

CHILD PROTECTION PROCEDURES - IDENTIFY AND RESPOND TO ABUSE AND NEGLECT (NSW PROGRAMS) v2

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Purpose

These procedures provide guidance for staff on managing abuse and neglect concerns in accordance with the *Children and Young Persons (Care and Protection) Act NSW 1998*. These procedures should be read in conjunction with the Identify and Respond to Abuse and Neglect Policy and Child Protection Records and Information Exchange Policy.

Mandatory reporting

You are required by law to report to the Child Protection Helpline of Family and Community Services (the Helpline) when you have reasonable grounds to suspect that a child, or class of children, is at risk of significant harm from abuse or neglect and those grounds are identified during the course of, or from your work. To determine what meets this threshold you are required to use the Mandatory Reporter Guide (MRG) (located at www.keepthemsafe.nsw.gov.au) (see below “Identifying possible risk of significant harm and using the Mandatory Reporter Guide”)

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.

While you are not legally obliged to report risk of significant harm in relation to clients who are young people aged 16-17 years, Marist180 policy requires reports to be made in respect of all clients aged 0-18 years who are at risk of significant harm. It is important to ensure that you fulfil your duty of care to clients if there are reasonable grounds to suspect risk of significant harm, and particularly where a crime such as an assault is alleged. You should take into account the views of the client if they are 16-17 years regarding a report being made, but you may determine that a report of risk of significant harm should be made regardless of their views. Procedures regarding reports of clients who are 16-17 years, including reference to the MRG, consultation with other staff or agencies, and documentation of reports should be undertaken for 16 and 17 year olds in the same way that they are undertaken for younger age groups.

Reasonable grounds

Reasonable grounds may include receiving a disclosure or making an observation directly, or being told about a disclosure received or an observation made by someone else. You may seek information from other sources, such as another agency working with the client or their family, to help in deciding whether a report is required. Once you form the view that there are reasonable grounds to suspect risk of significant harm you are not required and nor should you attempt to confirm information you have received or explore the situation further. To do so may compromise the work of FACS and may result in the contamination of evidence.

Duty to consult

You must consult with your immediate supervisor when you have reasonable grounds to suspect that a child or young person is at risk of harm from abuse or neglect. It is important that you follow through with any concerns you hold by discussing or consulting with your supervisor. Do not hold onto information about your concerns. It is better to be wrong than to possibly allow a situation to endure that may lead to further harm to a client.

When to report

The risk of significant harm should relate to current concerns. Current concerns may relate to:

- Abuse or neglect that is recent
- Abuse or neglect that is likely in the foreseeable future if nothing changes
- The child having contact with someone who has caused significant harm to either them or another child in the past
- Past abuse or neglect with a continuing and significant impact on the child

Risk of significant harm relates to the following harm circumstances:

- Neglect
- Physical abuse
- Sexual abuse

- Serious physical or psychological harm resulting from exposure to domestic violence
- Serious psychological harm
- Giving up a child's care unlawfully

If you are uncertain whether the concerns are current consult the MRG and follow the guidance obtained.

Issues arising outside the workplace

You are not legally obliged to report risk of significant harm where those grounds arise outside your work, but you should recognise your ethical responsibility to ensure the protection of any child in the community.

Individual responsibility to report

Unless the matter is urgent, you should confer with your supervisor or another senior staff member before making a report of risk of significant harm. While it is good practice to consult with a supervisor or colleague regarding reports of risk of significant harm, no one can prevent you from making a report if you believe you should do so as mandatory reporting is an individual responsibility.

Team or interagency context

In a team or interagency context, if you become aware of the same information from a common source it is not necessary for each Marist180 staff member or staff from other agencies to make a separate report. However, if you are not confident that a report has been made, or you hold additional relevant information you should proceed to make a report.

Staff who are not mandatory reporters

Staff in ancillary positions, such as administrative officers, maintenance workers or cleaners, are not mandatory reporters by law. Staff in non-mandatory reporting positions should promptly advise their supervisor if, in the course of their work, they have reasonable grounds for concern for the safety, welfare or wellbeing of a child or young person. If the supervisor is not a mandatory reporter, that person should immediately contact a mandatory reporter within the agency, or a senior manager. Regardless of their supervisor's advice, staff in non-mandatory reporting positions may not be prevented from reporting if they choose to.

