

# Mandatory Reporting

## (Responding to Child Abuse Reports and Allegations)

### Policy Statement

Y Canberra Region is committed to ensuring the safety and wellbeing of children, young people and the vulnerable attending Y activities. Canberra Region People (including paid employees, volunteers, Board Directors, student placements and any consultants or contractors engaged by Y Canberra Region) working with these children, young people and the vulnerable have an important role to play in protecting participants who may be at risk of harm due to abuse or neglect. The Y's focus is on prevention and early intervention, with clear practice to support and empower children, young people and the vulnerable.

### Introduction

- Y Canberra Region will promote equity and respect diversity of the children, young people and the vulnerable and their parents who access our services as part of our reporting policy.
- All Y People must ensure that their approach and interactions with children, young people and the vulnerable are sensitive, respectful and inclusive of all backgrounds and abilities.
- All Y People must be aware and acknowledge where our organisation has involvement with children who are Aboriginal or Torres Strait Islander, from culturally and/or linguistically diverse backgrounds (CALD), those who have a disability, LGBTQIA + and those unable to live at home; our Y People will promote their safety (including cultural safety), participation and empowerment.

It is important to remember that some under 18 year olds may also be Y Canberra Region Employees or Volunteers (Y People), therefore this policy must be applied to them also.

### Policy

Y Canberra Region requires that all Y People have an obligation, whether legal or not, to report suspicions of "risk of significant harm". All concerns regarding the health, welfare and wellbeing of children, young people and the vulnerable needs to be reported to a Y Canberra Region Manager immediately.

### Identifying a child or young person is at risk of significant harm.

Refer to *Definitions and Risk Indicators of Abuse and Neglect* on page 9 of this policy

- A child or young person has disclosed abuse or are you concerned about a child or young person's wellbeing
- If an allegation has been made or you are concerned about any behaviours towards a child or young person by a Y Person (including paid employees, volunteers, Board Directors, student placements and any consultants or contractors engaged by Y Canberra Region) or client.

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### Responding to concerns of abuse, neglect or significant harm

Respond to the child or young person appropriately.

If a child or young person discloses abuse it is vital to reassure, support and show care to the child or young person by:

- Listening carefully to what the child or young person is saying, do not ask leading questions
- Controlling expressions of panic or shock
- Reassure the child or young person that telling you was the right thing to do
- Acknowledging that it is hard to talk about such things
- Indicating to the child or young person what you will do – that is informing them of your obligations to report the concerns.

If a child or young person discloses abuse or neglect immediately record the information, as far as possible, using the exact words, noting specific names, places, dates or actions mentioned to enable all information to be confidently provided while making the mandatory report. (Please see full process below)

**In urgent circumstances where there is immediate danger for a child or young person’s health or safety, contact the police immediately using the emergency number 000.**

**If your concerns relate to the immediate behaviour of a Y client who is on premises, contact the police immediately using the emergency number 000.**

**If your concerns relate to a Y Person, please refer to the Y Canberra Region Reportable Conduct (Responding to Child Protection Allegations) Policy and discuss with a Y Manager.**

### Reporting to Y Canberra Region

Y Canberra Region requires that **all** Y People have an obligation to report suspicions of “risk of significant harm”.

It is the responsibility of the Y Person, who has become aware of a child protection concern to ensure the concern is reported to Department of Communities and Justice (NSW) or Child and Youth Protection Services (ACT). Y People are to consult with their manager who can support them through the process and to ensure they are aware of the incident. If the manager is on leave speak to the next level up.

All child protection matters are to be reported through the Y Canberra Region SOLV reporting system within 24 hours. All documentation including the MRG report and Helpline reference number, where applicable, are to be uploaded into the system. Y People are required to indicate whether both internal and external stakeholders that have been notified or need to be notified of the incident such as Managers, Safeguarding Team member, ECED (NSW), CECA (ACT), ACECQA, Police, Contract Partner etc. This is completed within the SLOV Under ‘External authorities notified’ field.

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**Legally required Mandatory Reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:**

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children’s services (e.g. child educators, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)
- A person who, in the course of the person’s employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

### **Making a Mandatory Report**

**All** concerns are required to be reported to the Child Protection Helpline (NSW) and/or Child and Youth Protection Services (ACT).

