons (Care and Protection Act 1998 a child is a person under 16 years of age.
Child Protection Helpline	The Department of Communities and Justice (DCJ) Helpline caseworkers assess the information provided by mandatory reporters in conjunction with additional information which may not be available to mandatory reporters to determine whether the statutory threshold is met under NSW Child Protection legislation. This requires DCJ to intervene irrespective of the family's consent.
Family Referral Service (FRS)	A service that links vulnerable children, young people, and families with appropriate available support services in their local area See: <a href="#">Family Referral Services Factsheet</a> For the contact details of the FRS in your area.

## 9.4.1 Mandatory Reporting Procedure

<p>Mandatory Reporter</p>	<p>A mandatory reporter in NSW is an individual required under <a href="#">Section 27 of the Children and Young Persons (Care and Protection) Act 1998</a> 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 deliver the following services wholly or partly to children as part of their paid or professional work:</p> <ul style="list-style-type: none"> <li>• Health care (e.g. registered medical practitioners (including local general practitioners), specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)</li> <li>• Welfare (e.g. psychologists, social workers and youth workers)</li> <li>• Education (e.g. teachers, counsellors, principals)</li> <li>• Children’s services (e.g. child care workers, family day carers and home-based carers)</li> <li>• Residential services (e.g. refuge workers)</li> <li>• Law enforcement (e.g. police)</li> <li>• NSW legislation also mandates any person who manages an employee or volunteer from the above services to report suspected risk of significant harm</li> </ul> <p><b>Note:</b> 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. However, YOTS Policy is for our Workers to report young people aged 16 and 17 years and unborn children at risk of significant harm to the Child Protection Helpline.</p>
<p>Mandatory Reporter Guide (MRG)</p>	<p>The <a href="#">Mandatory Reporter Guide (MRG)</a> is a child protection assessment tool. A number of “decision trees” (sections such as physical abuse, neglect, psychological harm) ask a series of questions to determine if the significant risk threshold is met.</p>

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Prescribed Bodies	NSW Police Force, NSW Government Departments and public authorities, organisations that arrange the provision of out-of-home-care, government schools, registered non - government schools or TAFE, public health organisations or private hospitals, private fostering or adoption agencies, residential child care centres or child care services within the meaning of the 1987 ACT, organisations that the duties of which include direct responsibility for or direct supervision of the provision of health care, welfare, education, children services, residential services or law enforcement wholly or partly to children and young people.
Risk of Harm	The well-being of the child or young person is of concern and suggests intervention is required but does not meet the statutory threshold under NSW Child Protection legislation required for intervention by DCJ.
Risk of <b>Significant</b> Harm (ROSH)	<p>A child or young person is <b>at risk of significant harm</b> if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:</p> <ul style="list-style-type: none"> <li>• (a) the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met,</li> <li>• (b) 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,</li> <li>• (b1) in the case of a child or young person who is required to attend school in accordance with the <a href="#">Education Act 1990</a>—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,</li> <li>• (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,</li> <li>• (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,</li> <li>• (e) a parent or other caregiver 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,</li> <li>• (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.</li> </ul>

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	<p><b>NOTE:</b></p> <ul style="list-style-type: none"> <li>Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.</li> <li>(2) Any such circumstances may relate to a single act or omission or to a series of acts or omissions.</li> </ul>
Worker	Includes employees, board directors, volunteers, work experience students, contractors & sub-contractors.
Young Person	For the purposes of NSW Child Protection Legislation a young person is a person who is over 16 years of age but under the age of 18 years.

### 4.0 Responsibilities and delegations

The care and protection of children and young people is a shared **community responsibility**. This requires a range of government and non-government agencies to work together to provide children and young people with the support services they need. YOTS as a key service provider for children and young people with complex needs has a dual responsibility.

**YOTS Workers** must;

- fulfil their statutory responsibilities as mandatory reporters to the Department of Community and Justice (DCJ) and
- wherever possible link children and young people to the support services they need for their ongoing well-being.