Failure to report

When a report is made in good faith by law it cannot be seen as a breach of professional etiquette or standards, and you cannot be sued for defamation. However, you should be aware that failing to make a report of risk of significant harm in relation to a child or young person may constitute a breach of Marist180's Philosophy and Code of Conduct and may also amount to reportable conduct in terms of the Ombudsman Act 1974 (NSW) and the Marist180 Promote Child Safety in the Workplace Policy. In addition, if your qualifications mean you are a member of a professional body, a failure to report could be a breach of the professional body's code

of ethics and may affect the standing of your membership or registration with that body.

Information to be provided in making a report

When making reports you are expected to provide your name, position and contact details to assist in follow up. By law a reporter's identity cannot be disclosed. However, given the circumstances it may not be possible to avoid family members guessing who has made the report. It should also be noted that in the course of some court proceedings or law enforcement activities the identity of a mandatory reporter may be disclosed to the court or law enforcement agency, generally with the consent of the reporter, except in exceptional circumstances.

The detail and quality of the information provided to the Helpline by the reporter is critical to the quality of the decision making that follows. It is important to provide all relevant information when making a child protection report. Prepare for making a report to the Helpline by gathering all the information together (see Annexure 1).

The kind of information which is useful includes risk of significant harm information as prompted by the online Mandatory Reporter Guide, as well as information about the child, the family, the reporter and the context of the report.

Reports may also be made where only a little information is known but there is risk of significant harm.

Once a report is made to the Helpline no further report needs to be made unless new information becomes known.

Reports should be made in one form only, ie either by phone or fax or e-report. Duplicating or confirming a report in writing is unnecessary.

Identifying possible risk of significant harm and using the Mandatory Reporter Guide

If you have urgent concerns for the child's health or safety call the police on 000.

If the situation is urgent, and you are confident that the Mandatory Reporter Guide (MRG) will indicate that a report of risk of significant harm is required, you can contact the Helpline without delay on 133 627. This action may be warranted if an immediate response is required and you do not have access to the MRG.

As a general rule use the MRG to check whether a report to the Helpline is required. The MRG should be used when there are current concerns and reasonable grounds to suspect that a child is at risk of significant harm. It can be used online via the Family and Community Services or [Keep Them Safe](http://www.keepthemsafe.nsw.gov.au/) [HYPERLINK "http://www.keepthemsafe.nsw.gov.au/"_websites.](http://www.keepthemsafe.nsw.gov.au/)

Unless you are dealing with an urgent and serious incident, the MRG is best used once you have access to all the information available to you about the child, or young person and their family circumstances. This may involve talking to other staff in your program or other parts of the agency, or seeking information from staff from other agencies who also have contact with the client and his or her family. If information is

sought from another agency it is important to follow the Marist180 Exchange of Information Procedures.

First identify the most relevant decision tree from MRG. This is the decision tree that best describes your most significant concerns about the child or young person.

The decision trees are:

- Physical abuse
- Neglect
- Supervision
- Physical shelter/environment
- Food
- Medical care
- Education
- Sexual abuse (0-15 years) and (16-17 years)
- Problematic sexual behaviour
- Psychological harm
- Relinquishing care
- Carer concerns
- Parent/carer substance abuse
- Parent/carer mental health
- Parent /carer domestic violence
- Unborn child

Answer the MRG questions step by step. To obtain additional information about a question, click on the text and look at the definition in the box on the right hand side of the screen. Check the definitions carefully, as the outcome of the MRG is dependent on accurate application of the definitions.

You must answer every question on the screen to proceed to the next screen. If you miss a question you will see red text prompts.

Sometimes you will be prompted to raise an issue with parents before you can finalise the MRG decision.

The MRG will assist you to identify cumulative harm by prompting you to consider additional information that indicates that harm to the child is chronic and has accumulated over time. Questions about cumulative harm include:

- Observations of developmental delay that may be associated with chronic neglect
- Observations of behaviour change that may be associated with trauma
- Escalating stress related to parent concerns
- Child coping strategies that may be indicative of neglect.

