**[Insert organisation name/logo]**

CHILD PROTECTION AND REPORTING POLICY

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***🖌Note\****

Please note that this section of this policy template was reviewed by McCullough Robertson Lawyers through Justice Connect Not-for-profit Law.

*The section has been written with the understanding that not 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 the purpose of Section 27 of the Children and Young Persons (Care and Protection Act 1998 (NSW).*
* *They are prescribed bodies for the purpose of 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).*

*\*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 Ctlr and click to select the relevant page number.*

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

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# SECTION 1: CHILD PROTECTION AND REPORTING FRAMEWORK

## 1.1 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

The purpose of this policy is to provide guidance on working with child protection, reporting, record-keeping and exchanging information relating to concerns about the safety, welfare and wellbeing 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. 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 and are guided by knowledge of both legislation and good practice in their work with children, young people and families;
* Provide assistance to parents and carers responsible for parenting children and young people to promote a safe and nurturing environment; and
* Collaborate and partner with other services to provide the best outcomes for children, young people and families.

**[Insert organisation name]** plays a role in ensuring children live in a safe and supportive environment by:

* Responding to child protection concerns through appropriate referral, reporting and service delivery, including reporting of any risk of significant harm to NSW Family and Community Services.
* Providing care and support services to children, young people and their families who come into contact with the organisation.
* Promoting the safety, welfare and wellbeing of children and young people in the organisation.

## 2.2 Mandatory reporting

Staff of **[insert organisation name]** who deliver services, wholly or partly, to children are considered ‘mandatory reporters’ (eg: allied health professionals, nurses, psychologists, social workers, caseworkers, youth workers, counsellors, child care or refuge workers). Mandatory reporters are required to report a suspected risk of significant harm to a child or young person to NSW Family and Community Services (FACS). A child or young person is at risk of significant harm if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a significant extent.

Significant means that which is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.

Staff, students, volunteers and Board members of **[insert organisation name]** have the following responsibilities in relation to child protection:

* 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; and
* provide non-discriminatory, culturally appropriate services in accordance with the *Anti-Discrimination Act 1977* (NSW).

All staff, students, volunteers and Board members of **[insert organisation name]** should be aware of the Working with Child Protection and Reporting policy.

For more information see <https://www.legislation.nsw.gov.au/#/view/act/1998/157/chap3/part2> and

<https://reporter.childstory.nsw.gov.au/s/article/What-is-Mandatory-Reporting>

## 2.3 Staff training and ongoing professional development

**[Insert organisation name]** ensures staff have adequate skills and knowledge to recognise and respond to child protection concerns through orientation, training and ongoing professional development considerations.

**[Insert organisation name]** recognises that in the course of the work of our organisation, staff may come into contact with situations involving children, young people and families in which there is a concern about a child or young person’s safety, welfare and wellbeing.

[Insert organisation name] will ensure that staff will have an appropriate level of knowledge, particularly regarding legislative obligations and mandatory reporting. Staff are responsible for maintaining familiarity with the organisation’s policies and procedures dealing with child protection, and understanding their obligations in accordance with these documents.

Where possible staff of **[Insert organisation name]** should receive child protection training through registered training organisations, such as the nationally recognised unit of competency; Identify and Respond to Children and Young People at Risk <https://www.ccwt.edu.au/course/CPFAM05IH> or Identify and Respond to Children and Young People at Risk (Training and Assessment) <https://www.ccwt.edu.au/course/CPFAM05>

# SECTION 3: pROCEDURES AND STEPS

## 3.1 Determining the need to make a report

In the course of 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 persons 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.

Concerns about the safety, welfare and wellbeing of a child must be reported to FaCS NSW Community Services for any of the following reasons:

* 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
  + parent/carer substance abuse
  + parent/carer mental health
  + parent/carer domestic violence
* unborn child.

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

More detail on the grounds for risk of significant harm is provided in the Child Wellbeing and Child Protection – NSW Interagency Guidelines. If further information is required, the guidelines are available at: <http://www.community.nsw.gov.au/kts/reporting>

Where a staff member has reasonable grounds to suspect risk of significant harm, they should first use the [NSW Community Services Mandatory Reporter Guide (MRG)](http://www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporter_guide) to assess whether their concerns meet the threshold of risk of 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 a number of “decision trees” (with scenarios such as physical abuse, neglect, 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 lingering doubts, he/she should discuss the issue with their Manager/CEO to decide if they should contact Family and Community Services.

## 3.2 Making a report

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: 132 111 or 133 627 (mandatory reporters).**

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

A reporter’s identity, or any information which may reveal the identity of a reporter, will not be disclosed by NSW Family and Community Services, regardless of whether the report reaches the threshold of significant harm. However, reporters should be aware that their identity may be disclosed in the following circumstances:

* they consent to the disclosure;
* a court or other body before which proceedings relating to the report are being conducted has given leave for the disclosure; or
* NSW Police require the identity of the reporter to be disclosed where an investigation is occurring into an alleged serious offence committed against a child or young person.

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 to the Child Protection Helpline 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.

