Guide to making a child protection report

1. Understanding the reporting framework

2. Making a report

3. Practice guidance

1. Understanding the reporting framework

Reporting risk of significant harm

Protecting children and young people from abuse and neglect is the responsibility of the whole community.

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

Non-English speaking reporters

Reporters who cannot speak English can make a report to the Helpline using a professional phone interpreter.

Reporters requiring the assistance of a translator are advised to contact the Translating and Interpreting Service on 131 450. There is no cost to the reporter for this service.

What constitutes significant harm?

A child or young person is at ROSH if the circumstances that are causing concern for the safety, welfare or well-being of the child or young person are present to a significant extent.

This means the concern is sufficiently serious to warrant a response by a statutory authority such as NSW Police Force or Family and Community Services (FACS) irrespective of a family’s consent.

Mandatory reporters

Mandatory reporters are people who deliver the following services, wholly or partly, to children and young people as part of their paid or professional work:

- Health care (e.g. medical practitioners, specialists, nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals)
- Welfare (e.g. social workers, caseworkers, refuge workers)
- Education (e.g. teachers, counsellors, principals)
- Children’s services (e.g. child care workers, family day carers)
• Law enforcement (e.g. police)

A mandatory reporter is also a person who holds a management position in an organisation the duties of which include direct responsibility for, or direct supervision of, the provision of health care, welfare, education, children’s services, residential services, or law enforcement, wholly or partly, to children.

For more information on mandatory reporters see section 27 of the Children and Young Persons (Care and Protection) Act 1998 (the Act).

NOTE:

While it is mandatory to report children aged 0-15 years at risk of significant harm, it is not mandatory to report young people aged 16-17 years or unborn children.

Professional judgement should be used in deciding whether concerns about the safety, welfare or wellbeing of an unborn child or a young person warrant a report to the Helpline.

Mandatory Reporter Guide (MRG)

The NSW Mandatory Reporter Guide (MRG) is intended to guide decision making by complementing mandatory reporters’ professional judgment and critical thinking.

The MRG supports mandatory reporters in NSW to determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person.

Allegations involving agency employees

The Ombudsman Act 1974 requires designated agencies to notify the Ombudsman of allegations against employees that constitute sexual offence, misconduct, assault, ill-treatment and any behavior that causes psychological harm to children.

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

• any employee of the agency, whether or not employed in connection with any work or activities of the agency that relate to children, and
• any individual engaged by the agency to provide services to children (including contractors, subcontractors, foster carers, volunteers and kinship carers where the Minister holds parental responsibility for a child in their care).

Matters reported to the Ombudsman are only reportable to the Helpline if there are also current concerns that a child or young person is at ROSH.
The responsibility for conducting investigations into allegations against employees lies with the employing agency.

See **NSW Ombudsman** for further information.

### 2. Making a report

#### How to report risk of significant harm

**In an emergency, where there are urgent concerns for a child’s health or life, you should contact the police, using the emergency line ‘000’.**

Before making a report, mandatory reporters should consult the **Mandatory Reporter Guide (MRG)** to assess whether a child or young person is at ROSH.

Mandatory reporters employed in government agencies that have a Child Wellbeing Unit can call that Unit for help when they are in doubt about whether a case meets ROSH.

Mandatory reporters can report matters to the Helpline by:

- Phone: 132 111
- Fax: 9633 7666 using designated fax form in accordance with agency policy
- eReport through the [Child Story Reporter website](#).

**Reports to the Helpline must be made by phone where:**

- the child is at high or imminent risk of significant harm due to:
  - serious physical injury to a child or young person requiring medical attention
  - serious neglect to a child or young person of an immediate nature
  - domestic violence involving serious injury and/or use of a weapon
  - sexual harm involving serious current concerns
  - a high risk prenatal report where the birth is imminent
  - death of a sibling in circumstances which are reviewable by the **NSW Ombudsman**.

#### Information required in a report

**Child’s information**
• Name of child or young person or other means of identifying them
• Date of birth or approximate age
• If child is Indigenous
• Cultural background, language(s) spoken and other cultural factors
• Name, age of other household children if known
• Address of child and family
• School or child care details
• If child has a disability – nature/type, severity, impact on functioning
• Is the child/young person subject of an Apprehended Violence Order?
• Is the child or young person under the care of the Minister or residing in out-of-home care?

Family information

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

Reporter Details

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

**Other information**

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

**NOTE**

Reports must still be made where only a little information is known but there is suspected risk of significant harm for a child or young person.

There is no need for further report to the Helpline unless new information comes to hand.

