



# Child Wellbeing & Child Protection NSW Interagency Guidelines

## Guide to making a child protection report

### What to do when children and young people are at risk of significant harm

This guide to *Making a Child Protection Report - What to do when children and young people are at risk of significant harm*, is for mandatory and non mandatory reporters who need to make reports of child abuse or neglect to the Child Protection Helpline.

It will include links to the NSW Mandatory Reporter Guide which is currently in development and due to be published in January 2010.

This is part of the NSW *Keep Them Safe* reforms for child wellbeing, which aim to provide:

- a streamlined statutory child protection system
- effective referral systems
- coordinated services and shared information
- a new model for the intake and referral of child protection concerns, including the establishment of Child Wellbeing Units and Family Referral Services.

The information on this site will become operational in late January 2010, when the legislation that introduces these changes is proclaimed. Sections of the legislation relevant to Exchange of Information were proclaimed in October 2009.

### Fact sheet and other documents

- [Making a child protection report fact sheet](#)
- Mandatory reporter guidelines

# Understanding the reporting framework

## Reporting risk of significant harm

Everyone in the community should be alert to signs of abuse or neglect in children and young people. Their safety, welfare and well-being are a community responsibility. An injury, concerning behaviour or a disclosure may be a trigger to consider whether you should report a child or young person, or whether you or your agency can offer support to prevent significant harm from occurring or continuing.

Any member of the community, including mandatory reporters, who suspect, on reasonable grounds, that a child or young person is at risk of significant harm should report their concerns to the Child Protection Helpline.

Mandatory reporters should telephone **133 627**. Non mandatory reporters, including the general public, should phone **132 111**.

### Non- English speaking reporters

Reporters who cannot speak English can make a report to the Helpline using a professional phone interpreter. Reporters requiring the assistance of a translator are advised to contact the Translation and Interpreting Service on 131 450.

The reporter will need to indicate the language they speak and that they wish to contact the Child Protection Helpline. There is no cost to the reporter for this service.

## Mandatory reporters

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.

Mandatory reporting responsibilities are set out in the [Children and Young Persons \(Care and Protection\) Act 1998 \(Care Act\)](#). Mandatory reporters should also consult their own agency's policies and procedures on making a child protection report.

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.

The definition of mandatory reporters in the Care Act has not changed. Mandatory reporters are those who deliver the following services wholly or partly to children as part of their paid or professional work:

- health care (e.g. doctors, nurses, dentists and other health workers)
- welfare (e.g. psychologists, social workers and youth workers)
- education (e.g. teachers)
- children's services (e.g. child care workers, family day carers and home based carers)
- residential services (e.g. refuge workers, community housing providers)
- law enforcement (e.g. police).

Managers - including both paid employees and volunteers - who supervise those providing direct services to children are also mandated to report.

Mandatory reporters will be guided by the Mandatory Reporter Guide, when it is available as an interactive online tool and in a hard copy format.

Mandatory reporters employed in government agencies that have a Child Wellbeing Unit can call that unit for help to determine whether a case meets the new threshold of risk of significant harm and to discuss options to assist the child or young person and family.

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.

The provision for a criminal penalty to be imposed on mandatory reporters for failing to report concerns about risk of harm will be removed from the legislation in January 2010. The legal obligation to report remains in place.

## **What constitutes significant harm**

A child or young person is at risk of significant harm 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.

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.

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.

## Who to report

The Care Act provides for reports being made about:

- children and young people at risk of significant harm
- unborn children at risk of significant harm
- homeless children and young people.

This includes children who were the subject of a prenatal report under section 25 of the Care Act and whose birth mother has not engaged with support services to eliminate or minimise the risk that gave rise to the report.

## When to report

The Mandatory Reporter Guide has been developed to assist reporters to decide if any of the following conditions are present to a significant extent:

- physical abuse
- neglect
  - supervision
  - physical shelter/environment
  - food
  - medical care
  - mental health care
  - education
- sexual abuse
- problematic sexual behaviour
- psychological harm
- relinquishing care
- carer concerns
  - parent/carer substance abuse
  - parent/carer mental health
  - parent/carer domestic violence
- unborn child.

Where a person has reasonable grounds to suspect risk of significant harm, they should first use the Mandatory Reporter Guide to assess whether their concerns meet the threshold of risk of significant harm. However, if there is an immediate danger to the child or young person the Police and/or the Helpline should be contacted directly.

