

Purpose

This policy will provide clear guidelines to:

- i. define the circumstances in which staff are mandated to report concerns;
- ii. outline the procedure for submitting an appropriate report; and
- iii. demonstrate the *Organisation's* commitment to the health, wellbeing, and safety of children.

Policy statement

General

1. The *Organisation* will ensure staff have access to policies. The definitions at the end of this policy must be read to support understanding. Where definitions are required, the word/s will be in *italics*.
2. The *Organisation* believes that everyone has the right to feel safe, and that *children's* safety is the responsibility of individuals, communities, and society. The *Organisation* will always act to protect *children's* health, wellbeing and safety. Staff will build and maintain an atmosphere that is calm, secure and safe. One in which *children* are confident in communicating with staff and each other.
3. Staff will be encouraged and supported to express any concerns whether mandated to or not. At no time will management prevent a staff member making a report of suspected abuse or neglect to the relevant authority in accordance with requirements. The role of management is to support and assist the staff member through the process of reporting and to ensure the *Organisation* is meeting its legal and ethical obligations. Staff will always act in good faith to protect the health and safety of *children*.
4. This policy forms part of a framework developed to mitigate risks to the health and safety of *children*, families, carers and staff at the *Organisation*. Parents, carers, and other interested persons can request a copy of this policy from the service at any time. The *Organisation* will deliver this policy in adherence with all existing regulations and legislation, and with consideration to the *Organisation's* core values and beliefs.
5. This policy applies to all the *Organisation's* staff, volunteers and students including those who:
 - work in children's services, community service programs and Registered Training Organisation (RTO) programs; or
 - provide training, consultancy, management, or compliance for the *Organisation*.

Reporting child abuse and neglect

6. Mandatory reporting guidelines vary, as they are the responsibility of each Australian state or territory, and are outlined in Table 1: Mandatory reporting details. For more information on relevant authorities in each state or territory, see the section titled 'Relevant authorities' and **SER-POL-015 Child Protection Policy**. The procedure for making a mandatory report is documented in the state-relevant **Mandatory Reporting Procedure**.
7. All suspected occurrences of abuse or neglect are to be reported to the *line manager* or above, the *line manager* will then proceed to report to a General Manager (GM) or above as soon as reasonably possible. The GM will update an Executive Director (ED) and work in accordance with the mandatory reporting requirements for the relevant state or territory. The *Organisation* will support the person who has reported the alleged abuse or neglect. Refer to Appendix 1 Mandatory Reporting Requirements.

Documentation

8. Wherever a mandatory report is made, a **SER-FOR-022 Incident, Injury, Trauma, Illness and Notifiable Matter Form** must be completed and provided to a *line manager* or above within 12 hours of the report being made. If the report involves a child attending an approved education and care service, will complete and submitted relevant documentation to the relevant regulatory authority in that state or territory. These forms must be filed and stored securely at the service in line with **QM-POL-001 Record Management Policy**.
9. Staff will always act in the best interests of *children* and will always be supported by the *Organisation*. Making a mandatory report in good faith does not incur civil or criminal liability and is not in breach of any professional code of conduct.

Relevant authorities

10. Child protection is the responsibility of each Australian state and territory. Table 1 lists the contact agency for reporting suspected *child* abuse and neglect.

Table 1: Mandatory reporting details

State/territory	Authority	Report line
Australian Capital Territory (ACT)	Child and Youth Protection Services	Via online portal for Child and Youth Protection Services through Access ACT or Community Services Directorate website, or phone

		General public line (available 24 hours): 1300 556 729 Mandated reporter's line (available 24 hours): 1300 556 728
New South Wales (NSW)	Child Protection Helpline	13 21 11
Northern Territory (NT)	Child Protection Hotline	1800 700 250; or Police: 13 14 44
Queensland (QLD)	Child Safety Services	1800 177 135 or (07) 3235 9999
Victoria (VIC)	Child Protection Crisis Line	13 12 78
Western Australia (WA)	Central Intake Team Crisis Care Unit Country free call	1800 273 889 (Perth and metropolitan) (08) 9223 1111 1800 199 008

Making a mandatory report

11. To make a mandatory report, all staff are required to follow the Mandatory Reporting Procedure relevant to the state in which the child involved resides. Please refer to;

- **SER-PRO-023 Western Australian Mandatory Reporting Procedure;** or
- **SER-PRO-037 Victorian Mandatory Reporting Procedure;** or
- **SER-PRO-035 New South Wales Mandatory Reporting Procedure;** or
- **SER-PRO-036 Northern Territory Mandatory Reporting Procedure;** or
- **SER-PRO-034 Australian Capital Territory Mandatory Reporting Procedure;** or
- **SER-PRO-038 Queensland Mandatory Reporting Procedure.**

The Reportable Conduct Scheme

12. The Reportable Conduct Scheme requires Organisation's to respond to allegations of child related misconduct made in relation to their workers and volunteers and report these allegations to their national body representing children and young people in certain states and territories. Currently the Reportable Conduct Scheme is in place for Victoria, New South Wales and Australian Capital Territory.