YOTS Workers are required to report to DCJ **any child (under 16 years of age including unborn children)** who they reasonably suspect is at risk of significant harm. While YOTS Workers are not required to mandatory report young people (16 years+ under 18 years) at risk of significant harm YOTS policy is that a report should be made.

DCJ has the legal authority to determine whether a mandatory report constitutes **Risk of Significant Harm (ROSH)**. While reporting **may** result in intervention by DCJ to protect the child or young person from “Risk of Significant Harm” YOTS has an ongoing responsibility to ensure the safety, protection and welfare of the young people and children we are working with.

### 5.0 Procedure

#### Reporting Risk of Significant Harm (ROSH)

A child or young person is at risk of significant harm if their circumstances are sufficiently serious to warrant a response by DCJ, irrespective of a family's consent. In determining whether the risk is "**significant**" consider the extent to which the child or young person's functioning relevant to their developmental stage is impacted. For example children who are victims of sexual abuse may engage in behaviours that are not age appropriate, a young person may be left to care for younger siblings without adequate support or resources.

#### 5.1 Before Reporting;

YOTS Workers who are Mandatory Reporters;

- must use the [Mandatory Reporter Guide \(MRG\)](#) The MRG supports mandatory reporters to determine whether a report to the Child Protection Helpline is needed, identifies, alternative ways to support children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.
- may find it helpful to discuss any concerns about the child or young person's well-being with their line Manager and/or a YOTS Psychologist.
- where the concern may involve **Reportable Conduct** (see Reportable Conduct Procedure) by a YOTS Worker refer the allegation to the YOTS Director Organisation Capability (OC) within **24 hours**. Suspend further action under this procedure pending their advice.
- should collect as much information about the situation;
  - Child/young person details – name, address, DOB, siblings, interpreter support, disability
  - Incident details – date, type of risk, persons causing or contributing to harm
  - Impact of the incident on child or young person
  - Network of supports around the child or young person
  - Your personal and contact details
- wherever possible exchange information with other prescribed bodies (see definitions) working with the child or young person and their family. DCJs' assessment of ROSH considers the support network already in place.
- consider that DCJ only intervenes with the most serious of matters assessed as ROSH (in 2016 only 32% of ROSH were assessed face to face by DCJ). Wherever possible we must continue to support the child or young person at risk and link them to appropriate community support services.

### 5.2 Immediate Danger

If there is an immediate danger to the child or young person speak to the Police and/or Child Protection Helpline directly and advise your line manager as soon as possible.

### 5.3 MRG Recommendation – Report

Once you have completed the MRG a recommendation will be made regarding reporting or ongoing support. Record the contact reference number you will be given. Write this reference number on the printed MRG and place in the child/ young person's file (where applicable). Log the matter as an Incident on the **YOTS Online Incident and Reporting System (Protecht)**. If the matter involves alleged Reportable Conduct do not log as an incident. Matters involving alleged Reportable Conduct will be logged on the Investigations Register Protecht by the Director OC.

Mandatory Reporters make non-imminent ROSH reports to the Child Protection Helpline either by phoning **133627** or by using eReporting, a secure structured template enabling reporting over the Internet. All urgent reports must be made by phoning the Child Protection Helpline **133627**.

The Child Protection Helpline will provide written feedback acknowledging your report, usually within 24 hours, advising whether the report meets the ROSH threshold and what action will be taken based on the report. Making a report does not prevent YOTS from continuing to support or respond to the needs of the child or young person.

Where the ROSH incident involves suspected criminal conduct the Director OC must be immediately notified. The Director OC in consultation with the Child Safe Officer will report the matter to police.

### 5.4 Where the Risk is below ROSH

Where the MRG recommends the matter is below the threshold discuss what further action is required with your line manager. Print the MRG report and place in the child or young person's file (where applicable), noting which recommendations are being acted on. The MRG is not to override your professional judgement. If the MRG recommendation is not to report but you still consider that the child or young person is at ROSH you can still contact the Child Protection Helpline. In these instances log the matter as an Incident on the **YOTS Online Incident and Reporting System (Protecht)**.