Reasonable grounds refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:

- first hand observations of the child, young person or family
- what the child, young person, parent or another person has disclosed

- what can reasonably be inferred based on professional training and / or experience.

It does not mean that reporters are required to confirm their suspicions or have clear proof before making a report.

Concerns must be current - that is, significant harm arising from abuse or neglect is recent or likely in the foreseeable future should circumstances continue unchanged. Current concerns may also arise from a child or young person having contact with someone who is known to be responsible for causing harm to a child in the past.

Current concerns also refer to situations where the abuse or neglect of the child or young person occurred some time in the past but continue to have an impact on the child or young person's safety, welfare or wellbeing.

Where use of the Mandatory Reporter Guide advises risk of significant harm, mandatory reporters must make a report to the Child Protection Helpline. Other reporters should also report a child or young person to the Helpline where the Mandatory Reporter Guide confirms risk of significant harm. A report to the Helpline starts the process of assessing whether statutory child protection is needed.

## **Allegations involving agency employees**

Special procedures are in place to deal with allegations of reportable conduct or convictions against employees of all government and certain non-government agencies in NSW.

The [Ombudsman Act 1974](#) requires these designated agencies to notify the Ombudsman of allegations against employees that constitute sexual offences, misconduct, assault, ill-treatment, neglect and behaviour that causes psychological harm to children.

There are two groups of people who are considered to be employees:

any employee of the agency, whether or not employed in connection with any work or activities of the agency that relate to children, and

any individual engaged by the agency to provide services to children

(This includes contractors, subcontractors, foster carers, volunteers and kinship carers where the Minister holds parental responsibility for a child in their care).

Some matters are notifiable to the Ombudsman as an allegation of reportable conduct, but are only reportable to the Child Protection Helpline if there are also current concerns that a child or young person is at risk of significant harm.

The responsibility for conducting investigations into allegations against employees lies with the employing agency. In some circumstances statutory

agencies may undertake a parallel investigation for other purposes - such as assessing risk and care issues or conducting a criminal investigation.

See [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) for further information.

# Making a report

## How to report risk of significant harm

**In an emergency, where there are urgent concerns for the child's health or life, it is important to contact the police, using the emergency line '000'.**

In other circumstances, **all mandatory reporters** will report matters to the Child Protection Helpline where they believe a child is at risk of significant harm. They can:

- call 13 3627
- fax 9633 7666 using the designated fax form in accordance with agency policy
- eReport (where available)

Before making a report, mandatory reporters should consult the Mandatory Reporter Guide to assess whether a child or young person is at risk of significant harm. The Mandatory Reporter Guide will also be available to anyone concerned about a child or young person and who wants help with determining if a report to the Child Protection Helpline is necessary.

All mandatory reporters should also seek direction from their agency procedures on making a child protection report

Mandatory reporters employed in government agencies that have a Child Wellbeing Unit can call that unit for help when they are in doubt about whether a case meets the new threshold of risk of significant harm

The general public will continue to make reports to the Child Protection Helpline by calling **132 111**.

Reports to the Child Protection Helpline must be made by phone where:

- the child is at high or imminent risk of significant harm due to:
  - serious physical injury to a child or young person requiring medical attention
  - serious neglect to a child or young person of an immediate nature
  - domestic violence involving serious injury and/or use of a weapon
  - sexual harm involving serious current concerns
  - a high risk prenatal report where the birth is imminent
  - immediate safety issues
  - death of a sibling in circumstances which are reviewable by the NSW Ombudsman (See [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) for further information)
- the report concerns:

- a group of children / young people other than a sibling group
- a child or young person who resides outside of NSW
- an alleged person causing harm who has access to the child AND there is concern that the child may experience harm in the foreseeable future
- complex information which is more easily communicated verbally than in writing
- the reporter is unsure how to interpret the Mandatory Reporter Guide outcome and needs to discuss this with a Helpline caseworker. Reporters with a Child Wellbeing Unit will discuss such an outcome with the Child Wellbeing Unit.

## **Information required in a report**

The detail and quality of the information provided to the Helpline by the reporter is critical to the quality of the decision making that follows. It is important to provide all relevant information when making a child protection report.

Prepare for making a report to Helpline by gathering all the available information together. Note that reports must still be made where only a little information is known but there is risk of significant harm.

