

## FREQUENTLY ASKED QUESTIONS

**REPORTING BY TELEPHONE IS THE HELPLINE'S PREFERRED OPTION,  
AS IT ALLOWS THE HELPLINE CASEWORKER TO CLARIFY INFORMATION.**

**THE HELPLINE'S CONTACT NUMBER FOR MANDATORY REPORTERS IS 13 3627 (13 DOCS)  
FAXES SHOULD ONLY BE UTILISED WHERE THE WAIT TIME BY TELEPHONE EXCEEDS 5 MINUTES,  
OR OPERATIONAL COMMITMENTS PREVENT PHONE CONTACT.**

QUESTIONS	ANSWERS
<p><b>1. What is the reason for reporting under the <i>Children and Young Persons (Care &amp; Protection) Act 1998</i>?</b></p>	<p>As mandated reporters under Section 27 of the NSW <i>Children and Young Persons (Care and Protection) Act 1998</i>, you have a statutory duty to report a child (who is under the age of 16 years) to DoCS if you have current concerns for the safety, welfare or well-being of the child because of the presence of any one or more of the following circumstances of risk of harm as described in section 23 of the Act, and you have <u>reasonable grounds</u> to suspect that a child is at risk of harm from any one or more of these circumstances:</p> <ul style="list-style-type: none"> <li>○ Physical / psychological needs not being met or at risk of not being met</li> <li>○ Parents / carers unable or unwilling to arrange medical care</li> <li>○ Physical / Sexual Assault has occurred or is at risk of occurring</li> <li>○ Risk of physical or psychological harm due to domestic violence</li> <li>○ Psychological abuse has occurred or is at risk of occurring.</li> </ul> <p><u>Note:</u> Physical or sexual abuse may include an assault and can exist, despite the fact that the consent has been given.</p> <p>Mandatory reporters may also report a young person (who is 16 years and above, but is under the age of 18 years) if you suspect they are at risk of harm, but you are not mandated to do so.</p>

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<p><b>2. What if I have a concern about a young person, or an unborn child, or about a homeless child or young person? Am I mandated under the legislation to report to DoCS?</b></p>	<p>The following table identifies the way in which mandatory and non-mandatory reporting applies in certain types of cases, noting that there are no mandatory provisions for young persons aged 16 to 18 years or for unborn children:</p> <table border="1" data-bbox="757 331 1895 928"> <thead> <tr> <th colspan="3" data-bbox="757 331 1895 379">Reporting Matrix</th> </tr> <tr> <th data-bbox="757 379 1292 419">Case Type</th> <th data-bbox="1292 379 1603 419">Mandatory report</th> <th data-bbox="1603 379 1895 419">Not mandatory</th> </tr> </thead> <tbody> <tr> <td data-bbox="757 419 1292 475">A child or a group of children under 16 years</td> <td data-bbox="1292 419 1603 475" style="text-align: center;">✓</td> <td data-bbox="1603 419 1895 475"></td> </tr> <tr> <td data-bbox="757 475 1292 579">A young person or a group of young people aged 16 years or above but under 18 years</td> <td data-bbox="1292 475 1603 579"></td> <td data-bbox="1603 475 1895 579" style="text-align: center;">✓</td> </tr> <tr> <td data-bbox="757 579 1292 635">An unborn child</td> <td data-bbox="1292 579 1603 635"></td> <td data-bbox="1603 579 1895 635" style="text-align: center;">✓</td> </tr> <tr> <td data-bbox="757 635 1292 786">A child under 16 years living away from home without parental permission</td> <td data-bbox="1292 635 1603 786" style="text-align: center;">✓ for persons who provide residential accommodation</td> <td data-bbox="1603 635 1895 786" style="text-align: center;">✓ for other reporters</td> </tr> <tr> <td data-bbox="757 786 1292 928">A young person 16 years or above but under 18 years who is homeless</td> <td data-bbox="1292 786 1603 928"></td> <td data-bbox="1603 786 1895 928" style="text-align: center;">✓ and any such report requires the consent of the young person</td> </tr> </tbody> </table> <p>Source: 2006 edition of the <i>NSW Interagency Guidelines for Child Protection Intervention</i></p> <ul style="list-style-type: none"> <li>• A report can be made about an unborn child under section 25 (Prenatal Reports) of the <i>Children and Young Persons (Care and Protection) Act 1998</i>.</li> <li>• Homelessness can be reported under the following sections:  Section 120 - Homelessness of children  Section 121 - Homelessness of a young persons  <u>Note:</u> Do you have consent from the young person to report?</li> </ul>	Reporting Matrix			Case Type	Mandatory report	Not mandatory	A child or a group of children under 16 years	✓		A young person or a group of young people aged 16 years or above but under 18 years		✓	An unborn child		✓	A child under 16 years living away from home without parental permission	✓ for persons who provide residential accommodation	✓ for other reporters	A young person 16 years or above but under 18 years who is homeless		✓ and any such report requires the consent of the young person
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<p><b>3. What if I am still uncertain about my obligation to report or wish to clarify information about any child protection concerns?</b></p>	<p>Helpline caseworkers will be able to assist if you are uncertain about your obligation to report, or wish to clarify information about child protection concerns.</p>																					

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<p><b>4. Can I request assistance for a family?</b></p>	<p>Yes, a Request for Assistance can be made to DoCS under section 113 of the Act for the following reasons:</p> <ul style="list-style-type: none"> <li>○ serious or persistent conflict between parents and child/ young person, and / or</li> <li>○ parents unable to provide adequate supervision for child / young person</li> </ul>
<p><b>5. Can my identity be revealed to any person or agency?</b></p>	<p>The legislation prohibits the disclosure of the identity of anyone who makes a report to DoCS, unless that person gives consent, or a court or other body before which proceedings are conducted, gives leave for the disclosure.</p>
<p><b>6. What protection does the Act provide for mandatory reporters?</b></p>	<p>Section 29 of the NSW <i>Children and Young Persons (Care and Protection) Act 1998</i> provides protection for mandated reporters who report concerns “in good faith”.</p> <p>In summary, these protections mean that certain matters cannot be deemed to be:</p> <ul style="list-style-type: none"> <li>• a breach of professional etiquette, ethics or conduct</li> <li>• defamatory</li> <li>• grounds for civil proceedings for malicious prosecution or for conspiracy, or the subject of information which a person can be compelled to provide in evidence in Court proceedings.</li> </ul>
<p><b>7. What if I suspect drug misuse and/or alcohol abuse and/or mental health issues and/or domestic violence, or I have been told about the abuse or health issues by a third party - it could be inaccurate or out of date. Should I still provide the information?</b></p>	<p>Yes, still provide the information. Reporters are asked to include any concerns in regard to these issues as they are often important in relation to the child or young person’s safety, welfare and well-being. If you suspect these issues are relevant, or have been told about such issues, and you believe such issues may impact on the child or young person, you should clarify your reasons for suspecting this information and/or identifying how you learned this information.</p> <p>Remember that the capacity of the Helpline to undertake the initial assessment is greatly assisted by the quality of information provided by the reporter.</p>