### 5.5 Working Collaboratively with other Services

YOTS Workers are part of the service system for children and young people and have a responsibility to consider what additional steps can be taken to address risk factors for that child or young person. This means consideration must be given to whether;

- Your service can offer additional support or change your current support to further address risk factors
- Other services in your area can provide appropriate support services for the child/young person and their family.

The following resources may assist you;

- [NSW Family Services Inc](#) to access support to non-government “not-for-profit” organisation staff working with vulnerable children and families
- Visit the [Human Services Network \(HSNet\)](#) website to self-access a broad range of services.

### 5.6 Legal Protection for Reporters.

The identity of people who report concerns to the Child Protection Helpline is protected and can only be disclosed under specific circumstances. A person who acts in good faith to provide information in accordance with the legislation is not liable to any legal or disciplinary action and cannot be held to have breached any professional ethics, code or standard.

### 5.7 Information Exchange

Child Protection legislation provides for information exchange with DCJ and Chapter 16A allows for exchange of information between non-government organisations or “prescribed bodies” (see definitions). Child protection is a shared responsibility and in order to provide the most comprehensive service to children and young people YOTS Program Managers, Psychologists and Case Managers (or their equivalent) are designated to exchange information with “prescribed bodies”. Information should only be shared with equivalent staff in a “prescribed body” in order to protect or support a child or young person.

The types of information that might be exchanged include;

- A child or young person’s circumstances or history
- Information about a parent or other family member of a child or young person, or a person who has a significant relationship with a child or young person and

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- Information on other agencies' dealings with a child or young person, including past support or service arrangements.

YOTS Privacy Officer should be contacted before information is shared under 16A provisions.

### 5.8 Consent, Privacy and Confidentiality Issues

The needs and interests of a child or young person take precedence over the protection of confidentiality or of an individual's privacy. Wherever possible YOTS Workers should explain to children and young people the limits to privacy and confidentiality that result from their mandatory reporting responsibilities. Under Chapter 16A client consent is not necessary for the exchange of information.

### 5.9 Other Reporting Responsibilities

Where the risk to children or young people involves inappropriate conduct by a YOTS Worker YOTS has other statutory reporting responsibilities. In order to ensure fair and proper process is followed all matters involving allegations of inappropriate behaviour by a YOTS Worker towards a child or young person must be referred, in the first instance, to the YOTS Director OC. YOTS Reportable Conduct Procedures must be followed.

### 6.0 Awareness and Training

On-line *Child Safety, Mandatory Reporting and Reportable Conduct* training is compulsory for any YOTS employee that works with our children and young people or who manages a program that directly works with children and young people. All Workers involved in the organisation must read and acknowledge in writing that they understand and will abide by, our Company Code of Conduct and Child Safe Code of Conduct.

### APPENDIX A

#### Reporting Child Abuse in Victoria.

The following professions are Mandatory Reporters in Victoria;

- registered medical practitioners
- nurses
- midwives
- registered teachers and early childhood teachers
- school principals
- school counsellors
- people in religious ministry.
- police officers
- out of home care workers (excluding voluntary foster and kinship carers)
- early childhood workers
- youth justice workers
- registered psychologists

They **must** report if they have a belief on “reasonable grounds” that a child is in need of protection. A child is in need of protection when one of the following grounds exists:

(a) the child has been abandoned by his or her parents and after reasonable inquiries;

- the parents cannot be found; and
- no other suitable person can be found who is willing and able to care for the child;

(b) the child's parents are dead or incapacitated and there is no other suitable person willing and able to care for the child;

(c) the child has suffered, or is likely to suffer, significant harm as a result of physical injury and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(e) the child has suffered, or is likely to suffer, emotional or psychological harm of such a kind that the child's emotional or intellectual development is, or is likely to be, significantly damaged and the child's parents have not protected, or are unlikely to protect, the child from harm of that type;

(f) the child's physical development or health has been, or is likely to be, significantly harmed and the child's parents have not provided, arranged or allowed the provision of, or

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are unlikely to provide, arrange or allow the provision of, basic care or effective medical, surgical or other remedial care.

