**[Insert organisation name/logo]**

CHILD PROTECTION AND REPORTING POLICY

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***Note\****

*This policy template has been developed to meet the needs of a diverse range of services and includes items for consideration in policy and procedure.* ***Not all content will be relevant to your service.******Organisations are encouraged to edit, add and delete content to ensure relevancy.***

*All material provided by the Network of Alcohol and other Drugs (NADA) is for guidance purposes only. The information should be reviewed in relation to your organisation’s individual circumstances and policies. NADA does not provide legal advice, and you should seek your own advice in relation to any matters provided for in this policy or if you have any specific questions or concerns. While every effort has been made to present all information accurately, NADA, its employees and related parties, accept no liability for, and do not indemnify against, any loss, damage or injury that may result from any actions taken based on the information contained in this document.*

*Please also note that this policy has been written with the understanding that all staff are mandatory reporters. This may not be the case for your organisation. Before customising this policy, organisations should determine whether:*

* *Its staff (or a group of staff, or individuals) are mandatory reporters for Section 27 of the Children and Young Persons (Care and Protection Act 1998 (NSW).*
* *They are prescribed bodies for Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 (NSW).*
* *They are designated a non-government agency in accordance with the Ombudsman Act 1974 (NSW).*

*This policy may contain links to other websites. The links are provided for convenience only and may not remain current or be maintained. NADA is not responsible for the content or privacy practices associated with linked websites.*

*\*Please delete this note before finalising this policy.*

***Note\****

*To update the contents list when all content has been finalised, right click on the contents list and select ‘update field’, an option box will appear, select ‘Update entire table’ and ‘Ok’.*

*To use the contents list to skip to relevant text, use* ***Ctrl and click*** *to select the relevant page number.*

*\*Please delete note before finalising this policy.*

**CONTENTS**

CHILD PROTECTION AND REPORTING POLICY 1

SECTION 1: CHILD PROTECTION AND REPORTING FRAMEWORK 3

1.1 Policy statement 3

1.2 Purpose and scope 3

SECTION 2: RESPONSIBILITIES 3

2.1 Overview 3

2.2 Mandatory reporting 3

2.3 Roles and responsibilities 4

2.4 Staff training and ongoing professional development 4

2.5 Risk management 4

SECTION 3: POLICY IMPLEMENTATION 5

3.1 Determining the need to make a report 5

3.2 Significant harm 6

3.3 Making a report 6

3.3.1 If a concern does not meet the significant harm threshold 7

SECTION 4: INFORMATION EXCHANGE RELATING TO CHILD PROTECTION 8

4.1 Informing sharing and informing clients 8

4.2 Providing and requesting information 8

4.3 Providing information in accordance with Section 248 9

4.4 Record keeping 9

SECTION 5: REFERENCES 10

5.1 Supporting documents 10

5.2 Related policies 10

5.3 Legislation 10

5.4 Other resources 10

# SECTION 1: CHILD PROTECTION AND REPORTING FRAMEWORK

## Policy statement

**[Insert organisation name]** (‘Organisation’) is committed to fulfilling its role in the care and protection of children and young people.

## 1.2 Purpose and scope

This policy provides guidance on working with child protection, reporting, record-keeping and exchanging information about safety, welfare and well-being of a child or young person.

# SECTION 2: RESPONSIBILITIES

## 2.1 Overview

There is a shared responsibility for child protection and child wellbeing across government and non-government organisations and the broader community. **[Insert organisation name]** recognises that in the course of the work of our organisation, staff may encounter situations involving children, young people and families where there is concern about a child or young person’s safety, welfare and wellbeing.

To fulfill its role in the care and protection of children and young people, **[insert organisation name]** will:

* Ensure staff have adequate skills to recognise and respond to child protection concerns.
* Collaborate and partner with other services to provide the best outcomes for children, young people and families.
* Respond to child protection concerns through appropriate referral, reporting and service delivery, including reporting any risk of significant harm[[1]](#footnote-2) to the Department of Communities and Justice (DCJ)
* At all times, promote the safety, welfare and wellbeing of children and young people

## 2.2 Mandatory reporting

All staff of **[insert organisation name]** who deliver services, wholly or partly, to children are considered ‘mandatory reporters’. This includes staff who are allied health professionals, nurses, psychologists, social workers, caseworkers, youth workers, counsellors, childcare or refuge workers and peer workers.

Mandatory reporters are required to report a suspected risk of significant harm to a child or young person to DCJ.