*In urgent circumstances where there is immediate danger for a child or young person’s health or safety, contact the police immediately using the emergency number 000.*

### **NSW**

All Y People can make a report to the Child Protection Helpline by contacting the mandatory reporter number: Telephone: 132111. If you have hearing impairment, telephone TTY: 9633 7698 (24 hours).

It is the responsibility of the individual Y Person to complete the Mandatory Reporter Guide (MRG) prior to reporting to the Helpline. The MRG is located on the NSW Communities and Justice Website: <https://reporter.childstory.nsw.gov.au/s/mrg>

The MRG is not required when an urgent report has been made to the police as above. The incident is to be reported directly to the Child Protection Helpline on 132111.

If you have concerns for the safety, welfare and wellbeing for a child or young person who is the care of the Minister or Director General of Family and Community Services, a call must be made directly to the Helpline immediately.

### **ACT**

Child Concern Reports are made directly to Child and Youth Protection Services for:

#### **Abuse and neglect**

Phone: 1300 556 728 (24 Hours)

Online: Complete Child Concern Report via portal or

<https://form.act.gov.au/smartforms/index.htm>

**For Sexual Abuse – contact ACT Policing 131444**

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**Information to have at hand when making a report:**

The relevant helpline will ask the Y Person to provide as many details as possible. They will want to know about the events that led to the call and how that has impacted on the child or young person. A Confidential SOLV report should also be completed and will assist with gathering and providing this information. The information supplied assists in determining the assessment by the Helpline of your concerns.

**Information regarding the child or young person:** Name including aliases; age; date of birth; home address.

**Information about the parents/guardians:** Name; address; phone contact; custody or care details.

**Details of concerns/risk of significant harm:** this could include outcome from the MRG (NSW)

**Observations:** provide as much detail as possible such as dates, specific details (example: a bruise – colour, size location on body)

**Details of any disclosure:** what the child or young person said to you.

**Whether the child or young person is aware of the report:** did you let the child or young person know that you would be contacting the Helpline?

**Other information:** this could include conversations with parents/guardians, recorded observations of yourself or other Y Persons over a period of time, a description of the observations.

**Contact details:** your contact details.

**Using the Mandatory Reporter Guide (MRG) (NSW)**

The MRG requires the Y Person to enter information and their knowledge about the incident into reporting tools. If assistance is required using the MRG speak with a Y Manager or Team Member. It is important to remember the MRG is a guide only, if in doubt always consult with a manager or Safeguarding Team Member.

After completing the MRG, a decision report will be issued. The Y Person should provide a copy of this report, record the name of the child and the reference number on the report and upload in to SOLV within 24 hours and inform their Y manager or Safeguarding Team Member.

**Outcomes of the Mandatory Reporting Guide (MRG):**

- **Report to Department of Communities and Justice (DCJ)**

There are two types of recommendations to report to Department of Communities and Justice (DCJ):

**1. Immediate report to Family & Community Services**

You should make a report about suspected risk of significant harm to the Child Protection Helpline as soon as possible, using the most direct means possible.

**2. Report to Department of Communities and Justice (DCJ)**

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You should make a report about suspected risk of significant harm to the Child Protection Helpline within the next 24 hours.

**Child Protection Helpline:**

Telephone: 13 2111 (24 Hours)

If you have hearing impairment, telephone TTY: 9633 7698

- **Consult with a Professional:**

If the report outcome is close to the threshold of risk of significant harm, a discussion is required with a Y Manager or Safeguarding Team Member to identify other options that might be available to provide assistance to the child or young person and their family.

- **Consult your referral network or wellbeing referral centre:**

If the report outcome is that there is no significant risk, the family may benefit from support and appear open to services. Reports of this outcome are to be discussed with the local Family Referral Service (information is available through the MRG for local services) for other options that might be available to provide assistance to the child or young person and their family. Referrals are also to be discussed with a Y Manager or Safeguarding Team Member.

- **Document and continue relationship:**

If the report does not meet the threshold for reporting however contact your Manager or Safeguarding Team Member to discuss options to continue monitoring and documenting concerns.