If you believe that a child is at risk of significant harm, and you do not receive a Report or Immediate Report decision, you should check to see if there is a decision tree that may better fit your concerns. This is especially likely if your concerns relate to neglect.

If you are concerned about neglect, several different decision trees may be applicable, including carer concern and psychological harm.

Responding to an “Immediate Report/Report to Community Services” decision

If you receive an Immediate Report to Community Services final decision this indicates an immediate response is required. You should contact the Helpline immediately, following the instructions on the screen. You must not fax your report.

If you receive a Report to Community Services final decision you should contact the Helpline promptly, and definitely before you leave work that day. Follow the direction on the screen in relation to contacting the Helpline, including any directions regarding faxed communication. Direct communication is preferable to faxed contact. If you talk to the Child Protection Helpline by phone, do not fax as well.

In some instances you may need to take other action such as calling the police or an ambulance. If you are not sure what other action is required ask the Helpline, or if the need is urgent call 000 and explain the situation.

You should be guided by your professional judgment in using the MRG, so if the Final Decision indicates that you do not need to report, but you believe that the circumstances clearly indicate that the child or young person is at risk of significant harm, you may make a report regardless. If you do so, you will need to explain to the Helpline why you think that your concerns meet the threshold of risk of significant harm. You need to be aware that just because you feel concerned does not mean a child or young person is at risk or significant harm according to the legislation.

Feedback from reports to the Helpline

The Helpline will assess and determine whether your report meets the threshold. In some instances although the MRG decision is to report, the Helpline assessment will indicate that the threshold has not been met. You will receive feedback if this is the case.

Reports of risk of significant harm will be prioritised at the local Community Service Centre (CSC) based on local information and available resources. You can contact the local CSC to ask about progress in following up your report. Generally you should wait at least a week for the report to be allocated locally. It is important to be aware that not all reports of risk of significant harm will be allocated as the CSC has limited resources and makes allocation decisions on the basis of competing priorities.

If the report did not meet the threshold for risk of significant harm, you may come across new information in the course of your work which may change the level of risk. Be aware that an MRG decision relates only to the information that was available at the time the tool was used. If you have new information you should check the MRG again.

Responding to a “Consult with a Professional” decision

A Consult with a Professional decision means that the concerns are close to the threshold for risk of significant harm, and you should consider what more you could do that would address child wellbeing concerns. In this regard it is important to be proactive.

Consult with a professional may mean:

- Talking with your supervisor/manager about options for referral or other strategies to be helpful. You may want to address how to talk to the family about concerns, or how to promote their consideration of referral options.
- Talking to other practitioners who know family members, in particular children and young people, to ensuring you have accurate information about the family and to explore whether there are other strategies that could support the child or young person.
- Talking to a practitioner with specialist knowledge about concerns relevant to the child or young person and their family.

The duty to consult with your supervisor, other colleagues or with other agencies directly is important to considering the overall circumstances for a child and to help in identifying whether cumulative harm may be an issue. This information gathering process can assist in the decision about whether you should make a report. Knowing whether the family is benefiting from services can be important in determining the level of concern. You can ensure that you have accurate information by checking with services directly.

Responding to a “Consult with your Referral Network decision”

The Consult with your Referral Network final decision indicates that there is no risk of significant harm but the family may benefit from a referral to additional services and has shown a willingness to accept services.

For example there may be a need for specialist mental health services or respite care.

Check with members of a relevant local interagency group, or other local services or check the Human Services Network website www.hsnet.nsw.gov.au.

Responding to a “Document and Continue Relationship”

A ‘Document and Continue relationship’ final decision indicates that concerns don’t meet the threshold for reporting. If it is not part of your usual role to continue service provision to the client or their family you do not need to continue contact.

If it is part of your role to continue the relationship, you have the opportunity to be aware of additional information about the client or family and any deterioration in the family’s circumstances, and to use that information to review the MRG.

You may also have the opportunity to assist the family to address concerns through referral or provision of direct services.