## 3.3 Actions if a concern does not meet the threshold of significant risk of harm

If the risk is below the threshold, staff are not required to report to Family and Community Services. Where a staff member still has concerns about the safety, welfare or wellbeing of a child and the concerns do not reach the threshold for reporting to NSW Community Services or a report to the Child Protection Helpline does not commence statutory child protection proceedings, 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 (see Section 4 below, relating to information exchange);
* 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.
* The Family Referral Service (<http://www.familyreferralservice.com.au/>) or Human Services Net (HSNet) ([www.hsnet.nsw.gov.au](http://www.hsnet.nsw.gov.au)) may assist 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 (see Section 4.4). For more general information on record keeping and case review activities see the [Client Clinical Management Policy](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) Service and Program Operations Policy

# 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 clients and consent

Information may be shared between prescribed bodies, including many human services and justice agencies and non-government organisations, in accordance with Chapter 16A or Section 248 of the Children and Young Persons (Care and Protection) Act 1998*.*

NSW FACS will also usually seek to share information, in accordance with Chapter 16A, in the first instance with prescribed bodies. However, in certain circumstances, information may be shared between prescribed bodies in accordance with Chapter 16A, even in cases where Community Services is not involved. If information is being shared in accordance with these provisions, it is not necessary 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 you or another person at risk of harm, the staff member is unable to contact a parent/carer, and the matter is urgent.

However, the consent of a child or young person to the sharing of information should be sought wherever possible before information is shared. It is also advisable to seek the consent of the relevant family members if it is necessary to share information about other members of the family.

Clients of **[insert organisation name]**, including children, young people, parents and caregivers, should be informed during initial assessment/intake processes, that information about them may be provided to other organisations in certain circumstances, including what kind of information may be shared. They should also be informed about their right to provide feedback or make a complaint if they believe there has been a 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. Additionally, **[insert organisation name]** may make a request for information to another organisation.

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

* make a decision, assessment or plan relating to the safety, welfare or wellbeing of the child or young person
* initiate or conduct any investigation relating to the safety, welfare or wellbeing of the child or young person
* provide any service relating to the safety, welfare or wellbeing of the child or young person
* manage any 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 it 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 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.

**[Insert organisation name]** is not obliged to provide any information requested if it reasonably believes this would:

* Prejudice the investigation of any contravention (or possible contravention) of a law
* Prejudice a coronial inquest or inquiry
* Prejudice any care proceedings
* Endanger a person’s life or physical safety.

If a decision is made to decline a request for information, **[insert organisation name]** will notify the requesting organisation in writing of its refusal and the reasons for refusal, in relation to the exemptions listed above.

Checklists, template letters and forms for requesting and responding to requests for information can be found in the Child Wellbeing and Child Protection – NSW Interagency Guidelines at:

<http://www.community.nsw.gov.au/kts/guidelines/info_exchange/introduction.htm>

## 4.3 Providing information in accordance with Section 248

NSW Community Services 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 a direction.

## 4.4 Record keeping

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

In addition, a detailed record of interventions and supports offered to children, young people and families should be kept to:

* Exchange appropriate information with NSW Community Services and other organisations if requested through information exchange mechanisms Section 248 and Chapter 16A.
* Recognise a pattern of acts which may constitute a cumulative risk of significant harm and require reporting to the Child Protection Helpline.
* Keep a record of interventions attempted; determine what has worked and what may need to change.

**🖌Note\***

For more information on the legal framework for case notes in NSW, refer to the resource “Take Note! A practical guide to writing case notes – The complete reference guide for alcohol and drug clinicians and managers” and the resource [“Take Note! A practical guide to writing case notes – A comparison with the NSW Jurisdiction”.](http://www.nada.org.au/media/29367/take_note._a_comparison_with_nsw_jurisdiction.pdf)

\*Please delete note before finalising this policy.

For information on the protection of client privacy and confidentiality during the collection, use and storage of client case notes, refer to the Communications Policy.

# SECTION 5: INTERNAL REFERENCES

## 6.1 Supporting documents

* Kamira 2016. Working Together for Families: Child Protection in the AOD Service Context. Wyong, Australia. Kamira
* Working with Family and Community Services (FACS):

Factsheet 1 - Be aware of roles and responsibilities of FACS and its staff

Factsheet 2 - Understand FACS practice framework, approaches and systems

## 6.2 Referenced policies

* [Client Clinical Management Policy](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)
* Service and Program Operations Policy

# SECTION 6: EXTERNAL REFERENCES

## 7.1 Legislation

* Children and Young Persons (Care and Protection Act 1998 (NSW)
* Anti-Discrimination Act 1977 (NSW).

## 7.2 Resources

* Kamira 2016. Working Together for Families: Child Protection in the AOD Service Context. Wyong, Australia.Kamira
* NADA Forum (2012): "Case notes for AOD services – Getting Case notes right for court, protecting yourself, your client and your service”. “Take Note! A practical guide to writing case notes – A comparison with the NSW Jurisdiction”. NADA, Legal Aid NSW and Turning Point Alcohol and Drug Centre.

## 7.3 Websites

* Association of Children’s Welfare Agencies (ACWA) Centre for Community Welfare Training (CCWT) <https://www.ccwt.edu.au/course/CPFAM05IH>
* Family Referral Service <http://www.familyreferralservice.com.au/>
* Family and Community Services ChildStory Reporter <https://reporter.childstory.nsw.gov.au/s/>
* Human Services Network [www.hsnet.nsw.gov.au](http://www.hsnet.nsw.gov.au)