

APPENDIX 2

Roles, responsibilities, services and programs in NSW relevant to child protection

2.1 NSW GOVERNMENT HUMAN SERVICE AND JUSTICE AGENCIES

2.1.1 ATTORNEY GENERAL'S DEPARTMENT (AGD)

Role

The Attorney General's Department assists the NSW Government, Judiciary, Parliament and the community to promote social harmony through programs that protect human rights and community standards, and reduce crime.

The Department plays a key role in the administration and development of a just and equitable legal system of courts, tribunals, laws and other mechanisms that further the principles of justice and contribute to the achievement of the goals of Government.

Responsibilities

- ▶ providing a safe place for children waiting at court and ensuring the availability of the relevant technology and facilities for children to give evidence (*Evidence (Children) Act 1997*)
- ▶ minimising delays for children waiting to give evidence by expediting hearings, giving matters involving children priority and ensuring children are not kept waiting at court to give evidence longer than necessary
- ▶ leading the development and implementation of evidence-based policies to prevent crime – including crimes against children and crimes committed by children
- ▶ monitoring the implementation of the *Charter of Victims' Rights* by all NSW Government Agencies (*Victims Rights Act 1996*)

Specific departmental programs

- ▶ **The Youth Drug and Alcohol Court (YDAC)** – a specialist court that aims to reduce reoffending by young offenders through assisting them to overcome their drug or alcohol problem
- ▶ **Intensive Court Supervision Pilot Program** – operates in Bourke and Brewarrina and provides support for juvenile offenders
- ▶ **Aboriginal Community Patrols program** – staffed vehicles provide outreach support, transport and informal community surveillance
- ▶ **Pathways to Prevention Project** – an early intervention project funded by the Australian Government's National Crime Prevention Program, and delivered in partnership between AGD and the Department of Education and Training

- ▶ **Victims' Services** provides the following services to victims and witnesses of crime under the *Victims Support and Rehabilitation Act 1996* and *Victims Rights Act 1996*:
 - ▷ Victims' compensation – adult and child victims and witnesses of violent crimes can apply for compensation
 - ▷ Approved Counselling Scheme – offers adult and child victims up to 20 hours free counselling by qualified counsellors. Children who have been abused or witnessed domestic violence and their non-offending parent can receive assistance through this scheme
 - ▷ Victims' Support Line – a statewide call centre that operates 24/7 and can be accessed toll-free on 1800 633 063 or 9374 3000 in metropolitan Sydney.

REFER Departmental website: <http://www.lawlink.nsw.gov.au>

2.1.2 DEPARTMENT OF AGEING, DISABILITY AND HOME CARE (DADHC)

Role

The Department of Ageing, Disability and Home Care provides a range of services for children and young people with a disability and their families. Some of these services are targeted at the child or young person with a disability, while others are targeted to families or carers. Each of these services aims to assist the child or young person with a disability to live with their family and as a member of their community.

Responsibilities

- ▶ promoting a safe environment for children and young people who receive services from the Department
- ▶ reporting children and young people suspected of being at risk of harm to Department of Community Services
- ▶ providing support services to families including case management, behaviour support and therapy, as well as early childhood services for 0 to six-year-olds
- ▶ assisting families to access mainstream and specialist services that enhance the development of the child or young person with a disability and promote the wellbeing of the family as a whole

REFER Departmental website: <http://www.dadhc.nsw.gov.au>

2.1.3 DEPARTMENT OF COMMUNITY SERVICES (DOCS)

Role

The Department of Community Services has lead responsibility for providing and coordinating a response where intervention is necessary for the care and protection of children and young people. The Department has wide-ranging statutory powers under the Act to carry out its role in protecting children and young people from abuse and neglect.

The Department's lead role does not detract from the joint responsibility of all relevant agencies to protect children and young people who are at risk of harm and to work together to provide a coordinated and comprehensive response.

Responsibilities

- ▶ responding to requests for assistance from children, young people and families
- ▶ receiving and assessing reports of children and young people at risk of harm
- ▶ planning, conducting and managing joint investigations of serious child sexual, physical abuse and extreme neglect reports with NSW Police, and NSW Health when medical examinations are needed

- ▶ undertaking risk and needs assessments of the child or young person and the family to ensure their safety, welfare and wellbeing
- ▶ determining if a child or young person is in need of care and protection
- ▶ monitoring the child, young person and family in order to maintain a safe and secure environment
- ▶ providing, arranging and requesting care and support services for children, young people and families, including homeless children and young people
- ▶ providing, or negotiating with other agencies to provide, high quality out-of-home care and support services to children and young people
- ▶ arranging mediation or other suitable intervention for children, young people and families where this will assist in problem-solving
- ▶ gathering evidence and initiating care proceedings before the Children's Court
- ▶ developing, implementing and undertaking educational and preventative programs aimed at protecting children and young people
- ▶ raising community awareness about the safety, welfare and wellbeing of children and young people

Services and Programs

- ▶ Helpline (13 3627 for mandatory reporters, 132 111 for non-mandatory reporters) – a statewide 24/7 call centre staffed by departmental caseworkers to receive, document and undertake initial assessment of risk of harm reports from mandatory reporters and others in the community. The Helpline also provides an after-hours crisis team to respond to emergency after-hours call-outs in metropolitan Sydney
- ▶ Domestic Violence Line (1800 656 463) – a toll-free statewide 24/7 counselling and referral call centre staffed by women
- ▶ Child Protection Casework – located in more than 80 Community Services Centres, where child protection caseworkers undertake further assessment of reports transferred by the Helpline. Assessment involves addressing any immediate safety issues, determining the risk to the child, deciding what should be done to reduce that risk, such as history checks, telephone inquiries or a family visit
- ▶ Joint Investigation Response Teams (JIRT) – comprise specially trained police and child protection caseworkers who conduct joint investigations when a risk of harm report involves a criminal act. The Department of Community Services' role is to ensure that the child is safe from further harm, and assist in interviewing the child or young person
- ▶ Allegations Against Employees Unit – manages and coordinates responses to allegations of reportable conduct against departmental employees
- ▶ Strategy to Reduce Violence Against Women – this cross-agency strategy, hosted by the Department of Community Services, is a partnership with NSW Police, NSW Health, Attorney General's Department, Department of Education and Training, and Office for Women. The Strategy's Violence Against Women Specialist Unit promotes statewide initiatives to better protect women and their children from domestic and family violence
- ▶ Out-of-Home Care – the Department provides, or helps arrange accommodation, care, and other forms of support for children and young people who have experienced significant harm or for some other reason cannot live at home. Services are provided for crisis, short, medium or extended periods, and sometimes permanently; and include foster care, relative and kinship care, and small residential services in the community. In addition, the Department:
 - ▷ funds non-government organisations to provide accommodation and support services
 - ▷ monitors and reviews placements, and assesses, trains, authorises and supports carers

