

IDENTIFY AND RESPOND TO CHILD ABUSE AND NEGLECT POLICY v2

Contents

Introduction	1
Statement of Principles	2
Scope of Policy	2
Identifying abuse and neglect issues	2
Reasonable Grounds for Consultation	3
Mandatory Reporting of Abuse and Neglect to child protection authorities.....	4
Protection of Persons who make Reports	7
Response from statutory authority	7
Concerns that fall below the threshold for mandatory reporting	8
Reporting Homelessness.....	9
Supporting children and young people.....	9
Related Policies, Procedures and Legislation	10

Introduction:

Children and young people have a fundamental right to be safe and to grow and develop in environments that are free from violence, exploitation and harm. The safety and protection of children requires a commitment from all levels of the community. At the same time, the community has clear expectations that children will be protected from all forms of harm including sexual, physical and psychological harm as well as ill-treatment and neglect. Marist Youth Care (Marist180) is supportive of these expectations and strives to promote the safety and protection of children.

In accordance with state and territory legislation (in NSW, ACT, QLD and SA) Marist180 employees are “mandatory reporters” and thus have a legal obligation to report to the relevant authority any reasonable suspicions that a child or young person is at risk of harm. Notwithstanding laws regarding mandatory reporting, Marist180 is committed to responding appropriately and supportively to any concerns about children and young people at risk.

Marist180 is committed to the principles of a Child Safe organisation, including that children and young people will be listened to and their concerns responded to by staff and carers.

Marist180 is guided in its decisions on child safety, welfare, well-being and protection strategies by the objects and principles within the state and territory legislation and consistency with the *United Nations Convention on the Rights of the Child*.

This policy will assist Marist180 employees and carers to understand their broader responsibilities and those of the agency in the area of managing abuse and neglect issues. This policy should be read in conjunction with local Marist180 Identify and Respond to Abuse and Neglect Procedures.

Statement of Principles:

- Marist180 is proactive in creating safe and supportive environments for children and young people. A safe environment is one where the risk of harm is minimised and clients, carers and employees feel safe and secure. Harm relates not only to dangers in the physical environment but also refers to violence, physical threats, verbal abuse, threatening gestures, neglect, emotional or psychological harm, sexual harassment and abuse, grooming behaviour and racial vilification.
- A supportive environment facilitates and enhances the social, academic, physical and emotional development of children, young people, carers, employees and all those involved with the work of the agency.
- Marist180 is committed to fostering the wellbeing of children and young people and to protecting them from any form of abuse or neglect.
- Marist180 is committed to maintaining practices that create a culture of safety within which children, young people, carers and employees are supported and protected.
- Marist180 is committed to listening and responding to children and young people and to developing avenues for their effective participation in the work of the agency.

Scope of Policy:

This policy applies to all staff and volunteers who are engaged by Marist180 in working with children and young people. This includes all Marist180 employees who receive a salary or wage from Marist180. Anyone engaged by Marist180 to provide services to children including contractors, sub-contractors, foster carers, volunteers, work experience participants, student placements, clergy, Ministers of religion and members of religious orders.

• Identifying abuse and neglect issues

- While children and young people may be at risk due to a range of different factors, Marist180 identifies the following circumstances as involving possible abuse or neglect and requiring a response in accordance with this policy and associated procedures;

- The child or young person's basic physical or psychological needs are not being met or are at risk of not being met;
 - The parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
 - The child or young person has been, or is at risk of being, physically or sexually abused or ill-treated (Note: physical or sexual abuse may include an assault and can exist despite the fact that consent has been given);
 - The child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
 - A parent, other caregiver or another child has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm;
 - The child was the subject of a pre-natal reporting of risk and the birth mother of the child did not engage successfully with support services to eliminate, or minimize to the lowest level reasonably practical, the risk factors that gave rise to the report;
 - In the case of a child or young person who is required to attend school in accordance with the law – the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education (Note: as a guide a child is to be regarded as habitually absent if they are absent for 30 days within the last 100 days).
 - A child or young person may be at risk of harm from abuse and neglect as a result of a single act or omission or to a series of acts or omissions outlined above.
- **Reasonable Grounds for Consultation**
 - Marist180 employees have the duty to consult with their immediate supervisor when they have reasonable grounds to suspect that a child or young person is at risk of harm from abuse or neglect.
 - A carer must consult with their Marist180 caseworker or manager when they have reasonable grounds to suspect that a child or young person is at risk of harm from abuse or neglect.
 - An employee/carers may have reasonable grounds to suspect a child or young person is at risk of harm from abuse or neglect when;
 - A child or young person tells the employee/carers that he/she has been abused;