Reports should be made in one form only, i.e. either by phone or fax or eReport. The summary page from the Mandatory Reporter Guide can be printed and placed on your records.

**Safeguards for reporters**

Reports to the Helpline are confidential and the reporter’s identity (if known) is protected by law. The law offers the following protections:

• the report shall not be held to be a breach of professional ethics
• the report, or its contents, is not admissible in any proceedings as evidence against the person who made the report
• a person cannot be compelled by a court to provide the report or give any evidence as to its contents
• a report is an exempt document under the Freedom of Information Act 1989.

If law enforcement agencies require the identity of a reporter in order to investigate serious offences alleged to have been committed against children or young people, the identity of the reporter may be released to the police.
The reporter will be notified that their identity is to be released to the police unless doing so would prejudice the investigation.

Feedback to reporters

The Helpline aims to provide written feedback to mandatory reporters within 24 hours following the assessment process.

The feedback will include:

- whether a report about a child or young person met the statutory ROSH
- any action or ongoing involvement FACSJ may have with the child or young person and their family

Finding services for children, young people and families

A report should not be made to the Helpline if the MRG indicates that a matter does not reach ROSH.

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

- if you are a mandatory reporter employed in a government agency with a Child Wellbeing Unit (CWU), you must follow agency policy in relation to consulting that CWU for assistance.
- if you believe that other agencies can assist the child and family, you should make appropriate referrals to those agencies
- you may access the Human Services Network (HS Net) for information about support services in your area.

3. Practice Guidance

Responding to a child or young person who discloses information

Children do not often disclose abuse or neglect the first time something happens. They may experience a sense of helplessness and hopelessness and may take weeks or years before making their abuse known.

A child or young person may:

- believe that they are responsible for the abuse
- want to protect the person responsible
- feel ashamed, scared or powerless
- have been threatened with further harm if they tell someone.
A child may disclose information purposefully or accidentally. They could:

- 'blurt out' a harmful experience or their fear of something
- confide privately that they have been abused
- tell another child
- provide hints – as evidenced in drawings, play or stories
- disguise a disclosure by posing ‘what if’ or ‘a friend of mine’ scenarios
- present with somatic symptoms (such as constantly feeling ‘sick’).

The role of the person hearing the disclosure is not to interview or gather evidence. This is the responsibility of FACS&J caseworkers and/or police officers.

Immediately after the disclosure, write down the date and the comments/statements made by the child or young person and record any observations about the child or young person’s demeanour which might assist in the assessment and investigation process.

**Taking into account the child or young person’s views**

Where appropriate, a child or young person should be advised that a report is being made to FACS&J depending on their age and capacity to understand. If a child or young person opposes you making a report, you should still proceed and report the matter if you believe they are at risk of significant harm.

**Responding to disclosures by a parent or carer**

A parent or carer may disclose that they have or could harm their child, or that another household member has done so.

Parents who physically harm or neglect their children or tolerate their partner doing so may still love their children. The behaviour may be due to a range of factors such as:

- lacking a positive model of parenting
- lacking an understanding of their child or young person’s needs or of age-appropriate expectations
- being overwhelmed by external stressors and unable to cope
- expecting their child or young person to satisfy their own emotional needs
- being victims of violence and abuse themselves
- not being able to control their anger or frustration, resulting in lashing out at their child or young person
- chronic illness, such as depression or disability, which can limit their ability to meet the needs of their children.
Informing the family of a report

It is good practice to discuss your concerns with the parents or carers and to advise them of your legal or professional obligations to report your concerns to FACS&J.

This is especially the case for mandatory reporters who have an ongoing relationship with the family.

Working with Aboriginal people and communities

There are particular principles in the Act relating to Aboriginal and Torres Strait Islander children and young people (sections 11-14). These principles focus on self-determination, participation in decision making and ensuring an Aboriginal child or young person’s continued connection to family, kin, community and culture.

If Aboriginal or Torres Strait Islander children and young people require out-of-home care placements, these placements must occur in line with both the permanent placement principles (section 10A) and the Aboriginal and Torres Strait Islander Child and Young Persons Placement Principles (section 13).

See also Aboriginal child placement principle and Aboriginal and Torres Strait Islander Child Placement Principle

Working with culturally and linguistically diverse communities

Culture and experience do influence parenting practices, however it is critical that reporters maintain a focus on the impact or effects of parental or carer behaviours on the child/young person.

It is important to note that cultural practices that seem different or unfamiliar but don’t place a child at risk of significant harm should not be reported.

Reporters with information about the possible bearing of cultural, linguistic, migration or settlement factors on the case are encouraged to provide this information as part of their report to the Helpline as this information can assist in the assessment process.