- ▷ supports children and young people in out-of-home care, and works with their families. Out-of-Home Care caseworkers provide and arrange mentoring, therapy, medical and dental care, youth development work, remedial teaching and respite care. Support services may also be engaged to work with birth families to assist them to regain care of their children
- ▷ provides specialist services for children and young people with high and complex needs. A small number of young people with challenging or self-harming behaviours receive specialist placement options, such as intensive foster care, residential care, semi-supported independent living. Intensive support service caseworkers support young people, and provide interventions, with psychologists, which assist to modify the young people's behaviour.
- ▶ Funded Services – around 50 per cent of the Department of Community Services' budget is provided via grants and subsidies to non-government organisations to fund individual and family support, community development, neighbourhood, community and youth centres, youth support and some child protection services, as well as services for Aboriginal people and those from culturally and linguistically diverse backgrounds. Funding programs include:
 - ▷ whole-of-government and multi-agency programs such as Families First; the Aboriginal Child, Youth and Family Strategy, which provides support to families, young people and children; and the Alcohol and Other Drugs Program, which assists individuals, families and communities affected by drug and alcohol misuse. Whole-of-government approaches assist in preventing child abuse and neglect by enhancing community capacity and resilience. Evidence suggests that strong and cohesive communities are more likely to look out for children and young people
 - ▷ the Supported Accommodation Assistance Program (SAAP), which is a joint Commonwealth/State Program administered in NSW by the Department of Community Services. It provides accommodation and support to people who are homeless or at risk of being homeless, including young people and families, women and children escaping domestic violence
- ▶ Early Intervention Program – a voluntary program for families with young children encountering problems that affect their ability to care for their children.

REFER Departmental website: <http://www.community.nsw.gov.au>

2.1.4 DEPARTMENT OF CORRECTIVE SERVICES (DCS)

Role

The Department of Corrective Services manages offenders in custody (including young people held in Kariong Juvenile Correctional Centre) and in the community. These include child-related offenders who have committed sexual, violent and other offences against children and young people. One role of the Department is to work with child-related offenders to reduce their risk of reoffending.

The Department also promotes contact between children and young people and their family and relatives in custody through visits, telephone, mail and special activity days in correctional centres. Some children may also live with their mothers in correctional centres until school age or participate in occasional care programs on weekends or during school holidays. The Department has a direct role in ensuring children and young people are safe while visiting or staying in correctional centres.

Child-related offenders are also supervised in the community by the Community Offender Services Probation and Parole Service. This involves case management of the offender including risk assessment and developing individual case plans and strategies to minimise risk of harm to the community, including children with whom the offender may have contact.

Responsibilities

- ▶ assessing risk, developing case management plans and providing a range of interventions for known child-related offenders, in accordance with the Department's best practice in offender management

- ▶ assessing the risk to children residing with offenders in custody or participating in occasional care programs offered at some correctional centres in accordance with Departmental policy and in consultation with the Department of Community Services
- ▶ assessing the risk to children and young people visiting known child-related offenders in custody
- ▶ assessing and managing the risk to children and young people posed by child-related offenders participating in external leave programs
- ▶ providing behavioural management and supervision, programs and services to known child-related offenders appropriate to their level of risk and need, and in accordance with the Department's best practice in offender management and availability of programs
- ▶ ensuring juvenile inmates in custody, under 18 years of age, are safe from harm

Services and programs

- ▶ Victims' Register – maintaining a victims' register in accordance with the *Charter of Victims' Rights*, and responding to requests from registered victims for information concerning an offender's release from custody, escape or participation in external leave programs from a correctional centre

REFER Departmental website: <http://www.dcs.nsw.gov.au>

2.1.5 DEPARTMENT OF EDUCATION AND TRAINING (DET)

Role

The role of the Department of Education and Training in child protection is to promote the safety, welfare and wellbeing of children and young people, whether they are students, apprentices or trainees in schools, colleges, workplaces or programs conducted by the Department or under the auspices of the Department. Departmental employees also recognise and report children and young people suspected to be at risk of harm.

The Department requires staff to participate in child protection training in:

- ▶ the Department's child protection policy and procedures
- ▶ professional standards in relationships with students, trainees and apprentices
- ▶ the recognition and reporting of suspected risk of harm
- ▶ support strategies for students.

Departmental staff provide support that is responsive to the needs of students who are the subject of risk of harm reports, appropriate to staff roles. School counsellors and principals refer students to outside specialist support services, if needed. Community members in Departmental programs, such as tutors, mentors or voluntary helpers, are made aware of child protection policy and any other obligations relating to the specific activity in which they are involved.

Responsibilities

- ▶ protecting children and young people from risk of harm while they are in the Department's care
- ▶ informing students, including apprentices and trainees, of their right to be protected from abuse, and of avenues for support if they have concerns about abuse
- ▶ providing child protection education to children and young people in schools and teaching protective strategies to children in preschool and child care centres
- ▶ ensuring that community members in its programs, such as tutors, community mentors or voluntary helpers, are aware of the Department's policy on child protection, and any other obligations relating to the specific activity in which they are involved

Services and programs

- ▶ Curriculum – the formal and informal curriculum teaches communication skills, promotes societal values and norms, and develops skills and understandings about positive interpersonal relationships. Education settings provide opportunities for students to seek support from adults, if needed
- ▶ Child protection education – a mandatory component of the key learning area Personal Development, Health and Physical Education is taught from Kindergarten to Year 10. It aims to teach students strategies for protecting themselves from abuse, assist them to seek help effectively, and to develop skills for positive, non-coercive relationships
- ▶ Crossroads program – addresses personal and social issues, with a focus on relationships and drug use, is provided to all students in years 11 and 12 to prevent or reduce risk-taking behaviours
- ▶ Targeted support programs for students experiencing difficulties include peer support, mentoring, homework centres and school uniform clothing pools
- ▶ Schools as Community Centres, in collaboration with the Department of Community Services, NSW Health, the Department of Housing and the Department of Ageing, Disability and Home Care, provide opportunities for families to meet and receive support and information, including referrals to other services as required

REFER Departmental website: <http://www.det.nsw.edu.au>

2.1.6 DEPARTMENT OF HOUSING (DOH)

Role

The Department of Housing provides housing assistance to low-income households in NSW through a range of programs, including social housing (public, Aboriginal and community housing), assistance to households to access or maintain private sector rental housing, home ownership assistance and services to homeless people. Assistance may range from long-term social housing to overnight accommodation.