To make a report to the Department of Communities and Justice there needs to be a reasonable belief in significant harm to a child.

Staff should refer to the [ChildStory Reporter Community](https://reporter.childstory.nsw.gov.au/s/) for more details about the requirements for mandatory reporting.

## 2.3 Roles and responsibilities

All staff and Board members of **[insert organisation name]** should be aware of the Child protection and reporting policy and have the following responsibilities in relation to child protection:

* be familiar with the NSW mandatory e-reporting requirements (‘[What is mandatory reporting’ by DCJ](https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting)  ) and the Department of Communities and Justice [Children and Young Persons (Care and Protection) Act 1998](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157).
* be aware of their role as a mandatory reporter.
* respond to child wellbeing and protection concerns through referral, reporting and service delivery.
* inform children and young people of their rights to be protected from abuse or neglect, and of the avenues of support available to them.
* provide care and support services to children, young people and their families
* promote the safety, welfare and wellbeing of children and young people in the organisation.
* provide non-discriminatory, culturally appropriate services in accordance with the *Anti-Discrimination Act 1977* (NSW).

## 2.4 Staff training and ongoing professional development

* **[Insert organisation name]** ensures staff have adequate skills and information to recognise and respond to child protection concerns through orientation, training and ongoing professional development considerations.
* **[Insert organisation name]** will ensure that staff will have a clear understanding of legislative obligations and mandatory reporting requirements.
* Staff of **[insert organisation name]** will receive regular child protection training through registered training organisations.

## 2.5 Risk management

This policy is informed by and complies with the *Associations Incorporation Act 2009 (NSW)* and the *Children and Young Persons Care and Protection Act 1998 (NSW*).

The Board demonstrates that mechanisms are in place for fair and transparent governance through accessible meeting minutes, Board self-assessments and development plans.

Risk is managed through compliance with the *Risk management policy*, noting risks in the *Risk register* where needed, and ensuring compliance with legislation through the *Compliance register.*

# SECTION 3: POLICY IMPLEMENTATION

## 3.1 Determining the need to make a report

While undertaking clinical and client support work in relation to alcohol and other drugs, staff may encounter situations involving children, young people and families in which there is a concern that a child or young person is at risk of significant harm. Risks to clients, children and young people must be regularly assessed, identified and managed through intake, assessment and case management processes.

Staff must be culturally appropriate when dealing with child protection concerns about children and young people from all backgrounds, particularly Aboriginal and Torres Strait Islander communities, and culturally and linguistically diverse (CALD) communities. **[Insert organisation name]** is committed to providing a culturally responsive, accessible and safe service.

Where there are concerns about the safety, welfare and wellbeing of a child for any of the following reasons, staff should refer to the decision tree in the [Mandatory Reporting Guide (MRG](https://reporter.childstory.nsw.gov.au/s/mrg)) to assess risk:

* physical abuse
* neglect:
  + - supervision
    - physical shelter/environment
    - food
    - hygiene/clothing
    - medical care
    - mental health care
    - education
* sexual abuse
* psychological harm
* child/young person is a danger to self-and/or others
* relinquishing care
* carer concerns:
  + - in relation to parent/carer substance use
    - parent/carer mental health
    - parent/carer domestic violence
    - unborn child

## 3.2 Significant harm

A circumstance may become significant because of a single act or omission, or an accumulation of acts or omissions. A significant1 concern is one which is sufficiently serious to warrant a response by a statutory authority (such as the NSW Police or DCJ), regardless of whether a family consents to the intervention or not.

Where a staff member has reasonable grounds to suspect risk of significant harm, they should first use the [NSW Mandatory Reporter Guide (MRG)](https://reporter.childstory.nsw.gov.au/s/mrg) to assess whether their concerns meet the threshold of risk for significant harm.

The MRG is a structured decision-making tool which assists the reporting process when a mandatory reporter has concerns for the safety, welfare or wellbeing of a child or young person in NSW. It contains several ‘decision trees’ (with scenarios such as physical abuse, neglect and psychological harm) that ask a series of questions to determine if the significant risk threshold is met.

If a concern does not fit any of the decision trees, it may not be reportable. However, if a staff member is still concerned, or has doubts, they should discuss the issue with their Manager/CEO.

## 3.3 Making a report

Once the MRG has been completed and if the outcome of the assessment is that there should be a report made to DCJ, discuss this with your direct manager or the CEO.