The kind of information which is useful includes risk of significant harm information, as prompted by the Mandatory Reporter Guide, as well as information about the child or young person, the family, the reporter, and the context of the report, as follows:

### **Child's information**

- Name of child or young person (or alias) or other means of identifying them
- Age and date of birth (or approximation)
- If child is Indigenous – Aboriginal, Torres Strait Islander or both
- Cultural background of child, language(s) spoken, religion and other cultural factors
- Name, age of other household children or young people
- Address of child and family
- School or child care details
- If child has a disability – nature/type, severity, impact on functioning
- Is the child/young person subject of an Apprehended Violence Order?
- Is the child or young person under the care of the Minister or residing in out-of-home care?

### **Family information**

- Name, age of parents/carer and household adults



- Home and/or mobile phone number
- Cultural background of parents, language(s) spoken, religion and other cultural factors
- Information about parental risk factors and how they link to child's risk of harm
  - domestic violence
  - alcohol or other drug misuse
  - unmanaged mental illness
  - intellectual or other disability
- Protective factors and family strengths
- Non-offending carers' capacity to protect child
- Any previous suspicious death of a child or young person in the household?
- Is the parent/carer pregnant?
- Is the parent/carer the subject of an Apprehended Violence Order?
- Description of family structure (for example, biological parents, single parent, blended family)
- Name, age, gender of siblings. Do siblings live with the child or young person?

#### **Reporter Details**

- Name, agency address, phone and email details
- Position
- Reason for reporting today
- Nature of contact with child or family
- Nature of ongoing role with child or family (include frequency, duration and type)
- If report is being made by someone else in the agency, name of the agency worker who sourced the report

#### **Other information**

- Services involved with child/family if known
- Principal language of family and whether an interpreter for a spoken or signed language is required
- If parent knows of report and their response
- If child or young person knows about the report and their views
- Information related to worker safety issues
- Outcome of Mandatory Reporter Guide

Once a report is made to the Child Protection Helpline no further report needs to be made unless new information comes to hand.

Reports should be made in one form only, i.e. either by phone or fax or eReport. Duplicating or confirming a report in writing is unnecessary. Note that the summary page or the decision report from the online Mandatory Reporter Guide can be printed and placed on your records.

## **Safeguards for reporters**

Reports to Community Services are confidential and the reporter's identity (if known) is protected by law if the report is made in good faith. The law offers the following protections:

the report shall not be held to be a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct

no liability for defamation can be incurred because of the making of the report the report, or its contents, is not admissible in any proceedings as evidence against the person who made the report

a person cannot be compelled by a court to provide the report or give any evidence as to its contents

a report is an exempt document under the *Freedom of Information Act 1989*.

If law enforcement agencies require the identity of a reporter in order to investigate serious offences alleged to have been committed against children or young people, the identity of the reporter may be released to the police.

This new provision is effective from the end of January 2010. It aims for a balance between the privacy of the reporter and the safety of the child or young person. The reporter will be notified that their identity is to be released to the police unless doing this would prejudice the investigation.

## **Feedback to reporters**

The Child Protection Helpline will provide feedback by letter or fax to mandatory reporters on the reports it receives. If the feedback indicates that the statutory threshold is not met, mandatory reporters may need to consider what additional services or supports could be provided locally. Services offered should assist in addressing identified problems and minimising the risk of future harm.

## **Finding services for children, young people and families**

If the Mandatory Reporter Guide indicates that a matter does not reach the significant harm threshold a report should not be made to the Child Protection Helpline, unless in your professional judgement there are additional factors that the Helpline needs to take into account.

- Other actions you can take to find help for a child or family include:

- if you are a mandatory reporter employed in a government agency with a Child Wellbeing Unit you must follow agency policy in relation to consulting that unit for assistance
- if you believe that other agencies can assist the child and family, you should share your information with those agencies according to the [KTS Information Exchange Guidelines](#) and/or make appropriate referrals
- if you believe your own agency can further assist the child and family then you should arrange this
- if you have access to a Family Referral Service you may wish to contact that service
- you may access the [Human Services Net ServiceLink](#) for information about services in your area. ServiceLink is a comprehensive online directory of human services across NSW available free of charge to members of HSNet. The directory provides organisational and service information across a variety of sectors including health, welfare, community services, education, disability, and housing. Further information is available at [www.hsnet.nsw.gov.au/login/ServiceLink.aspx](http://www.hsnet.nsw.gov.au/login/ServiceLink.aspx)

# The Mandatory Reporter Guide

The Mandatory Reporter Guide is designed to help both mandatory and non mandatory reporters decide whether a concern meets the new statutory threshold for reporting risk of significant harm. There will be an interactive version of the Mandatory Reporter Guide.