To ensure that public housing assists those in greatest need, eligibility is being changed to concentrate on people who need support services to help them live independently, such as frail older people, people with a disability, homeless people and people under 20 years without family support, and those who have problems accessing suitable affordable housing in the private rental market, including families with children, aged pensioners and unemployed or very low-waged adults.

The key role of the Department of Housing in child protection is to recognise and report children and young people suspected of being at risk of harm to the Department of Community Services.

Responsibilities

- ▶ recognising and reporting children and young people suspected of being at risk of harm to the Department of Community Services
- ▶ referring public tenant households that include children and young people to necessary support services when required
- ▶ using best endeavours to provide housing assistance as required
- ▶ seeking the advice of the Department of Community Services where an application for housing assistance is received from a young person less than 16 years of age
- ▶ participating as an interagency partner in establishment and implementation of case plans where relevant
- ▶ exchanging information as required under legislation in child protection cases

Services and Programs

- ▶ Social Housing – this includes public housing directly managed by the NSW Department of Housing, and community housing, which is managed by providers such as housing associations and cooperatives. The Department of Housing also manages housing on behalf of the Aboriginal Housing Office in NSW. Priority public housing is provided to eligible households who have an urgent housing need that cannot be resolved in the private market
- ▶ Private rental market assistance – a range of programs assists people to access and maintain housing in the private rental market. Rentstart offers assistance with a bond and in some cases rental arrears. Temporary or short-term accommodation can also be offered through this program. The Special Assistance Subsidy program provides rental subsidies to people with a disability or HIV/AIDS. In selected locations, the Department works with support service providers to ensure that tenants with complex needs can access private rental housing
- ▶ Support Services for Department of Housing clients – Senior Client Service Officers Specialist provide information, referrals and liaise with service providers to assist public housing applicants and tenants with support needs achieve sustainable housing outcomes
- ▶ Interagency partnerships – the Department of Housing participates in whole-of-government partnerships such as Families First. The Department has also developed partnerships including the Joint Guarantee of Service for People with Mental Health Problems and Disorders, and the Housing Accommodation and Support initiative with NSW Health, both focusing on delivery of housing and necessary support services to people with mental illness. The Department also leads the Partnership Against Homelessness, which is a network of government agencies working together to improve existing responses to homelessness
- ▶ NSW Housing and Human Services Accord – A range of Department of Housing partnership initiatives are being consolidated through the Accord between the NSW Department of Housing and NSW Human Services Agencies. This aims to strengthen existing arrangements and to facilitate new partnerships, service guarantees and integrated delivery models for priority client groups. It also promotes cross-agency agreements that improve services for tenants of large social housing estates

REFER Departmental website: <http://www.housing.nsw.gov.au>

2.1.7 DEPARTMENT OF JUVENILE JUSTICE (DJJ)

Role

The Department of Juvenile Justice provides services to children and young people who have admitted, been found guilty of, or are subject to court proceedings for offences committed between the ages of 10 and 18 years. Young people may also be referred to a youth justice conference by the police or a court, or be non-offending participants in a conference. A court may order a child or young person to be supervised by the Department of Juvenile Justice, either in the community or in custody, or it may request the Department of Juvenile Justice to prepare a background report on them. The Department works with young people on community or custodial orders to reduce the risk or future offences.

In relation to child protection, the Department ensures that children and young people with whom the Department has contact are safe, whether in youth justice conferences or in Departmental community and detention settings. This work includes recognising and reporting risk of harm to the Department of Community Services, and assisting in the protection of children and young people who are suspected of risk of harm resulting from child abuse and/or neglect, whether they are participating in youth justice conferences, in the Department's direct care, under the Department's supervision, or are visitors.

Some of the Department's clients have been convicted of violent or sexual offences against other children and young people, or are young parents who have abused or neglected their own children.

The Department requires that the organisations it funds and regulates observe their child protection responsibilities.

Responsibilities

- ▶ providing services to children and young people in custody or on conditional release who are convicted of offences against adults, offences related to child abuse or neglect, or who are the victims of child abuse or neglect
- ▶ providing offence-related services, including assessments, case planning and interventions, for children and young people in custody, conditional release or community orders. These children and young people include those who have committed sex or violent offences against children
- ▶ linking young offenders and victims participating in youth justice conferences to appropriate support and other relevant services
- ▶ maintaining the Victims' Register

Services and programs

- ▶ Youth Justice Conferences – community-based negotiated responses to offending by children and young people, which involve all affected parties, and operate under the provisions of Part 5 of the *Young Offenders Act 1997* as an alternative to formal court proceedings for the vast majority of offences committed by children and young people. Participants in youth justice conferences may disclose abuse or neglect to youth justice conference conveners
- ▶ Assessments and offence-focused case planning – conducted by Departmental staff for all young offenders in custody or under supervision, and a range of individual and group counselling and treatment interventions where required, including for those who have committed sex or violent offences against children. These services recognise that a significant proportion of these children and young people may themselves have been victims of abuse and/or neglect
- ▶ Victims' Register – provides support and information to registered victims of juvenile crime (including child and sibling abuse) as outlined in the *Charter of Victims' Rights*. Registered victims (or the parents of those victims under 18 years of age) have the right to be kept informed about a convicted juvenile detainee's impending parole hearing, release, escape or eligibility for absence from custody. For certain serious young offenders, registered victims are also given the opportunity to make submissions to the Serious Young Offenders Review Panel and the Parole Authority

REFER Departmental website: <http://www.djj.nsw.gov.au>

2.1.8 NSW HEALTH

Role

A key role of NSW Health in child protection is to recognise and report children and young people who are suspected of being at risk of harm, and to provide crisis counselling, ongoing counselling and medical interventions for children and young people who have experienced abuse or neglect. NSW Health also provides a range of services in mental health, drug and alcohol assessment and treatment, and allied health services such as speech pathology, psychology/social work and occupational therapy services, a significant proportion of which aim to address the needs of vulnerable families with children.