Services for children, young people and families

Where the MRG final decision indicates that a report to FACS is not required it is important to consider other actions you can take that may assist the client and/or their family and to be proactive in this regard. Options include:

If you believe that other agencies can assist the child and family, consult with your supervisor/manager about sharing your information with those agencies and/or make appropriate referrals (this must be done in accordance with the Child Protection Records and Information Exchange Policy).

If you believe Marist180 can further assist the child and family then arrange this. You may wish to contact the Western Sydney Family Referral Service on 1300 403 373 for information about local services. You may access the Human Services Network website www.hsnet.nsw.gov.au.

Prenatal Reports

The law provides for reports to be made for unborn children where there are concerns that the child may be at risk of significant harm after his or her birth.

The MRG decision tree 'unborn child' can be used to determine whether there are reasonable grounds for reporting an unborn child to the Child Protection Helpline.

The purpose of prenatal reporting is to enable referral of the mother to support services which may reduce the risk of placement after birth and assist in resolving concerns.

Prenatal reporting is not mandatory. However reporting is mandatory if once the child is born it is determined that the birth mother of the child did not engage successfully with support services to address the risk factors that gave rise to the report. Most prenatal reports are made by staff involved in the provision of ante-natal care, but anyone can make a prenatal report if they believe there are reasonable grounds to do so.

Additional reporting requirements for Out of Home Care

Where concerns do not reach the threshold for risk of significant harm, you are nonetheless expected to notify Family and Community Services where a child or young person who is in the care of the Minister of Community Services is:

- Pregnant
- Runaway
- Missing
- Homeless

This may be done by contacting the relevant FACS caseworker or CFDU - notification to Helpline is unnecessary when the concern does not reach the ROSH threshold.

General recording of child protection concerns

Concerns should be documented by recording factual observation, containing descriptions of behaviour or conversation, the date and location where information was obtained, and the source of any information obtained from third parties.

Records should be signed and dated so the author of the record can be clearly identified. You should only record opinions where you are professionally qualified to do so.

You should not record your personal responses to the child, young person or family. Personal responses include your feelings about the client, speculation about the causes of difficulties, or fears about the client's future.

You should be mindful that any records may be subpoenaed or be the subject of a request for information at any time so they should be clear, concise and unambiguous.

Documenting emerging concerns

Some child protection concerns will only be identified when a number of observations are made and a pattern of cumulative harm is observed. Often ongoing observations about children and young people, not just incidents of parental behaviour, will be significant in identifying cumulative harm.

Early in the process of identifying a pattern of concerns you may be uncertain about the significance of observations. You should record behaviour and factual observations without recording speculation.

Where there is discussion in supervision/team debriefing about possible child protection concerns, you should document the concerning behaviours or observations that prompted the discussion and document any actions arising from this conversation on the client record.

Documenting concerns below the threshold of risk of significant harm

Where a pattern of child protection concerns is identified you should use the Mandatory Reporter Guide (MRG) to determine whether concerns reach the threshold for risk of significant harm.

If the MRG decision indicates concerns are below the reporting threshold, you should summarise the information that you relied on in completing the MRG, and should generate and retain in the client's file a pdf copy of the decision report.

Documenting reports of risk of significant harm

Where the MRG decision is Immediate Report/Report to Community Services, you should generate and retain in the client's file a pdf copy of the decision report.

You should record on file the information you relied on in completing the MRG. This should include details of any incidents observed, or disclosed, observations of the child or young person's appearance or behaviour, any injuries observed, and any concerns related to domestic violence, carer's alcohol or other drug use, or mental health issues.

You should consult with your supervisor regarding child protection concerns and notify your supervisor when a report is made. Your supervisor will notify other senior/executive staff as required and provide support to the staff member during the process of reporting.

A database of all Risk of Significant Harm reports is kept in each program area. Staff are to enter details of reports made to Helpline. Reports are aggregated by the Manager Professional Standards and periodic reports provided to the CEO.