The Guide works by posing specific questions that help mandatory and other reporters work systematically through the issues relating to concerns they have about a child or young person. At the end of the process, a decision report will guide the reporter as to what action to take.

The starting page of the Mandatory Reporter Guide provides guidance about when to use each decision tree.

There are seven major categories of abuse and neglect of children and young people in the Mandatory Reporter Guide. They are:

- physical abuse
- neglect
- sexual abuse
- child/young person problematic sexual behaviour
- psychological harm
- relinquishing care
- unborn child

The Mandatory Reporter Guide will help reporters to decide whether the following behaviours of parents/carers significantly affect their children:

- parent/carer substance abuse
- parent/carer mental health
- parent/carer domestic violence

## Development of the Mandatory Reporter Guide

The Mandatory Reporter Guide has been developed specifically for NSW. The definitions used in the Mandatory Reporter Guide are the result of collaborative workshops facilitated by the United States based [Children's Research Center](#) and NSW government and non government agencies.

The Children's Research Center was established to help child welfare agencies reduce child abuse and neglect by developing case management systems and conducting research that improves service delivery to children and families. During the past 20 years, much of this organisation's work has focused on the development, implementation and refinement of its Structured Decision Making® (SDM) model.

SDM is a process that helps ensure each key decision in child protection is informed by relevant information. The goal is to achieve greater consistency in decision making across all staff who are screening and assessing child protection concerns and to support professional judgement.

NSW government agencies consulted in developing the Mandatory Reporter Guide include the *Keep Them Safe* Senior Officers Group, Department of Premier and Cabinet, NSW Ombudsman, NSW Health, NSW Police Force, Department of Education and Training, Attorney General's Department, agencies of the Department of Human Services: Community Services, Housing NSW, Juvenile Justice, Ageing, Disability and Home Care and Aboriginal Affairs, together with Justice Health.

The non government organisations who participated in the process include the Child Protection Advisory Group, the Service System Advisory Group, the Community and Carers Advisory Group, AbSEC, ACWA/CCWT, Anglicare, Association of Independent Schools of NSW (AISNSW), Canterbury Bankstown Migrant Resource Centre, Caretakers, Catholic Education Commission, Centacare Broken Bay, Connecting Carers NSW, CREATE, NSW Family Support Services, Homelessness NSW, Kogarah Community Services, Link-up, Marist Youth Care, NSW Women's Refuge Movement, Richmond Community Services, Share Care, St Johns Park Out of School Care Centre, St Vincent de Paul Society, Sutherland Shire Family Services, Wesley Dalmar Out of Home Care and the Youth Action and Policy Association.

## Definition of terms used in the Mandatory Reporter Guide

The Mandatory Reporter Guide focuses on whether a concern is significant or not, and not whether abuse or neglect is present according to a specific definition.

**Physical abuse** is where a child/young person has a suspicious current injury, suspected to be caused by the parent / carer AND where it has not occurred accidentally OR the child or young person is being treated in a way that may have or is likely to cause injury.

**Neglect – lack of supervision** is where a child/young person is alone and based on their age /development / circumstances this is unsafe.

It may also be where a child/young person is currently not under the care and supervision of an appropriate carer and due to age /development / disability this is unsafe.

**Neglect – lack of physical shelter/environment** is where a child/young person or family has no safe place to stay or there is imminent danger of serious harm in the current residence

dependant on their age /development / disability and where the parent/carer is not ensuring the child's safety

(Note: Reporting the homelessness of young people aged 16 to 17 years is not mandatory and can only be done with the consent of the young person.)

**Neglect – food – medical professionals** is where a child/young person has a condition caused or exacerbated by inadequate or poor diet or where the child is aged under 5 and is failing to keep pace with expected growth and there is no known organic cause.

**Neglect – food – non-medical professionals** is where a child or young person is:

- reporting persistent hunger
- reporting persistent withholding of food as punishment
- thin, frail, listless
- frequently begging/stealing/hoarding food
- mentioning going without eating
- frequently arriving at school without breakfast/ lunch
- having difficulty concentrating and you suspect poor nutrition.

**Neglect –medical care – medical professionals** is where:

- a child/young person requires medical care for an acute condition for which parents/carers are not providing the recommended medical treatment
- there is a chronic condition which is not being treated or a treatment plan is not being followed and this is likely to result in significant harm.