Responsibilities

- ▶ providing required medical examinations and treatment and interventions, including developmental, psychosocial and psychiatric assessments for children and young people who have been or are suspected of having been physically, sexually or emotionally abused or neglected
- ▶ providing crisis and ongoing counselling and advocacy services for children and young people who have been sexually abused, their non-offending caregivers and siblings through Sexual Assault Services
- ▶ providing counselling for eligible (intra-familial) child sex offenders through the Pre-Trial Diversion of Offenders Program

- ▶ providing counselling (through NSW Health prescribed programs) for young people who have sexually abused and are not eligible for programs provided by the Department of Juvenile Justice, and for children under 10 years who exhibit sexualised behaviours or sexually abusive behaviour if they have been sexually abused and referral received to provide this service
- ▶ providing counselling for children and young people (who have been physically abused, emotionally abused or neglected) and their families through Physical Abuse and Neglect of Children (PANOC) services
- ▶ providing court preparation and support to children and young people whose abuse is the subject of criminal proceedings and also to their non-offending caregivers
- ▶ maintaining a victims register with the Mental Health Review Tribunal
- ▶ providing a range of health responses to children and young people, including mental health services, health screening and community health services
- ▶ providing mental health and drug and alcohol services to adults with children
- ▶ providing preventative programs, including early intervention services that aim to protect children and young people

Services and programs

Universal health services support healthy families to prevent problems from arising, and identify early signs of abuse and neglect. These services include:

- ▶ Early Childhood Health Services – provide support to families and a range of services relating to the health and development of infants and children aged 0 to five years, which are delivered in accordance with the principles of the NSW Families First program
- ▶ Community Health Centres – assess and manage developmental delay, emotional and behavioural problems for children and young people. Services may also include generalist counselling services and counselling to victims of domestic violence and adults experiencing other problems that may affect their ability to parent
- ▶ Youth Health Services – provide counselling, outreach and needle exchange services for young people between 12 and 24 years, also targeting young people who are homeless or at risk of becoming homeless
- ▶ Acute Health Services – staff in designated paediatric wards in many hospitals and other services identify children and young people at risk.

Health services play a role in secondary prevention by offering services that support children and young people to deal with common life difficulties, where they may be particularly vulnerable to abuse or neglect. These include:

- ▶ Integrated Perinatal and Infant Care (IPC) program – provides comprehensive psychosocial assessment and intervention for women during pregnancy, birth and the first weeks of life. Women who are pregnant and families with a young baby, with drug and alcohol issues, mental health issues, high psychosocial needs, as well as Aboriginal and adolescent women, are offered additional support. Maternity services provide timely and appropriate referral onto Child and Family Health services for early follow up of these families once they are discharged from hospital
- ▶ Child and Family Health Services – in line with the NSW Families First program, these services work with families identified as vulnerable to assess their needs and provide early intervention and referral as required. Additional home and clinic visits are provided by Child and Family Health nurses to promote parent-infant relationships and parenting skills, with the aim of supporting a safe and nurturing environment for the infant/child. These services are particularly aimed at the early years of life (0–2 years). These services coordinate with other government and non-government services to provide comprehensive care to vulnerable families

- ▶ Family Care Centres – provide intensive intervention on a day-stay basis to people who are experiencing difficulties with their babies and young children, for problems that need longer appointments or a multidisciplinary focus. The issues can be related to infant feeding, lactation, sleep and settling, other infant care issues or maternal depression and/or other psychosocial factors etc.
- ▶ Tresillian and Karitane – provide 24-hour residential care for families with children under three years when complex problems exist. Clients include parents, carers, families with mental health and child protection issues
- ▶ Children of Parents with a Mental Illness (COPMI) Network – a range of initiatives to identify children and young people whose parents have a mental illness and provide them with support programs
- ▶ NSW Refugee Health Service and NSW Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) – a preventative role in child protection by protecting and promoting the health of refugees. Both services provide health assessments and education. STARTTS also provides counselling, therapy and community development to adults, children and young people
- ▶ Funding to non-government organisations for a range of child, youth and family services. These include partnership agreements for services such as the NEWPIN program which is auspiced through Burnside
- ▶ Adult Mental Health and Drug and Alcohol Services have a role where children and young people may be at risk as a result of their carer's mental illness and/or substance abuse problems.

Specialist health services for when abuse or neglect has occurred include:

- ▶ Child and Adolescent Sexual Assault Counselling Services – providing medical examinations and treatment, crisis and ongoing counselling for children and young people who have been victims of sexual assault and their non-offending caregivers and siblings, as well as advocacy, court preparation and support
- ▶ Physical Abuse and Neglect of Children (PANOC) – services, providing a range of therapeutic, counselling and casework services to children, young people and their families when physical abuse, emotional abuse, neglect or exposure to domestic violence has occurred in a family
- ▶ Child Protection Units – located at Sydney Children's Hospital (Randwick), Westmead Children's Hospital and the John Hunter Children's Hospital (Newcastle), providing a specialist response to children and young people who have experienced abuse and their families. Services provided include a 24-hour crisis counselling and medical service, specialist assessment, forensic medical assessment, ongoing therapeutic and counselling services, medical treatment, complex consultations and expert testimony in court
- ▶ Child and Adolescent Mental Health Services – providing specialist assessment and treatment services for children and young people with developing mental health problems or disorders. These services also assess and treat children and young people at risk of harm or who have experienced abuse and neglect
- ▶ Program for Children who Exhibit Sexualised or Sexually Abusive Behaviours – Area Health Services work with children under the age of 10 who exhibit inappropriately sexualised or sexually abusive behaviour
- ▶ New Street Adolescent Service – providing services to children and young people aged 10–17 years who have sexually abused other children and who are not eligible for programs provided by the Department of Juvenile Justice
- ▶ NSW Pre-Trial Diversion of Offenders Program – treating adults who have sexually assaulted their own or their partner's children. The goals of the program are the protection of children and young people and the prevention of further child sexual assault in families where this has occurred

- ▶ Education Centre Against Violence (ECAV) – which trains and resources NSW Health and interagency professions working with children, young people and adults who have experienced sexual assault, domestic violence, and/or physical and emotional abuse and neglect.

REFER Departmental website: <http://www.health.nsw.gov.au>

2.1.9 NSW POLICE

Role

NSW Police and the Department of Community Services are designated statutory authorities responsible for the care and protection of children and young people, under the Act.

NSW Police identifies, reports and investigates child abuse and neglect. NSW Police initiates legal proceedings for child abuse and neglect offences under the *Crimes Act 1900* and the Act.

NSW Police has powers to apply for Apprehended Violence Orders (AVOs) on behalf of children and young people under Section 562C(3) of the *Crimes Act 1900*, and for child protection prohibition orders that prohibit registrable persons who pose a risk to the lives or sexual safety of children from engaging in specified conduct under the *Child Protection (Offenders Prohibition Orders) Act 2004*. NSW Police assists with ensuring the safety and security of children and young people, their families and the workers in agencies involved in child protection intervention.