13. The national body representing children and young people is The Commission for Children and Young People in Victoria, the Office of the Children’s Guardian in New South Wales and the ACT Ombudsman in Australian Capital Territory.

Reporting requirements

Please refer to **QM-FOR-014 Organisational Chart and Reporting Requirements**.

Legislation compliance

Refer to **QM-SS-001 Regulations and Legislation Register Spreadsheet**.

Implementation

The *Organisation* will:

- ensure all staff have required qualifications and a valid working with children check, as per **HR-POL-015 Working with Children Clearances Policy** and **HR-POL-020 Staff Selection, Onboarding and Retention Policy**;
- review and update this policy at least annually;
- ensure all *staff* have access to this policy;
- ensure *staff* have access to the relevant Australian state and territories *Mandatory Reporting* educational video;
- ensure that policy and procedure reflect current state and territory laws and regulations regarding child protection and *mandatory reporting*;
- take a non-judgmental position during any mandatory reporting process;
- develop and maintain policies and procedures to safeguard children and families attending each service;
- always adhere to confidentiality and non-discriminatory policies;
- advocate for *children*, their safety and their rights; and
- support staff in understanding the requirements of all policies;

The general manager will:

- advocate for children, their safety and their rights;
- refresh and maintain current knowledge on mandatory reporting and child protection laws relevant to all states and territories in which they work; and

- advise of any mandatory reports made to the relevant contract manager as required.

The regional manager or regional coordinator will:

- ensure staff are provided state relevant training on child protection and mandatory reporting every 12 months;
- advocate for children, their safety and their rights;
- refresh and maintain current knowledge on mandatory reporting and child protection laws relevant to all states and territories in which they work;
- ensure that quarterly audits of staff working with children clearances occur as per **HR-POL-015 Working with Children Clearances Policy**; and
- induct directors and managers according to **HR-POL-020 Staff Selection, Onboarding and Retention Policy**, ensuring that directors and managers are supported to understand their requirements under this policy.

The nominated supervisor, service/program manager will:

- deliver this policy and assist *staff* to understand the policy and associated procedures as well as their responsibilities;
- ensure staff view the relevant Australian state or territories *Mandatory Reporting* educational video as a part of their induction as indicated in **HR-CL-003 Staff Induction Checklist**, and yearly at a minimum during their employment;
- support and assist staff at their *service* in making reports if and when required;
- report to their line manager any time a mandatory report is to be made;
- take a non-judgmental position during any mandatory reporting process; and
- identify staff training needs and ensure that these needs are addressed by escalating training requirements as necessary.

Service staff, contractors working directly with children, and volunteers will:

- adhere to mandatory reporting requirements;
- advocate for children and their rights;
- remain vigilant and aware of signs of abuse;
- keep their child protection and mandatory reporting knowledge current; and
- alert their nominated supervisors, managers or directors if they believe their training requirements have not been met.

Parents and carers of children enrolled at the service will:

- familiarise themselves with mandatory reporting requirements for their state or territory, and comply with them; and
- support and assist staff if required.

The nominated supervisor, service/program manager will:

- send the completed **SER-FOR-002 Incident, Injury, Trauma, Illness and Notifiable Matter form** to the *line manager* within 12 hours of the report being made.

The GM or above on behalf of the CEO will:

- lodge the notification with their national body representing children and young people within three (3) business days of the allegation;
- report the incident to their state relevant regulatory body within 48 hours;
- report the incident to the relevant contract manager if required;
- update their calendar(s) to send through details of the report within 30 days;
- advise their national body representing children and young people of the investigation as soon as practicable;
- forward the outcome of investigations to their national body representing children and young people as soon as practicable;
- submit findings on or before the 30-day timeframe; and
- prepare any additional documents that the national body representing children and young people may request.

HR will:

- document the incident on **the QM-FOR-007 Summary of Accidents, Incidents and Reportable Actions Form**; and
- provide a copy of the documented information to the Quality Management Team (QMT).

The CEO will:

- gather further documents, if required, for the national body representing children and young people; and
- advise the Board of Directors (Board) by documenting the report **QM-FOR-008 Board Summary Accidents, Incidents and Reportable Actions Form**.

Related Policies, Forms and Guidelines

ACECQA I01 Form

WA, Child Protection Concern Referral Form (**Form 441 07/17**)

ACT, Keeping Children and Young People Safe guide

SER-FOR-022 Incident, Injury, Trauma, Illness and Notifiable Matter Form

QM-FOR-007 Summary of Accidents, Incidents and Reportable Actions Form

QM-FOR-008 Board Summary – Accidents, Incidents and Reportable Actions Form

SER-POL-015 Child Protection Policy

SER-PRO-023 Western Australian Mandatory Reporting Procedure

SER-PRO-037 Victorian Mandatory Reporting Procedure

SER-PRO-035 New South Wales Mandatory Reporting Procedure

SER-PRO-038 Queensland Mandatory Reporting Procedure

SER-PRO-036 Northern Territory Mandatory Reporting Procedure

SER-PRO-034 Australian Capital Territory Mandatory Reporting Procedure

HR-POL-020 Staff Selection, Onboarding and Retention Policy;

HR-POL-015 Working with Children Clearances Policy

Definitions

ACECQA: Australian Children’s Education and Care Quality Authority

Board: Refers to One Tree Community Services Inc. Board of Directors.