Prior to making a report, refer to the DCJ guide for the process for mandatory reporting: [Mandatory reporters: How to make a child protection report](https://dcj.nsw.gov.au/children-and-families/protecting-our-kids/mandatory-reporters/mandatory-reporters--how-to-make-a-child-protection-report.html). Where use of the MRG indicates there is a risk of significant harm, staff are required to make a report to the Child Protection Helpline on 132 111 or make an e-report via the [ChildStory Reporter Community](https://reporter.childstory.nsw.gov.au/s/login/?ec=302&startURL=%2Fs%2Farticle%2FHow-to-create-an-eReport-in-the-Reporter-Community).

In an emergency where there are urgent concerns about a child or young person’s wellbeing, it is important to contact NSW Police using the emergency telephone line **‘000’**.

A report to the Child Protection Helpline starts the process of assessing whether statutory child protection is required. The detail and quality of the information provided by the reporter is critical to the quality of the decision-making that follows. It is important to provide as much information as possible when making a child protection report.

**Essential details:**

* child or young person’s details (name, address, age and date of birth (or approximation, details of siblings)
* incident details (date, type of risk, person’s causing or contributing to harm)
* impact of the incident on the child or young person
* network of support around the child or young person

All assessments should be discussed with the clinician’s direct manager.  Clinical supervision is available to all staff to support the reporting process and any debriefing that may be required because of reporting.

## 3.3.1 If a concern does not meet the significant harm threshold

If the risk is below the threshold of significant risk of harm, mandatory reporting is *not* required. Where a staff member still has concerns about the safety, welfare or wellbeing of a child and the concerns, there are several options, including:

* Determining whether **[insert organisation name]** can provide services to assist the family or child or to help them access other support services.
* If another organisation is working with the family or child, contacting a representative to seek information and to work together to support the family (refer to section 4 of this policy).
* If, after talking to another organisation, there is further information which suggests cumulative risk, the MRG should be used again, and if indicated, the child or young person should be reported to the Child Protection Helpline.
* [Family Connect and Support](https://familyconnectsupport.dcj.nsw.gov.au/) or [Service Seeker](https://www.serviceseeker.com.au/) may assist staff members to locate other services to assist a child, young person or family in need.

It is important that records are kept of any child protection concerns for future reference and case review activities. For more general information on record keeping and case review activities refer to the [*Client clinical management*](https://nadaau.sharepoint.com/Documents/Sector%20Development/Policy%20Toolkit/Policies/3.1%20Service%20&%20Program%20Operations%20Policy/3.2%20Client%20Clinical%20Management/3.2%20Client%20Clinical%20Management%20Policy.docx) and *Service and program operations policies*.

# SECTION 4: INFORMATION EXCHANGE RELATING TO CHILD PROTECTION

***Note\****

*Only organisations which are ‘prescribed bodies’ may share information in accordance with these provisions.*

*\*Please delete this note before finalising this policy.*

## 4.1 Informing sharing and informing clients

Information may be shared between prescribed bodies[[2]](#footnote-3) in accordance with Chapter 16A or Section 248 of the *Children and Young Persons (Care and Protection) Act 1998.* DCJ will seek to share information, in accordance with this Act, in the first instance with prescribed bodies. However, in certain circumstances, information may be shared between prescribed bodies, even if DCJ is not involved.

If information being shared is in accordance with Chapter 16A of the Act, it is *not* essential to inform or seek the consent of the child/young person or their parent/carer about the exchange of information where:

* the staff member believes it is likely to further jeopardise a child’s or young person’s safety, welfare or wellbeing
* where the staff member believes it would place themselves or another person at risk of harm,
* the staff member is unable to contact a parent/carer, and the matter is urgent.

While not essential, the consent of a child or young person **should** be sought wherever possible before information is shared. It is advisable to seek the consent of the relevant family members or carers if it is necessary to share information about family members or carers.

During initial assessment, clients of **[insert organisation name]**, including children, young people, parents and caregivers, should be informed that information about them may be provided to other organisations in certain circumstances and what kind of information that could be. They should be informed about their right to provide feedback or make a complaint if they believe there has been misuse of information exchange practices.

## 4.2 Providing and requesting information

**[Insert organisation name]** may be requested to provide any information it holds relating to the safety, welfare or wellbeing of a particular child, young person or their parent/carer under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*

Additionally, **[insert organisation name]** may make a request for information about a client from another organisation.

Information can be requested if it will assist the organisation to:

* make a decision, assessment or plan relating to the safety, welfare or wellbeing of the child or young person
* initiate or conduct an investigation relating to the safety, welfare or wellbeing of the child or young person
* provide a service relating to the safety, welfare or wellbeing of the child or young person
* manage a risk to a child or young person that might arise in the recipient’s capacity as an employer or designated agency.