**Note:** YOTS Workers are only Mandatory Reporters where they are employed in a role as defined above. Where a YOTS Worker is not employed in these roles and believes a young person is in need of protection they should contact Child Protection seek advice and where appropriate make a **voluntary report**.

### For immediate help

- To report concerns that are life threatening, ring Victoria Police: **000**
- To report concerns about the immediate safety of a child after hours, call the After Hours Child Protection Emergency Service: **13 12 78**.

### Department of Health and Human Services

During business hours, contact the intake number that covers the local government area the child lives in. If you are not sure which number to call, check the [Child Protection contacts page](#).

- North Division intake: 1300 664 977
- South Division intake: 1300 655 795
- East Division intake: 1300 360 391

### Child Sexual Abuse

Any adult who forms a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 years of age must report that information to police unless they have a reasonable excuse.

A reasonable excuse may include fear for safety or where the information has already been reported.

Failure to disclose child sexual abuse is an offence. The offence applies to all adults in Victoria, not just professionals who work with children.

- West Division intake - metropolitan: 1300 664 977
- West Division intake - rural and regional: 1800 075 599.

### APPENDIX B

#### Reporting Child Abuse in Queensland

1. Mandatory Reporters under the Child Protection Act 1999 (QLD) are;

- teachers
- doctors
- registered nurses
- police officers with child protection responsibilities
- a person performing a child advocate function under the *Public Guardian Act 2014*
- early childhood education and care professionals.

Mandatory Reporters must report to Child Safety Services if they form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse, and may not have a parent able and willing to protect them.

Mandatory Reporters should also report to Child Safety Services a reasonable suspicion that a child is in need of protection caused by any other form of abuse or neglect. Professionals working in government or non-government agencies can use, The Child Protection Guide. This is an online decision-support tool designed to assist professionals with concerns about a child's safety or well-being in making decisions about where to report or refer their concerns.

If a professional decides the child is at risk of becoming a child in need of protection, a report needs to be made to Child Safety Services. If the decision is that the family requires support to prevent the child from becoming a child in need of protection, a referral needs to be made to Family and Child Connect or another family support service.

Where a child is in immediate danger or in a life-threatening situation call **Triple Zero (000)**. Reports can be made by professionals to Child Safety Services by telephone or via the [online reporting form](#).

[Child Safety Services](#) can be contacted:

- **During normal business hours** - contact the [Regional Intake Service](#).

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- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or (07) 3235 9999. The service operates 24 hours a day, seven days a week.
- If unsure who to contact call the Child Safety Services' Enquiries Unit on **1800 811 810**.

### 2. Mandatory Reporters under section 366 of the Education (General Provisions) Act 2006

are staff members at a non- State school.

Staff members of a non-State school must report to the Principal in writing sexual abuse or suspected sexual abuse or likely sexual abuse of:

- a student under 18 years attending the school;
- a kindergarten age child registered in a kindergarten learning program at the school;
- a person with a disability who -
  - (i) under section 420(2), is being provided with special education at the school; and
  - (ii) is not enrolled in the preparatory year at the school.
- must give a written report about the abuse, or suspected abuse, to the school's principal or a director of the school's governing body - immediately.
- The school's principal, must give a written report about the abuse, or suspected abuse, to a police officer immediately; and must also immediately give a copy of the report to a director of the school's governing body.

### 7.0 Related Documents

Title and document number	Owner
Child Safe Code of Conduct	OC
Company Code of Conduct	OC
Child Safe Policy	OC
Reportable Conduct Procedure	OC
Child Safe School Procedures	OC
Recruitment Policy	OC
Recruitment and Selection Guidelines	OC
Risk Management Policy	BOARD
Complaints Policy	BOARD
Complaints Procedure	BOARD

### 8.0 Revision Table

Version number	Reason/description	Date
3.0	Updated to reflect Voluntary Out of Home Care, NESAs and Children's Guardian Act 2019	22 March 2020
4.0	Updated to reflect organisational restructure	July 2020