- Someone else informs the employee/carer (for example, a relative, friend, acquaintance or sibling of the child/young person) that a child/young person is being abused;
 - A child/young person tells the employee/carer that he/she knows someone who has been assaulted (often a child may be referring to himself/herself in this scenario);
 - The employee/carer's observations of a particular child/young person's behaviour may lead them to suspect the child is being abused
 - The employee/carer becomes aware that a child/young person is in the care of an alleged offender.
- **Mandatory Reporting of Abuse and Neglect to child protection authorities**
 - Mandatory reporting relates to the legal requirement to report certain types of concerns involving the abuse and/or neglect of children and young people to state and territory authorities. The concerns must arise during the course of or from a person's work.
 - Each state and territory in which Marist180 operates has different requirements in terms of what must be reported and the threshold which must be met before a report is required. The table below sets out what must be reported in each jurisdiction, the threshold requirements for reporting and the relevant authority to which a report must be made.
 - Notwithstanding the fact that certain concerns will not require a report to the relevant authorities, it is Marist180's expectation that all concerns which constitute abuse or neglect as identified in section 1, will be documented and will receive an appropriate agency response in accordance with this policy.
 - Employees must advise their immediate supervisor (or Marist180 caseworker or manager in the case of carers) of all reports made to the relevant statutory authority. The supervisor (caseworker or manager) will ensure that this information is passed to an Executive Manager.
 - The employee making the report is required to record the information provided to the child protection authority, including the reference number of the report, in the client's file (in NSW a printout of the outcome of the NSW Mandatory Reporting Guide should also be kept on file).
 - If the incident relates to a child or young person who is not a current client, but whom the employee became aware of during the course of or from the employee's work, or is a former client of Marist180, all relevant documentation should be forwarded to the relevant Marist180 Executive, who will maintain a central file for the Agency.

State / Territory	What must be reported	Threshold requirements for reporting	Relevant authority
New South Wales	<ul style="list-style-type: none"> Physical abuse Sexual abuse Emotional / psychological abuse Neglect Exposure to domestic violence 	<ul style="list-style-type: none"> Reasonable grounds to suspect that a child is at risk of significant harm; and those grounds arise during the course of or from the person's work A child or young person "is at risk of significant harm" if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, "to a significant extent", of basic physical or psychological needs not being met, physical or sexual abuse or ill-treatment and serious psychological harm. In making a decision about whether an incident reaches the threshold for significant harm, all employees should refer to the Online Mandatory Reporting Guide (MRG) found at the Keep Them Safe website at http://www.keepthemsafe.nsw.gov.au/reporting_concerns/mandatory_reporting_guide A form is available for the notifications to The Office of the Children's Guardian and is located at the link http://www.kidsguardian.nsw.gov.au/out-of-home-care/statutory-out-of-home-care/fact-sheets and in the Abuse and Neglect 'Other resources 	<p>Family and Community Services (FACS)</p> <p>The Office of the Children's Guardian</p>
Australian Capital Territory	<ul style="list-style-type: none"> Physical abuse Sexual abuse 	<ul style="list-style-type: none"> A belief, on reasonable grounds, that a child or young person has experienced or is experiencing sexual abuse or non-accidental physical injury; and the belief arises from information obtained by the employee during the course of, or because of, their work. 	Office for Children, Youth and Family Support
Victoria	<ul style="list-style-type: none"> Physical abuse Sexual abuse <p>Note: Marist180 employees are not mandatory reporters under</p>	<ul style="list-style-type: none"> Belief on reasonable grounds that a child is in need of protection on a ground referred to in Section 162(c) or 162(d), formed in the course of practicing his or her office, position or employment. When responding to concerns for children, the employee should 	Department of Human Services – Children, Youth and Families