Responsibilities

- ▶ undertaking joint investigation with other agencies on reports that may be subject to criminal charges, such as child sexual abuse and serious child physical abuse, as defined in the Joint Investigation Response Teams (JIRT) policy and procedures manual, or extreme neglect
- ▶ informing relevant agencies of the progress and outcome of investigations and legal processes
- ▶ keeping children, young people and families informed about investigations and legal processes, as required by the *Charter of Victims' Rights*, and making referrals to counselling and support services as required
- ▶ responding to information about abandoned children in cars or public places, and locating missing children or young people
- ▶ locating children and young people at risk who have run away from placement
- ▶ providing information to arrested persons on the Pre-Trial Diversion of Offenders (Child Sexual Assault) Program where relevant
- ▶ referring children and young people to emergency interim placement following accidents and disasters, and where the parent/carer has been hospitalised, arrested or is deceased

Services and programs

- ▶ Blue Light Unit – a partnership between NSW Police and local communities, to provide and encourage young people to participate in activities in an environment free from drugs, alcohol, intimidation and anti-social behaviour
- ▶ Schools Safety Response Unit – a joint initiative where NSW Police and Department of Education and Training work together to reduce crime in State schools, and increase the safety of children, young people and schools staff
- ▶ Aboriginal Community Liaison Officers (ACLOs) – ACLOs assist operational police to develop, implement and monitor programs that bring about positive outcomes between police and Aboriginal people
- ▶ Ethnic Community Liaison Officers (ECLOs) – ECLOs are unsworn officers who assist operational police to build closer relationships with local communities from diverse cultural and linguistic backgrounds

- ▶ Community-based safety for children – NSW Police in partnership with other agencies undertakes a range of community education strategies to promote safety for children, including Walk Safely to School Day, Protective Behaviours and Road Safety Around Schools

Investigating child abuse and neglect

- ▶ Child Protection and Sex Crimes Squad – a NSW-wide specialist child protection service that includes Joint Investigation Response Teams. The Squad investigates serious crimes against children, and works closely with Local Area Commands to monitor high risk child sex offenders and combat internet-based child sexual exploitation
- ▶ Joint Investigation Response Teams (JIRTs) – a partnership between NSW Police, the Department of Community Services and NSW Health, with all referrals from the Department of Community Services' Helpline. Specially trained police and Department of Community Services child protection caseworkers jointly investigate sexual abuse and serious physical abuse and neglect of children and young people
- ▶ Local Area Commands – investigate less serious physical, emotional abuse and neglect cases involving children and young people, and cases involving adults reporting abuse when they were children

Responding to risk of harm from domestic and family violence situations

- ▶ Domestic Violence Liaison Officers – support and monitor the police response to family and domestic violence, ensure protection orders are sought for victims including children and young people, monitor family and domestic violence-related 'child at risk' reports made to the Department of Community Services, and support JIRT Police in the application for apprehended violence orders through the courts

Reducing risk of harm from sexual or violent offenders against children

- ▶ Child Protection Registration Orders – offenders of certain sexual and violent offences must provide police with personal information, such as the details of any children with whom they reside or with whom they have regular unsupervised contact under the *Child Protection (Offenders Registration) Act 2000*

Diverting young people at risk of becoming juvenile offenders

- ▶ Youth Liaison Officers (YLOs) – work with young people, their families and community members to reduce and prevent crime, enhance positive relationships between young people and police, and promote a safer shared public environment. Through interventions under the *Young Offenders Act 1997* and programs run locally, YLOs target the behaviour of young offenders to divert them from the criminal justice system or assist them in not reoffending. YLOs also identify those young people whose risk-taking behaviour, family situation or contact with police indicates they are at risk of becoming persistent offenders, and refer them to other services. YLOs also assist in reducing the contact between the justice system and young people of Aboriginal and culturally and linguistically diverse backgrounds
- ▶ Police and Community Youth Club Youth Program Officers – based in 57 Police and Community Youth Clubs across NSW – deliver programs and interventions for young offenders, young people at risk of offending, and youth crime hotspots. Programs are aimed at addressing risk factors and building protective factors and resilience in young people

REFER Departmental website: <http://www.police.nsw.gov.au>

2.1.10 NSW SPORT AND RECREATION

Role

NSW Sport and Recreation is part of the Department of the Arts, Sport and Recreation. The role of NSW Sport and Recreation in child protection is to promote the safety, welfare and wellbeing of children and young people by providing a safe environment for participation in sport and recreation activities they operate, and by assisting sport and recreation organisations to understand their child protection responsibilities. Agency employees also have a responsibility to report children and young people suspected of being at risk of harm.

Responsibilities

- ▶ creating safe environments for children and young people participating in sport by requiring all NSW Sport and Recreation employees to undergo training in:
 - ▷ child protection policy and procedures, including recognising and reporting suspected risk of harm
 - ▷ reportable conduct and the role of the CCYP and the NSW Ombudsman
 - ▷ national child protection competency (CHILD 1C) in the Community Services Training package, for identified positions
- ▶ assisting organisations the agency funds to adopt a proactive and consistent approach to the protection of children and young people
- ▶ delivering information and training seminars with supporting publications

Services

- ▶ Child Protection Information Line (1300 366 407) – responds to inquiries about child protection
- ▶ Web-based training – for coaches, administrators, parents and children on child protection, harassment and discrimination through the Play by the Rules website

REFER <http://www.playbytherules.net.au>

REFER Departmental website: <http://www.dsr.nsw.gov.au>

2.1.11 OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)

Role

The Office of the Director of Public Prosecutions' main function is finalising charges in conjunction with police, and the prosecution of alleged offenders.

The child protection role of the Office is to advise investigators on the sufficiency of evidence available and the appropriateness of particular charges, and thereafter prosecute all criminal proceedings for child sexual assault offences in the Children's, Local, District and Supreme Courts, as well as any appeals and related proceedings arising there from in the District, Supreme and High Courts. The Office also prosecutes serious child physical assault offences, which are dealt with on indictment.

Responsibilities

- ▶ screening cases to ensure that a prosecution proceeds where there is sufficient evidence and prosecution is required in the public interest
- ▶ prosecuting alleged offenders in all courts in New South Wales
- ▶ communicating effectively with and appropriately supporting victims of crime and witnesses before and during court appearances
- ▶ appearing in appeals and related proceedings in the District, Supreme and High Courts
- ▶ supporting children who are victims and witnesses, before and during court appearances, through priority access to the Witness Assistance Service

Services and programs

- ▶ Witness Assistance Service – provides information, referral to counselling and support services, court preparation and court support. Children who are victims and witnesses before and during court appearances are given priority access. Aboriginal victims and witnesses are supported by Aboriginal Witness Assistance Officers if required

REFER The Office's website: <http://www.odpp.nsw.gov.au>

2.2 COURTS

2.2.1 CHILDREN'S COURT

Role

The Children's Court is responsible for hearing and determining the majority of applications for care orders relating to children and young people under the *Children's Court Act 1987*.