**External Support**

The Y will assist in addressing the support needs of those impacted by the allegation including:

- the child and their family
- the person against whom the complaint is made by, for example, offering professional counselling
- other Y People impacted by the allegations

Y People have to access the Employee Assistance Program (EAP) during and after the Mandatory Reporting Process.

The EAP provides professional, confidential, free counselling, 24hrs a day, 7 days a week.  
Phone: 1300 361 008

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## External reporting requirements

- The incident **must** be reported on SOLV within 24 hours. This is completed within the SLOV Under 'External authorities notified' field.
- Ensure to click on 'YES' in the "Is this Incident Confidential?" tab –this ensures that the Safeguarding Team members only receive this notification
- Ensure to upload any supporting documents including any forms, complaint/concern, case number provided by authorities etc. under the 'Attachments' tab.

## ACT Senior Practitioner

Y Canberra Region will report all cases of inappropriate/unauthorised/not approved restrictive practices to the Senior Practitioner, if they meet the threshold for Mandatory Reporting.

Where there is an approved positive behaviour support plan in place for the child or young person this information will be documented on an incident report on SOLV.

## Further Concerns

If a Y Person has any concerns regarding any Y policies, practises or the behaviour of Y People, it is your responsibility to bring this to the attention of a Y Manager, Safeguarding Team Member and/or the Y Risk and Project Senior Manager

## Implications

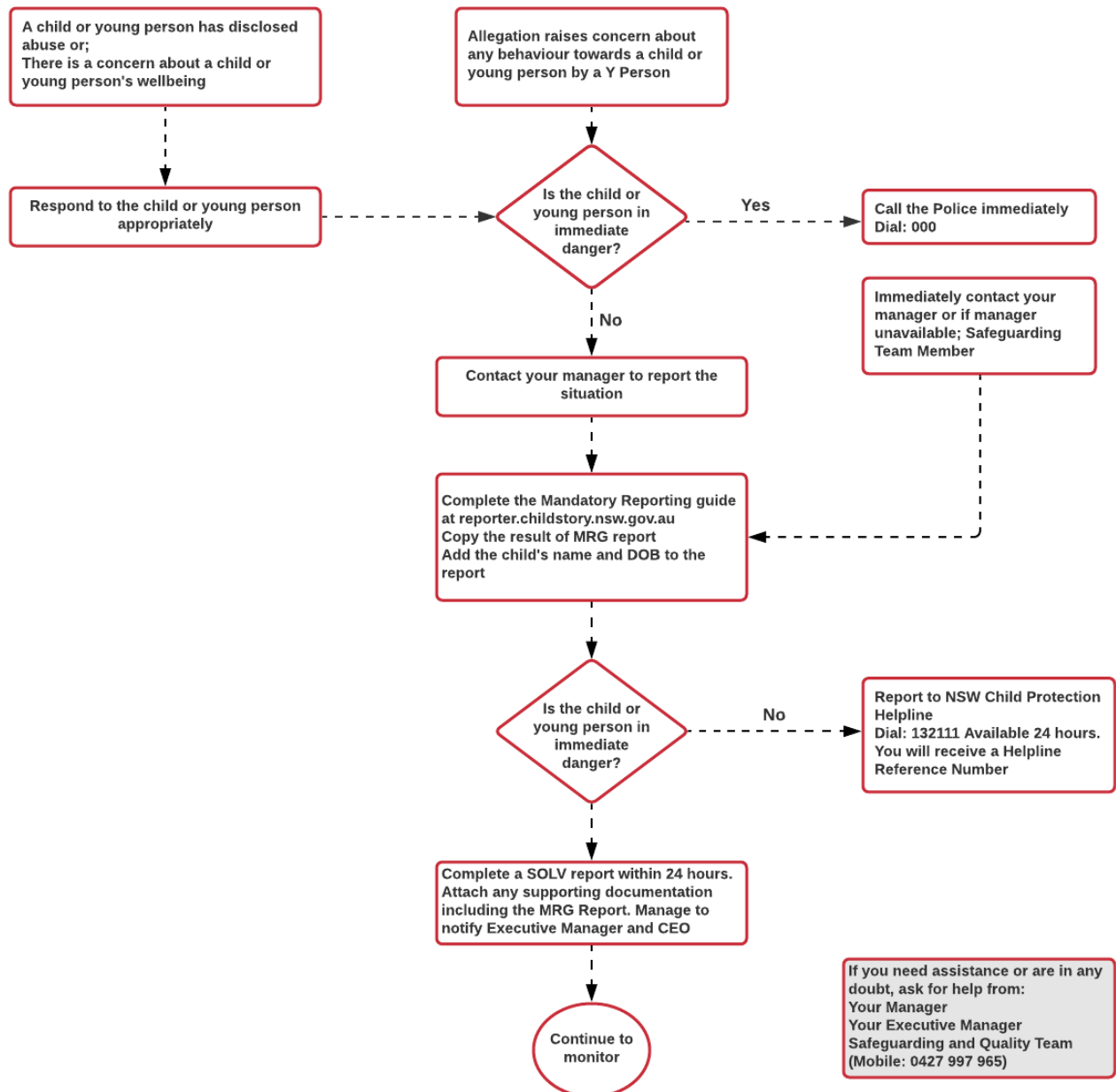
- **Y Canberra Region** - Failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person or vulnerable adult is viewed as serious misconduct and may lead to disciplinary action, up to and including formal warning, demotion or termination of employment or cessation of volunteer relationship.
- **ACT Ombudsman or NSW Office of Children's Guardian** - It is an offence to without lawful excuse, refuse or wilfully fail to comply with any lawful requirement of the Ombudsman.
- **Department of Education and Communities – Children's Services** - Failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person is an offence under the Children (Education and Care Services National Law Application) Act 2010 Section 167 Offence relating to protection of children from harm and hazards.
- **Children's Education and Care Assurance - ACT-** Failing to report an instance, allegation, disclosure or concern relating to abuse or neglect of a child, young person is an offence under the Children (Education and Care Services National Law Application) Act 2010 Section 167 Offence relating to protection of children from harm and hazards.