The request for exchanging information must be in writing and should be clear about its purpose as well as how the information is expected to assist the organisation.

If a request to disclose information is received from another organisation, the Manager/CEO of **[insert organisation name]** should be consulted before any information is released so that the legitimacy of the request in relation to the safety, welfare and wellbeing of a child or young person can be properly determined.

Checklists, template letters and forms for requesting and responding to requests for information can be found here : [Chapter 16A Resources (DCJ Website)](https://dcj.nsw.gov.au/service-providers/deliver-services-to-children-and-families/nsw-interagency-guidelines-for-practitioners/information-sharing-for-service-coordination/resources.html).

## 4.3 Providing information in accordance with Section 248

DCJ will use Section 248 to direct the provision of information from **[insert organisation name]** if attempts to share information in accordance with Chapter 16A have been unsuccessful and the information is essential for a child protection assessment or intervention. The organisation must comply with such direction.

## 4.4 Record keeping

The standard protocols of **[insert organisation name]** in relation to record-keeping, written/electronic records in the form of case notes should be maintained by staff for each interaction with a child, young person or family about which child protection concerns are held.

**Note\***

For more guidance on creating case notes in NSW, refer to the resource [Peakcare and QCOSS Guide](https://communitydoor.org.au/wp-content/uploads/2023/06/Peakcare-and-QCOSS-Guide-How-to-write-case-notes-Creating-useful-accurate-and-dependable-records.pdf)

\*Please delete note before finalising this procedure.

# SECTION 5: REFERENCES

## 5.1 Supporting documents

* [What is mandatory reporting](https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting)
* [Mandatory reporters: How to make a child protection report](https://dcj.nsw.gov.au/children-and-families/protecting-our-kids/mandatory-reporters/mandatory-reporters--how-to-make-a-child-protection-report.html)
* [Mandatory Reporting Guide (MRG) decision tree](https://reporter.childstory.nsw.gov.au/s/mrg)
* [ChildStory Reporter Community](https://reporter.childstory.nsw.gov.au/s/login/?ec=302&startURL=%2Fs%2Farticle%2FHow-to-create-an-eReport-in-the-Reporter-Community)
* [Writing case notes](https://communitydoor.org.au/wp-content/uploads/2023/06/Peakcare-and-QCOSS-Guide-How-to-write-case-notes-Creating-useful-accurate-and-dependable-records.pdf)
* [Fact sheets for working with DCJ](https://nada.org.au/wp-content/uploads/2018/04/factsheet2-Understand-FACS-practice-framework-approaches-and-system.pdf)
* [DCJ Child safe resources and training](https://dcj.nsw.gov.au/children-and-families/children-and-young-people/our-commitment-to-child-safety/child-safe-resources-education-and-training.html)

## 5.2 Related policies

* Suicide and self-harm prevention
* [Client clinical management](https://nadaau.sharepoint.com/Documents/Sector%20Development/Policy%20Toolkit/Policies/3.1%20Service%20&%20Program%20Operations%20Policy/3.2%20Client%20Clinical%20Management/3.2%20Client%20Clinical%20Management%20Policy.docx)
* Clinical governance
* Service and program operations

## Legislation

* [*Children and young persons Care and Protection Act 1998* (NSW)](https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157)
* [*Anti-Discrimination Act 1977* (NSW)](https://legislation.nsw.gov.au/view/html/inforce/current/act-1977-048)

## Other resources

* [Association of Children’s Welfare Agencies (ACWA)](https://www.acwa.asn.au/?gad_source=1&gad_campaignid=21149743184&gclid=CjwKCAjwhuHEBhBHEiwAZrvdchsFZPKVMbB3Y5xaWhjT5XZTYo_2XCWNaIcqGlW8aoSiRbbMw-BO_hoCZ48QAvD_BwE)
* [Family Connect and Support](https://familyconnectsupport.dcj.nsw.gov.au/)
* [Service Seeker](https://www.serviceseeker.com.au/)

1. [Significant harm definition](https://reporter.childstory.nsw.gov.au/s/article/Significant-harm-policy-definition) [↑](#footnote-ref-2)
2. [Information exchange between prescribed bodies](https://ocg.nsw.gov.au/specialised-substitute-residential-care/information-ssrc-providers/information-exchange#section-target-1)  [↑](#footnote-ref-3)