Responsibilities

- ▶ identifying children at risk of harm in any proceedings before the court, and reporting these concerns to the Department of Community Services
- ▶ where an application is made to the Children's Court alleging that a child or young person is in need of care and protection, the Children's Court is responsible for:
 - ▷ ensuring that the best interests of the children and young people are its paramount consideration
 - ▷ ensuring that children and young people have the fullest opportunity to be heard and to participate in proceedings, taking into account their age and developmental capacity, including by appointing a legal representative for the child or young person
 - ▷ ensuring that Court processes are independent, impartial and fair to all concerned.

REFER Children's Court web page: <http://www.lawlink.nsw.gov.au/childrencourt>

2.2.2 CHILDREN'S COURT CLINIC

Role

The Children's Court Clinic prepares independent clinical assessment of a child, young person and/or an adult who seeks to have parental responsibility for the child or young person. Such assessments are independent, in the sense that the expert is not on the side of any of the parties to the proceedings.

Responsibilities

- ▶ providing expert clinical assessments of children, young people and their families involved in care proceedings, and reporting the findings to the Children's Court for use as evidence in the proceedings
- ▶ providing training and information to the Children's Court in respect of psycho-social/psychological issues that may arise in proceedings involving children and young people

REFER Children's Court Clinic web page:
http://www.lawlink.nsw.gov.au/lawlink/cccll_ccc.nsf/pages/cccll_index

2.2.3 FAMILY COURTS

Role

The term 'Family Courts' refers to the various courts in NSW that have jurisdiction under the federal *Family Law Act 1975* to make orders relating to children – the Family Court of Australia, the Federal Magistrates Court and State Magistrates Court. Family Courts manage and adjudicate disputes between parents and others with parental responsibility for children and young people, including living arrangements, time spent in the company of, and communicating with parents, and other parenting issues. Family Courts also report risk of harm to the Department of Community Services.

Responsibilities

- ▶ ensuring that the best interests of the children or young people involved are the paramount consideration in any decisions about them. This includes the need to protect the child or young person from physical or psychological harm and any family violence involving the child or young person or any member of the child's or young person's family
- ▶ ensuring that court processes are independent, impartial and fair to all concerned
- ▶ identifying and reporting a child or young person suspected as being at risk of harm or actual harm to the Department of Community Services
- ▶ providing conciliation counselling and mediation to assist families to resolve their disputes without the need for a contested hearing in a manner that promotes the best interests of the children or young people involved

REFER Family Court website: <http://www.familycourt.gov.au>

REFER Federal Magistrates Court of Australia website: <http://www.fmc.gov.au>

2.2.4 LOCAL, DISTRICT AND SUPREME COURTS

Role

The role of the Local, District and Supreme Courts in child protection is to manage and adjudicate criminal proceedings when a person is charged with abusing, neglecting or otherwise harming a child or young person in violation of the criminal law. The District Court also hears, in its statutory care jurisdiction, appeals against decisions of the Children's Court, and in these cases its functions are similar to those of the Children's Court. The Supreme Court makes orders for the proper administration of justice.

Responsibilities

- ▶ ensuring that court processes are independent, impartial and fair both to persons charged with an offence and to the child or young person who is the alleged victim of the offence and may appear as a witness in the proceedings

REFER Attorney General's Department website: <http://www.lawlink.nsw.gov.au>

2.2.5 CORONER'S COURT

Role

The role of the State Coroner in New South Wales in child protection is to ensure all child deaths or suspected child deaths that come under the Coroner's jurisdiction are properly investigated. Where the law requires an inquest to be held, or in cases where the Coroner believes an inquest is necessary, a formal inquest hearing will be conducted.

Responsibilities

The death of a child:

- (a) in care, or
- (b) whose death may be due to abuse or neglect, or
- (c) where a report of abuse was made in the past three years, or
- (d) who was a sibling of a child in (a)–(c),

must be reported to either the State Coroner or a Deputy State Coroner, who examines each death to determine the manner and cause of death, and to decide whether an inquest is necessary. These deaths are also reviewable by the Ombudsman. The State Coroner is required to notify the Ombudsman of any reviewable death notified to the State Coroner no later than 30 days after receiving the notification.

REFER http://www.lawlink.nsw.gov.au/lawlink/coroners_court/ll_coroners.nsf/pages/coroners_index

2.3 INDEPENDENT OVERSIGHT AND SUPPORT AGENCIES

2.3.1 COMMISSION FOR CHILDREN AND YOUNG PEOPLE (CCYP)

Role

The role of the Commission for Children and Young People in child protection is to promote the safety, welfare and wellbeing of children and young people in NSW, particularly vulnerable children and young people. It also promotes children and young people's participation in decisions that affect them, such as child protection casework decisions. The Commission is the lead agency for the Working With Children Check in NSW.

Responsibilities

- ▶ promoting participation of and young people in decisions that affect their lives, and encouraging government and non-government agencies to do the same
- ▶ promoting and monitoring the overall safety, welfare and wellbeing of and young people in the community
- ▶ making recommendations to government and non-government agencies on legislation, policies, practices and services affecting and young people
- ▶ promoting the provision of information and advice that assists and young people
- ▶ conducting, promoting and monitoring training, public awareness and research on issues affecting and young people
- ▶ monitoring and auditing compliance with screening for child related employment
- ▶ conducting Working With Children Check background checks for registered employers
- ▶ maintaining a database of relevant employment proceedings for the Working With Children Check
- ▶ encouraging organisations to develop their capacity to be safe and friendly for children
- ▶ administering the Child Sex Offender Counsellor Accreditation Scheme, a voluntary accreditation scheme for professionals who work with people who have committed sexual offences against children
- ▶ supporting the Child Death Review Team (CDRT) in the exercise of its functions
- ▶ recognising and reporting suspected risk of harm

REFER Commission's website: <http://www.kids.nsw.gov.au>

2.3.2 NSW OFFICE FOR CHILDREN – THE CHILDREN’S GUARDIAN (OCCG)

Role

The Children’s Guardian promotes the best interests of all children and young people in out-of-home care, and ensures their rights are safeguarded and promoted.

The Children’s Guardian accredits designated agencies, which are government and non-government organisations that provide, or arrange the provision of, out-of-home care services for children and young people.

The Children’s Guardian provides a Quality Improvement Program to assist organisations that provided out-of-home care services immediately before the accreditation system was established to meet accreditation standards.

The Children’s Guardian also accredits adoption service providers, and authorises the employment of children under 15 years of age in the entertainment industry, for door-to-door selling, or for exhibitions, or for still photography purposes.