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## NSW Child Protection Reporting Process Flow Chart

(All steps within this process are to be completed within 24 hours of the incident)

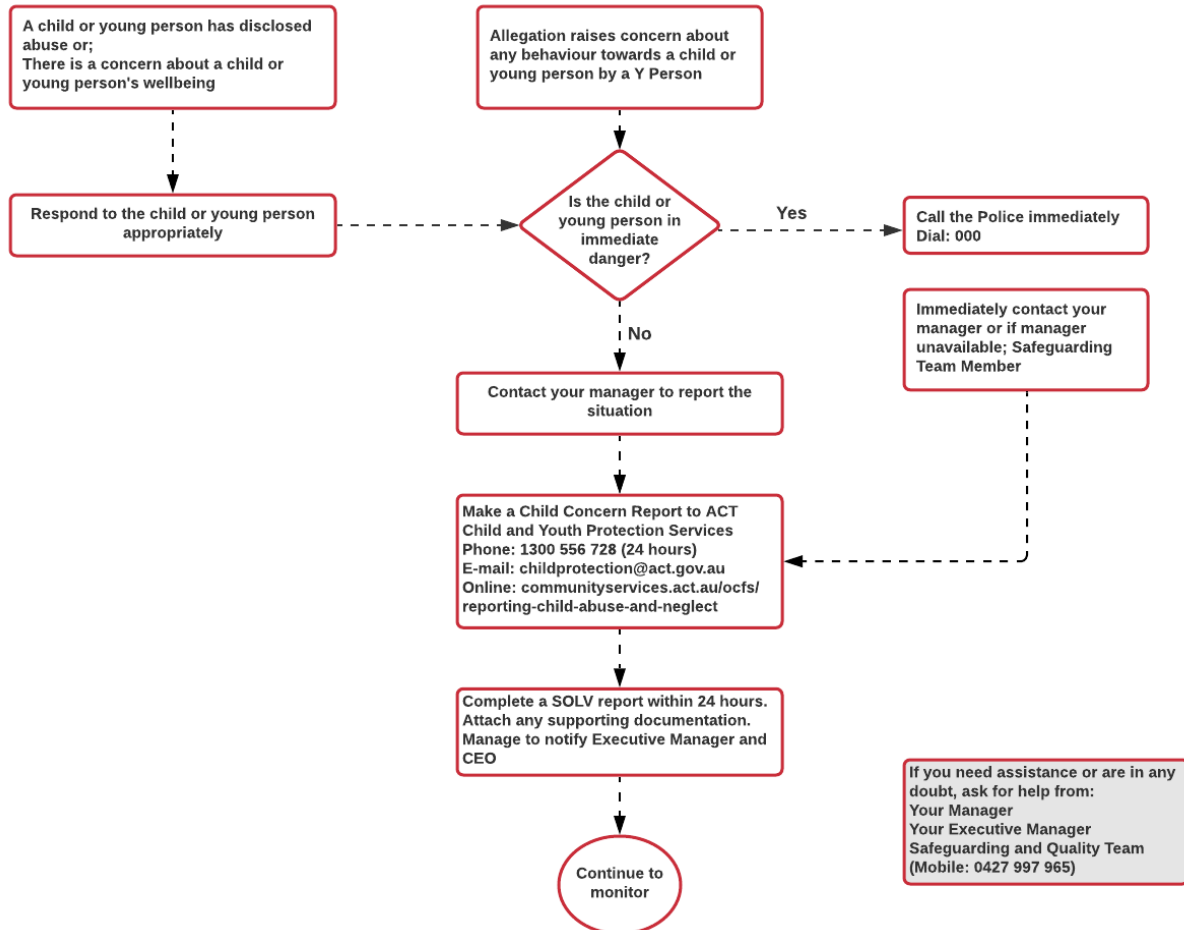


## ACT Child Protection Reporting Process Flow Chart

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(All steps within this process are to be completed within 24 hours of incident)



### Definitions and Risk Indicators of Abuse and Neglect

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Child or young person	The Y considers a child or young person to be a person under the age of eighteen years.
Y People / Y Person	Includes paid employees, volunteers, Board Directors, student placements and any consultants or contractors engaged by Y Canberra Region
Client	Any user of Y Canberra Region services including children, young people, vulnerable adults, parents/guardians and facility users.
Code of Conduct	A Code of Conduct is an agreement with a set of rules of behaviour and proper conduct for all Y People when engaging with children or young people. A Code of Conduct details an organisation's core values and explicitly communicates everyone's responsibility and obligation to adhere to the outlined standards of ethical behaviour when working with children, young people and the vulnerable. It is effective in strengthening the control of an environment.
Sexual Abuse	Sexual abuse occurs when an adult involves a child or young person in any sexual activity. Sexual abuse also occurs when a child or young person involves another child or young person in any sexual activity. Perpetrators of sexual abuse take advantage of their power, authority or position over the child or young person for their own benefit and can include making sexual comments to a child or young person, engaging children or young people to participate in sexual conversations over the internet or on social media, kissing, touching a child or young person's genitals or breasts, oral sex or intercourse. Encouraging a child or young person to view pornographic magazines, websites and videos is also sexual abuse.
Emotional or Psychological Abuse	Emotional or psychological abuse occurs when a child or young person does not receive the love, affection or attention they need for healthy emotional, psychological and social development. Such abuse may involve repeated rejection or threats to a child or young person. Constant criticism, teasing, ignoring, threatening, yelling, scapegoating, ridicule and rejection or continual coldness are all examples of emotional abuse. These behaviours continue to an extent that results in significant damage to the child or young person's physical, intellectual or emotional wellbeing and development.