	<p>the legislation but as a matter of policy Marist180 requires staff to use the Step by Step Guide to making a report and be guided by the outcome of this tool.</p>	<p>access the Step-by-Step Guide to making a report to Child Protection or Child FIRST. This tool will assist in decision making as to threshold requirements and direct the employee to the most appropriate reporting mechanism.</p> <p>http://www.dhs.vic.gov.au/data/assets/pdf_file/0003/582591/flowchart-mandatory-reporting-27-5-10.pdf</p>	
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South Australia	<p>Reasonable grounds to suspect that a child has been or is being abused or neglected; and the suspicion is formed in the course of the employees work.</p>	<ul style="list-style-type: none"> Reasonable grounds to suspect that a child has been or is being abused or neglected; and the suspicion is formed in the course of the person's work (whether paid or voluntary) or carrying out official duties 	<p>Department for Education and Child Development – Families SA</p>
Western Australia	<p>Any child abuse</p> <p>Note: Marist180 employees are not mandatory reporters under the legislation but as a matter of policy Marist180 requires reports of child abuse to be made to the Department for Child Protection and family where the child needs protection.</p>	<ul style="list-style-type: none"> Belief on reasonable grounds that child abuse has occurred or is occurring and the child is in need of protection. 	<p>Department for Child Protection and Family Support</p>
Queensland	<ul style="list-style-type: none"> Physical abuse Sexual abuse <p>Note: teachers are required to report all forms</p>	<ul style="list-style-type: none"> A reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering 	<p>Department of Communities Child Safety and HYPERLINK "http://www.communities.qld.gov.au/childsafety"Disability Services</p>

	<p>of suspected significant abuse and neglect under school policy, but are only mandated to report sexual and physical abuse under the legislation.</p>	<p>significant harm caused by physical or sexual abuse.</p> <ul style="list-style-type: none"> In making a decision about whether an incident reaches the threshold for significant harm, all employees should refer to the online Child Protection Guide at http://www.communities.qld.gov.au/child-safety/partners/our-government-partners/queensland-child-protection-guide/online-child-protection-guide 	
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• Protection of Persons who make Reports

- In the event a Marist180 employee reports in good faith to the relevant body that they suspect a child or young person is at risk of harm, their identity is protected from disclosure. In addition, provided the report is made in good faith, the employee will not be liable in any civil, criminal or administrative proceeding.

• Response from statutory authority

- On receipt of a report that a child or young person is suspected of being at risk from abuse or neglect, the relevant statutory authority may make such investigations and assessment as they consider necessary to determine whether the child or young person is at risk of harm, and what action should occur. The authority may decide to take no further action if, on the basis of the information provided, they consider there is insufficient reason to believe that the child or young person is at risk of harm or the information does not reach the reporting threshold.
- If no response has been received from the relevant authority within 5 days, employees should contact them again to obtain information in regard to the status of the report.
- Where the abuse or neglect concern involves reportable conduct by a Marist180 employee/carer please refer to the *Marist180 Promoting Child Safety in the*

Workplace Policy. Consideration should also be given to making a report of the concerns to the Police.

• Concerns that fall below the threshold for mandatory reporting

- In deciding whether a child is at risk of harm from abuse or neglect, the employee should first discuss the matter with his/her immediate supervisor, and carers should discuss with their caseworkers.
- If the decision is that the concern does not require a mandatory report employees must consider what steps and actions should be taken to provide the child or young person and/or their family/carer with additional assistance in relation to the identified concerns, either within the employee's program, by other Marist180 programs or through referral and collaboration with external agencies. The immediate supervisor, Manager or the relevant Marist180 Executive can be contacted to give advice and assistance on these matters. Marist180 regards child protection as a whole of community responsibility and is committed to finding support for children and families in need of our assistance.
- To facilitate the provision of services to children and young people and their families, Marist180 employees may seek to exchange information or be requested to exchange information related to the safety, welfare or well-being of children and young people. Employees should consult the *Marist180 Child Protection Records and Information Exchange Policy* on how and when to do this.
- Employees should record the child protection concern on the client's file and the decisions made about how to respond to the concern, making sure that any relevant actions, timeframes and persons responsible are noted and monitored for implementation.
- Under Schedule 3 of the *Children and Young Persons (Care and Protection) Regulation 2012*, all designated agencies accredited to arrange for the provision of statutory out-of-home care in NSW, are required to notify the Children's Guardian, in writing, of any allegation of sexual misconduct or serious physical assault towards a child or young person in out-of-home care, committed by a child-related worker.