Child or children: Any person under 18 years of age. In the Northern Territory the definition of a ‘child’; a person apparently less than 18 years of age if the person’s age cannot be proved. In Western Australia the definition of a ‘child’; in the absence of positive evidence as to age, means a person who is apparently under 18 years of age.

Line manager: A staff member appointed to Director/Manager level, or above.

Mandatory reporting: The legal requirement to report suspected child abuse to the relevant authority. Mandatory reporting requirements vary from state to state.

Nominated supervisor: The most senior staff member at a childcare service. The nominated supervisor will have primary management and control of a service in the absence of the approved provider.

Organisation: One Tree Community Services Inc.

Service: Service and services refer primarily to the early education and care or community services but also include excursions, administration offices and any other site, event, or entity under the authority of One Tree Community Services Inc.

Appendix 1: Mandatory Reporting Requirements

Northern Territory

The service staff in Northern Territory are mandated to make a report if they have:

A belief on reasonable grounds that a child has been or is likely to be a victim of a sexual offence; or otherwise has suffered or is likely to suffer harm or exploitation.^[1]

In addition:

All adults in the NT must report abuse that occurs in a domestic relationship and has caused serious physical harm or where there is a serious or imminent threat to the life or safety of a person. This is based on the belief that everyone has a responsibility to prevent domestic and family violence and assist victims and their children from violence. It is an offence if you hold a reasonable belief about domestic/family violence that has, will or might cause serious harm and you do not report this to police.²

Mandatory reporting in Northern Territory always applies to every person at, regardless of profession.

Victoria

Under the *Children, Youth and Families Act 2005* professionals such as doctors, nurses, police and school teachers are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the Victorian child protection service. It is the child protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

Failure to disclose child sexual abuse offence in Victoria

A new offence for *failure to disclose child sexual abuse* came into effect on 27 October 2014³. The offence requires that any adult who holds a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child (aged under 16) disclose that information to police. The offence applies to all adults in Victoria, not just professionals who work with children, unless they have a reasonable excuse.

¹Territory Families: Policy Determination 5.2: Mandatory Reporting, p.2

² <https://nt.gov.au/law/crime/report-child-abuse>

³ <https://www.justice.vic.gov.au/safer-communities/protecting-children-and-families/failure-to-disclose-offence>

Western Australia

The service staff in Western Australia are mandated by the *Organisation* to make a report if they receive allegations of abuse, neglect, or assault, including sexual assault, of an enrolled child, during a care session.

If community services staff have reasonable belief that a child is suffering abuse or neglect, they are mandated by the *Organisation* to report it to a general or executive manager. All staff can fill in a Child Protection Concern Referral Form (**Form 441 07/17**) for the Department of Communities – Child Protection and Family Support Division.

Making a mandatory report in good faith does not incur civil or criminal liability.

New South Wales

Doctors, nurses, police, school teachers and early childhood professionals are legally obliged to report suspected child abuse. In addition, any person who believes on reasonable grounds that a child needs protection can make a report to the family and community services, via phone or 'Child Story Reporter' Community website (<https://reporter.childstory.nsw.gov.au/s/>).

It is the child protection worker's job to assess and, where necessary, further investigate if a child or young person is at risk of harm.

Australian Capital Territory

According to the *Children and Young People Act 2008* regulation prescribes that persons who fall into the following categories are legally required to report:

- professionals such as doctors, dentists, nurses, enrolled nurses, teachers at schools;
- persons authorised to inspect education programs, materials or other records used for home education of a child or young person under Education Act 2004,
- persons caring for children at child care centres;
- persons coordinating or monitoring home-based care for a family day care scheme proprietor; and
- persons who have contact with or provide services to children, young people and their families

Queensland

The following are responsible for reporting any suspected risk of harm:

- professionals such as doctors, registered nurses and teachers;

- persons engaged in performing child advocate function(s) under the Public Guardian Act 2014; and
- early childhood education and care professionals are responsible for reporting any suspected risk of harm.

Service staff throughout Queensland are mandated by the *Organisation* to make a report to the relevant authority, or their general or executive manager, if they receive allegations of abuse, neglect, or assault, including sexual assault, of an enrolled child, during a care session.

Version History

Version (ISOC only)	Submitted by	Change Date	Approver	Approval Date	Description
3.0	Brad Miller	21/03/2021	Irina Cattalini (QMT delegate)	11/05/2021	Include reference for mandatory reporting procedures per jurisdiction.