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Physical Abuse	Physical abuse occurs when a person subjects a child or young person to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning and kicking. It also includes giving children or young people harmful substances such as drugs, alcohol or poison. Certain types of punishment, whilst not causing injury can also be considered physical abuse if they place a child or young person at risk of being hurt.
Neglect	Neglect is the persistent failure or deliberate denial to provide a child or young person with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, adequate supervision, clean water, medical attention to the extent that the child or young person's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available to the family.
Witnessing Family Violence	Witnessing family violence is a specific form of emotional and psychological abuse. This occurs when children or young people are forced to live with violence between adults in their home. It is harmful to children, young people and the vulnerable. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child or young person's life. Exposure to family violence places children, young people and the vulnerable at increased risk of physical injury and harm and has a significant impact on their wellbeing and development.
Sexual Exploitation	Sexual exploitation occurs when children or young people are forced into sexual activities that are exploitation then recorded in some way and/or used to produce pornography. Such pornography can be in the form of actual photos or videos or published on the internet. Exploitation can also involve children or young people who are forced into prostitution.
Harm	Harm to a child or young person, is any detrimental effect of a significant nature on the child or young person's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by: <ul style="list-style-type: none"> <li>a. physical, psychological or emotional abuse or neglect; or</li> <li>b. sexual abuse or exploitation;</li> <li>c. a single act, omission or circumstance; or</li> </ul> a series or combination of acts, omissions or circumstances.