• Reporting Homelessness

- Employees may report the homelessness of a child to the relevant state or territory authority, who will conduct such investigation and assessment as deemed necessary.

For New South Wales only:

- Young people can only be reported as homeless if they give consent. In cases where young people are only willing to give verbal consent for a report to be made, employees must make a clear written record which is to be placed on the

young person's file. Wherever possible, employees should make all reasonable efforts to get the signed consent of a young person.

- Employees in residential care services other than Out of Home Care services must advise Community Services of the names and date of birth of young people who are living away from home.
- If the young person has given permission for information to be shared with his/her parents employees may inform parents that the young person is safe, but are not required to reveal the whereabouts of the child to anyone other than Community Services.

• Supporting children and young people

- Whether or not a report is made to the relevant child protection authority in respect of a client, Marist Youth Care has a significant role to play in providing ongoing support and assistance to clients who are at risk (and their families) particularly where there is an ongoing relationship between the agency and the client.
- Marist180 employees and carers have the capacity to build trust and are well placed to observe changes in circumstances which may impact on a client's safety, welfare or wellbeing.
- Marist180 employees should consider what steps and actions could be taken to provide the client and/or their family or carer with additional assistance in relation to any identified concerns, either within Marist180 programs or through referral and collaboration with other agencies or services.
- To facilitate the provision of services to clients and their families, information may need to be exchanged with other agencies. If this is necessary it must be carried out in accordance with the Marist Youth Care '*Child Protection Records and Information Exchange Policy*'.
- Where clients and their families face complex difficulties and/or there are a number of agencies involved, it can be helpful to have an interagency or care team meeting. Bringing representatives of the agencies together can promote sharing of information and avoid duplication. It is preferable to involve clients and their families in interagency meetings as they tend to respond better where there is trust and transparency. It is also avoids difficulties with privacy when information sharing is done with consent.
- It is important to identify and document strategies for support. Having a written plan with clearly stated outcomes that can be reviewed/tracked, time frames and allocation of responsibility ensures accountability in addressing child protection and wellbeing concerns. It is also important to identify an appropriate person who will exercise case management responsibilities.

Related Policies, Procedures and Legislation

<p>Related Documentation</p>	<ul style="list-style-type: none"> NSW Children’s Guardian, Child Safe Organisations HYPERLINK "http://www.kidsguardian.nsw.gov.au/working-with-children/become-a-childdsafe-organisation"HYPERLINK "http://www.kidsguardian.nsw.gov.au/worki ng-with- HYPERLINK "http://www.kidsguardian.nsw.gov.au/working-with-children/become-a-childdsafe-organisation" Identify and Respond to Child Abuse and Neglect Procedures Marist180 – Promote Child Safety in the Workplace Policy Marist180 – Child Protection Records and Information Exchange Policy Child Safety Processes and Practices ADHC Abuse and Neglect Policy http://www.adhc.nsw.gov.au/_ data/assets/file/0006/372165/Abu se-and-Neglect-Policy.pdf
<p>Relevant Legislation</p>	<ul style="list-style-type: none"> Children and Young Persons (Care and Protection) Act 1998 (NSW) NSW Ombudsman’s Act 1974 Children and Young People Act 2008 (ACT) Children, Youth and Families Act 2005 (Vic.) Children and Community Services Act 2004 (WA) Children’s Protection Act 1993(SA) Child Protection Act 1999 (QLD)

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