**Neglect –medical care –non-medical professionals** is where:

- a child/young person has a physical health condition that appears to need immediate care which is not being provided
- parent/carer is refusing or unable to seek recommended medical care
- there is a medical condition that requires an ongoing treatment plan that is not being followed.

**Neglect –mental health care** is where:

- a child/young person is suicidal/ has committed or is threatening serious violence or is causing significant self-harm
- parent/carer is refusing to provide or access mental health care that the child/young person requires.

**Neglect – education – not enrolled** is where a child/young person is of compulsory school age and is not enrolled.

**Neglect – education – habitually absent** is where a child/young person is of compulsory school age and is enrolled and is habitually absent.

**Sexual abuse – child** is where a child has made a clear, unambiguous statement of sexual assault or is:

- pregnant
- diagnosed with a sexually transmitted disease
- displaying trauma to genital area
- or where you are aware by other means that a child has been sexually abused.
- It will also be a cause for reporting if:
  - there is a concern a child will have significant contact with an alleged or known sex offender or
  - the child is exposed to sexually explicit material or acts including pornography and communication of sexual matters and the child expresses fear, discomfort or shows symptoms of significant harm.

**Sexual abuse – young person** is where a young person has made a clear, unambiguous statement of sexual abuse, or you are aware by other means the young person has been sexually abused.

It may also be a cause for reporting if:

- the young person is engaged in prostitution or pornography and
- the young person appears subject to coercion or intimidation.

**Child/Young Person Problematic Sexual Behaviour** is where a child/young person is engaged or may be engaged in sexually abusive behaviour, indicated by:

- a victim who is substantially younger, smaller, weaker, less mature or cognitively/physically less capable
- pressure, coercion, aggression, bribery, secrecy or other grooming behaviours have been used.
- It may also be a cause for reporting:
  - when the victim is a relative of the initiating child/young person
  - when the victim lives in the same household or
  - where the action was significantly outside normal sexual behaviour.

It may also be a cause for reporting where the child/young person has continuing or imminent contact with the victim.

**Psychological harm** is where a child/young person is exposed to:

- chronic or severe domestic violence
- severe parental/carer mental health or substance abuse concerns
- parental/carer behaviours that are persistent, repetitive and have a negative impact on a child/young person's development, social needs, self worth or self-esteem
- parental/carer criminal and/or corrupting behaviour
- parental/carer behaviours that deliberately expose a child/young person to traumatic events.

**Relinquishing care** is where the parent/carer is no longer willing to provide shelter/food/supervision for the child/young person or child/young person has been in voluntary care for longer than the legislation allows.

It is also a cause for reporting if there are no alternative care arrangements in place for the next 72 hours.

**Parent/carer substance abuse** is where the substance abuse impacts on the parent/carer's ability to meet the child/young person's needs; causes significant harm and/or where the child/young person's behaviour indicates the impact of substance abuse.

**Parent/carer mental health** is where the mental health concern impacts on the parent/carer's ability to meet the child/young person's needs; causes significant



harm and/or where the child or young person's behaviour indicates the impact of the parent/carer's mental health concern.

**Parent/carer domestic violence** is where there has been an incident of domestic violence, there is a child or young person in the home and where one or more of the following occurred, whether the child was present or not:

- use of weapon
- strangulation/suffocation attempt
- serious injury to adult
- physical injury to child/young person
- serious threat to harm child/young person/adult/self
- a significant increase in the pattern of violence.

**Unborn child** is where there is a history of abuse or neglect of siblings of the unborn child, siblings have been removed, or died in circumstances that have been reviewed by the Ombudsman.

It may also be where you are aware of circumstances that suggest either parent/carer will be unable to care for baby upon birth due to:

- suicidal tendencies
- substance abuse
- mental illness
- domestic violence
- cognitive disability
- medical condition
- homelessness
- inadequate preparations for birth.

### **Other reasons to notify the Child Protection Helpline**

The Child Protection Helpline should be notified if a child/young person is under the parental responsibility of the Minister, there is no concern that reaches the threshold of risk of significant harm **but** the child/young person is:

- pregnant
- runaway
- missing
- homeless (in the case of homelessness review the *Neglect: Physical Shelter/Environment* tree first. If that leads to a report to Community Services, report as neglect. If it does not lead to a report to Community Services, advise the Child Protection Helpline that the report is being