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Bullying	<p>Bullying involves the inappropriate use of power by one or more persons over another less powerful person or group and is generally an act that is repeated over time. Bullying has been described by researchers as taking many forms which are often interrelated and include:</p> <ol style="list-style-type: none"> <li>Verbal (name calling, put downs, threats)</li> <li>Physical (hitting, punching, kicking, scratching, tripping, spitting)</li> <li>Social (ignoring, excluding, ostracising, alienating)</li> <li>Psychological (spreading rumours, stalking, dirty looks, hiding or damaging possessions).</li> </ol>
Grooming	<p>Grooming is a term used to describe what happens when a perpetrator of abuse builds a relationship with a child or young person with a view to abusing them at some stage.</p>
Y Canberra Region Safeguarding Strategy	<p>The Y Canberra Region Safeguarding Strategy has been developed so that:</p> <ul style="list-style-type: none"> <li>all Y People share the responsibility for the protection of children, young people and the vulnerable</li> <li>all Y People receive effective training</li> <li>all Y People can follow clear policies and procedures</li> <li>all Y People can build strong relationships</li> </ul> <p>This strategy incorporates the following main three pieces of work for the Y Movement from the National Safeguarding Unit:</p> <ul style="list-style-type: none"> <li>Culture - We will create a safe culture nationally which empowers children, young people and the vulnerable through effective leadership and governance.</li> <li>Operations - We will create safe operations to ensure Y People, parents/carers and community have the right policies, processes and practices to keep children, young people and the vulnerable safe</li> <li>Environment - We will create safe environments at the Y and in communities which empower children, young people and the vulnerable to thrive</li> </ul>

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## Scope

Y People including paid employees, volunteers, Board Directors, student placements, and consultants or contractors engaged by Y Canberra Region.

## Roles and Responsibilities

Department/Area	Role/Responsibility
<b>CEO</b>	<ul style="list-style-type: none"> <li>Lead the governance of all Safeguarding Policies and Procedures</li> </ul>
<b>Managers</b>	<ul style="list-style-type: none"> <li>Ensure effective implementation of the Safeguarding Policies and Procedures</li> <li>Ensure all applicable Y People undertake the relevant training for Mandatory reporters</li> <li>Offer EAP if deemed necessary.</li> </ul>
<b>Safeguarding Team</b>	<ul style="list-style-type: none"> <li>Review and update the Safeguarding Policies and Procedures</li> <li>Provide advice and guidance if Y People are placed on leave during investigation.</li> </ul>
<b>People and Culture</b>	<ul style="list-style-type: none"> <li>Provide advice and guidance if Y People are placed on leave during an investigation.</li> </ul>
<b>Co-ordinators/Directors</b>	<ul style="list-style-type: none"> <li>Ensure that reporting occurs in a timely manner and that all Y People are offered support during the process.</li> </ul>
<b>Y People - Employees, Volunteers, student placements, consultants and contractors</b>	<ul style="list-style-type: none"> <li>Adhere to all Safeguarding Policies and Procedures.</li> <li>Seek assistance for support if unsure of the reporting process or any question relating to the safety or wellbeing of children</li> </ul>

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**SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)**

Keeping Children and young people Safe 2019 (ACT)  
 Y Safeguarding Children and Young People Policy 2020  
 Reportable Conduct (Responding to Child Protection Allegations) Policy 2021  
 Safe Behaviours Policy 2021  
 Children’s Guardian Act 2019 (NSW)  
 Children and Young People Act 2008 (ACT)

**MONITORING, EVALUATION AND REVIEW**

To be reviewed every 2 years or as legislation is reviewed and updated

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