Responsibilities

- ▶ promoting the best interests of all children and young people in out-of-home care
- ▶ ensuring the rights of all children and young people in out-of-home care are safeguarded and promoted
- ▶ accrediting designated agencies
- ▶ monitoring the responsibilities of designated agencies under the Act and regulations
- ▶ issuing directions to designated agencies for the review of permanency plans involving restoration
- ▶ preparing guidelines for the review of placements ordered by the Children’s Court
- ▶ authorising the employment of children under 15 years of age in the entertainment industry, for door-to-door selling, or for exhibitions, or for still photography purposes
- ▶ accrediting adoption service providers

Programs

- ▶ Accreditation Programs for designated agencies and adoption service providers
- ▶ Case File Audit Program for designated agencies
- ▶ Quality Improvement Program for transitionally accredited designated agencies

REFER OCCG website: <http://www.kidsguardian.nsw.gov.au>

In April 2006, the NSW Government merged the Commission for Children and Young People and the Office of the Children’s Guardian and created the Office for Children. The Office for Children is in the portfolio of the Minister for Community Services and Minister for Youth. Under the new arrangements, the roles of the Children’s Guardian and the Commissioner for Children and Young People will continue.

2.3.3 NSW OMBUDSMAN

Role

The Ombudsman monitors and reviews the prevention of reportable conduct and handling of reportable allegations by employers of all government and certain non-government organisations in NSW. This is to ensure that children and young people receiving services are not exposed to employees who may harm them.

The Ombudsman also monitors and reviews the provision of community services provided by the Department of Community Services, the Department of Ageing, Disability and Home Care, and organisations that are funded, licensed or authorised by the Minister for Community Services, or the Minister for Ageing, Minister for Disability Services.

As the lead agency, the Ombudsman oversees employers' handling of allegations against their employees that constitute sexual offences, sexual misconduct, assault, ill-treatment, neglect or behaviour that causes psychological harm to children and young people. The Ombudsman may also investigate an allegation or an agency's handling of an allegation, if there are significant concerns about a situation.

Responsibilities

- ▶ ensuring designated government agencies, non-government agencies and other public authorities are aware of their reporting obligations under Part 3A of the *Ombudsman Act 1974*
- ▶ scrutinising the systems agencies have for preventing reportable conduct in relation to children and young people, and for responding to reportable allegations or convictions
- ▶ monitoring agency investigations into reportable allegations or convictions, and in some cases, conducting those investigations
- ▶ investigating complaints about inappropriate handling of reportable allegations concerning children and young people
- ▶ providing the agency with recommendations or suggestions for action at the conclusion of a direct investigation or after monitoring an investigation
- ▶ where necessary, disclosing information to a police officer, the Department of Community Services or any other public authority that the Ombudsman considers appropriate if the information relates to the safety, welfare or wellbeing of a particular child or young person (or a class of children or young persons)
- ▶ educating consumers of community services, including children and young people, of their right to complain about access to services or about unreasonable conduct in the provision of services
- ▶ reviewing complaints-handling systems within services or in program areas and making recommendations for improvements
- ▶ investigating and resolving oral and written complaints about access to and provision of community services
- ▶ reviewing the circumstances of children and young people in care, reporting to the relevant Minister, service provider and other appropriate persons on the results of the review, and making recommendations to improve the welfare of the person or group of people
- ▶ undertaking inquiries into major issues affecting children and young people as consumers of community services
- ▶ reviewing the deaths of certain children in care

Services and Programs

- ▶ Official Community Visitors scheme – official community visitors monitor the quality of out-of-home care services. The Ombudsman provides education and training for official community visitors about indicators of abuse and neglect and the procedures for reporting suspected risk of harm
- ▶ Reviewable Deaths – the Ombudsman reviews the deaths of children, or siblings of children, who were reported to the Department of Community Services within three years prior to their death, and the deaths of children in care which occurred in suspicious circumstances or were due to abuse or neglect. The Ombudsman analyses the causes and patterns of deaths and recommends ways to improve services to reduce early and preventable deaths

REFER Agency's website: <http://www.ombo.nsw.gov.au>

2.4 LOCAL COUNCILS AND NON-GOVERNMENT ORGANISATIONS

2.4.1 LOCAL COUNCILS

Role

The 152 local councils in NSW are major providers of infrastructure, facilities and services, and have a key role in planning and regulating the built and natural environment, although the mix of services they provide for children and young people vary from between councils. Local councils can provide community welfare, cultural, health, and recreation facilities, services and activities, such as child care, youth centres and services, neighbourhood centres, public libraries (with children's sections and toy libraries), galleries, museums, medical services, immunisation centres, health promotion programs, sports and recreation facilities and programs, including children's playgrounds, swimming facilities and programs.

Responsibilities

- ▶ promoting a safe environment for children and young people who receive child-related services from councils by adhering to the following legislation, and associated guidelines and practices:
 - ▷ *Ombudsman Act 1974*
 - ▷ *Child Protection (Prohibited Employment) Act 1998*
 - ▷ *Commission for Children and Young People Act 1998*
 - ▷ *Children and Young Persons (Care and Protection) Act 1998*
- ▶ promoting a safe environment for children and young people who receive other services from councils or use council facilities.

2.4.2 NON-GOVERNMENT ORGANISATIONS (NGOS)

Role

A range of non-government agencies provide services to children, young people and their families. The role of non-government organisations in child protection is to recognise and report suspected risk of harm. Paid staff who work with children and young people are required by law to report suspected risk of harm.

Some agencies provide services to children, young people and their families where abuse or neglect has occurred, including family support, crisis and ongoing counselling or therapy, child care, training, out-of-home care, residential care, and accommodation for homeless people and for women and children escaping domestic violence. Some other agencies provide more general services for the community as a whole.

Non-government organisations are autonomous bodies but frequently work collaboratively with government and other agencies when intervening with families. Most non-government organisations will support and work in accordance with the principles and practices established in the Guidelines.

Responsibilities

- ▶ informing children and young people of their rights to be protected from abuse or neglect, and of the avenues for support available to them
- ▶ providing care and support services to children, young people and their families
- ▶ promoting the safety, welfare and wellbeing of children and young people in their agency

- ▶ providing services in a way that is accessible regardless of race, sex, age, pregnancy, marital status, disability, sexual preference, religion, philosophy, cultural background, transgender or HIV status, in accordance with the *Anti-Discrimination Act 1977*
- ▶ ensuring that people who do not speak/read English well or at all have access to interpreters and translators if they need or request them

Services and programs

Key non-government services for children, young people and families include:

- ▶ Family services – provide prevention, early intervention and child protection work with the whole family, through respectful and trusting relationships with individual family members that prevent family breakdown. To further enhance and support families, family workers adopt a strengths focus, building on the existing skills of family members. Family services offer counselling, advocacy and referral, group activities (such as courses to develop skills in parenting, self-esteem, communication, building and maintaining relationships, play skills for parents and children, money management and household management), activities for children, self-help groups and information about resources available for families. Family services, which are autonomous bodies, are mostly funded by the Department of Community Services. They seek to develop a network of support, referral and self-help services with a preventative and educative emphasis. The services offered vary depending on geographic location, service capacity and their ‘fit’ with other specialist service providers in the local community
- ▶ Children’s services – provide early childhood development for children up to the age of 6 years in long day care, pre-school, occasional care and family day care, and before and after school care. Children’s services staff play an important role in recognising and reporting child abuse and neglect, and in promoting the safety, health and wellbeing of children. Services may also work directly with children who have suffered abuse or neglect. Many of these services receive funding from the Department of Community Services
- ▶ Disability services – provide a range of services for children and young people with a disability, and their families and carers including case management, behaviour support and therapy, as well as early childhood services for children 0 to six years old. In addition, families may access respite care (including in-home, host family and centre-based services), support and education groups, and counselling services. For young people, services may also include day program, training and employment support services. Disability advocacy services provide information, advice and support to children and young people with disabilities and their families to enable them to make informed decisions. They act to promote and protect the rights and interests of children and young people with disability and their families. Many of these services receive funding from the Department of Ageing, Disability and Home Care
- ▶ Out-of-home care services – are provided by accredited and licensed agencies for children and young people who cannot live at home, and include placement with family members, foster care, residential care and independent living arrangements. These services deliver a range of care, accommodation and support services to children and young people across NSW. Services include monitoring and reviewing placements, assessing, training, authorising and supporting carers, and providing residential care and adoption services. Many of these services receive funding from the Department of Community Services
- ▶ Services for homeless people – provide people who are homeless, or at risk of homelessness, with a range of interventions including outreach, counselling, case management, accommodation, advocacy and living skills development through the Supported Accommodation Assistance Program (SAAP). SAAP is Australia’s primary response to homelessness, and is jointly funded by the Australian Government and the state and territory governments. In New South Wales, SAAP is jointly funded by the NSW Department of Community Services and the Australian Government Department of Family and Community Services and Indigenous Affairs. People assisted include families, single adults, young people, and women and children affected by domestic violence. The key goals are to resolve crisis, re-establish family links where appropriate, and re-establish the capacity of clients to live independently

- ▶ Youth services – offer children and young people support and run programs that reach out to vulnerable children and young people, such as drop-in centres, youth health services, specialist youth services, counselling and support, mediation in crisis intervention to assist in averting family breakdown, child and adolescent sexual assault counselling services, advocacy, outreach, street work, recreational activities and group work and activities. Many of these receive funds from the Department of Community Services and NSW Health.

2.4.3 NON-GOVERNMENT SCHOOLS

Role

The role of non-government schools in child protection is to protect children and young people from risk of harm, and to promote and safeguard the safety, welfare and wellbeing of children and young people. Principals or their nominees, teachers and other staff, are required to report suspected risk of harm from abuse and neglect to the Department of Community Services. Organisations with this responsibility include sectoral administrators, schools, colleges and other providers of education and training.

It is also the role of the non-government schools sector to provide appropriate preventative programs that aim to protect children and young people from abuse, assist them to seek help effectively, and to develop skills for positive, non-coercive relationships.

Responsibilities

- ▶ protecting children and young people attending non-government schools from risk of harm
- ▶ informing students that they have a right to be protected from abuse or neglect, and of the avenues for support available to them
- ▶ educating children and young people in schools and preschools about child abuse and neglect

2.5 RESPONSIBILITIES OF EMPLOYERS

2.5.1 RESPONSIBILITIES OF ALL EMPLOYERS

- ▶ notifying the Commission for Children and Young People of any employee against whom relevant employment proceedings have been completed since 3 July 1995
- ▶ providing appropriate information to Approved Screening Agencies, when it is requested, about employees who have been subject to relevant employment proceedings

2.5.2 RESPONSIBILITIES OF EMPLOYERS OF STAFF IN CHILD-RELATED EMPLOYMENT

Employers of people in child-related positions (as defined in the *Commission for Children and Young People Act 1998*) are required to:

- ▶ register with one of the following Approved Screening Agencies:
 - ▷ Catholic Commission for Employment Relations
 - ▷ Department of the Arts, Sport and Recreation
 - ▷ Department of Education and Training
 - ▷ NSW Commission for Children and Young People
 - ▷ NSW Health.
- ▶ obtain a Prohibited Employment Declaration from all preferred applicants for any child-related position. Prohibited persons must not be allowed to work in a child-related position

- ▶ ask preferred applicants for positions in paid child-related employment, or for positions as foster carers or ministers of religion, to sign a Working With Children Check consent form
- ▶ request a Working With Children Check from the Approved Screening Agency
- ▶ decide whether to employ the applicant, taking into account the result of the Working With Children Check, and any other relevant information
- ▶ notify the Commission for Children and Young People of any person whose application is rejected primarily because of an adverse Working With Children Check estimate of risk, and advise the applicant

REFER Check: <http://www.kids.nsw.gov.au> for information about Working With Children Check, relevant employment proceedings and strategies for making organisations more child-safe and child-friendly.

2.6 INVESTIGATIONS OF REPORTABLE ALLEGATIONS AGAINST EMPLOYEES

2.6.1 RESPONSIBILITIES OF DESIGNATED GOVERNMENT AND NON-GOVERNMENT AGENCIES AND OTHER PUBLIC AUTHORITIES

- ▶ notifying the Ombudsman within 30 days of any reportable allegations against employees arising in the course of the person's employment
- ▶ reporting allegations, even if the head of the agency believes they are false, vexatious or misconceived. The test for this notification is lower than that required for making a risk of harm report to the Department of Community Services
- ▶ investigating reportable allegations and convictions against their employees, and taking appropriate action as a result of the investigation

2.6.2 RESPONSIBILITIES OF DESIGNATED GOVERNMENT AND NON-GOVERNMENT ORGANISATIONS

- ▶ reporting to the Ombudsman and investigating reportable allegations and convictions against employees where the alleged incident occurred outside the person's employment, are the following designated government and non-government agencies:
 - ▷ Ambulance Service
 - ▷ Department of Ageing, Disability and Home Care
 - ▷ Department of the Arts, Sport and Recreation
 - ▷ Department of Community Services
 - ▷ Department of Corrective Services
 - ▷ Department of Education and Training
 - ▷ Department of Juvenile Justice
 - ▷ NSW Health (including Area Health Services)
 - ▷ non-government schools
 - ▷ child care centres, family day care centres, mobile children's services and home-based children's services

- ▷ designated agencies within the meaning of the *Children and Young Persons (Care and Protection) Act 1998* which provide substitute residential care
- ▷ statutory health corporations
- ▷ affiliated health organisations.

REFER *Child protection in the workplace: responding to allegations against employees 2004*, available online at: <http://www.ombo.nsw.gov.au>.