Whether to tell parents/carers about reports

Where risk of significant harm is identified, you should carefully consider whether you are able to advise the parent that a report will be made, taking into account:

- Is the parent/carer expecting a report to be made? Would telling them about the report provide opportunities for them to be involved in the process of reducing risks for their child?
- How likely is it that the parent/carer would leave the area with their child to avoid involvement with statutory authorities?
- How likely is it that the parent/carer would put pressure on a child or another person to retract information that they have disclosed about the child's safety?
- How likely is it that the child/children may suffer adverse consequences (e.g. an escalation in violence perpetrated upon them) once the parents/carers become aware that a report has been made?
- How likely would it be for the parent/carer to relinquish care of the child if they know there has been an allegation or report

Where a child has disclosed sexual abuse, do not tell the parent about the disclosure or the need to make a report. There is a high risk in sexual abuse allegations of a child feeling pressure to retract their disclosure.

If you are not sure whether to tell a parent/carer that you need to make a report of risk of significant harm, or if you have any doubts about the possible consequences of telling a parent that a report has been made, you should check with your supervisor.

Be aware that you may make a report guided by the MRG that may not meet the threshold for statutory involvement. This may be an opportunity to engage family members in activities that may prevent the need for further reports. If you are concerned that parents are over- reacting to the news that a report is needed, it may be helpful to tell them that in many instances where reports are made children will remain in their parents' care, although you can never offer a guarantee that this will be the case.

Community Services will not tell the family that you have made the report. However often families will become preoccupied with the question of who has made the report, rather than addressing the concerns that led to the report. Even if you do not feel able to tell the family beforehand that you need to make a report, it may be helpful to acknowledge that you were the source of the report afterwards.

The law says you can still provide services to a family once a report has been made. If you are not sure what your role should be in relation to the family, discuss this with your supervisor or the Helpline when you make the report, or contact your local Community Services Centre if they haven't contacted you within 2-3 weeks of making the report.

Roles and Responsibilities

As part of Marist180's overall commitment to the safety, welfare and well-being of children the following responsibilities under this procedure are as documented below:

The Chief Executive Officer of Marist180 is responsible for:

- Ensuring the child protection and safeguarding systems in relation to addressing risk of significant harm and wellbeing concerns comply with the relevant legislation.
- Establishing policies, training and systems for providing a safe environment for children and young people.
- Collaborating with other relevant agencies.
- Ensuring that confidentiality is maintained for all records and information pertaining to child protection matters. This includes risk of significant harm reports and subsequent follow up. Access to these records is to be restricted to persons who require this information to carry out their professional duties and must be compliant with the law.

Executive Managers are responsible for:

- Ensuring that staff are aware of and understand the reporting procedures, professional standards, policies and procedures that inform and promote the protection of children and young people at risk within Marist180 programs and services;
- Leading programs and services in fostering a culture which is proactive in responding to situations where a child or young person is at risk;
- Ensuring staff members receive professional development in relation to the indicators of child abuse and neglect, and information about the process for responding to concerns and mandatory reporting responsibilities;
- Ensuring that all exchanges of information in relation to children's safety, welfare or wellbeing comply with relevant legislation and guidelines.

The Managers/Supervisors are responsible for:

- Ensuring that the correct procedures are followed in identifying and responding to abuse and neglect issues.
- Ensuring any situation involving risk of significant harm or a wellbeing concern is treated with the utmost discretion, sensitivity and regard for the privacy and confidentiality of all persons involved.
- Ensuring that Risk of Significant Harm Reports are made to the Helpline where indicated by the MRG.
- Ensuring that ongoing concerns are documented and assessed for cumulative harm.
- Documenting concerns and follow up in accordance with these procedures.
- Following up the outcome of risk of significant harm reports with Community services.
- Assist in carrying out inquiries if required.
- Providing learning opportunities and support for staff and carers in meeting their obligations under the legislation and relevant policy.
- Liaising with Community Services and other agencies as required
- Ensuring that wherever possible consent for information exchange in relation to children's safety, welfare or wellbeing is obtained from relevant parents/carers

Staff are responsible for:

- Being aware of the indicators of child abuse and neglect and observe possible signs of abuse and neglect and identify changes in the behaviour of children and young people that may be attributed to abusive situations
- Responding appropriately to disclosures regarding abuse and neglect from children and young people;
- Documenting concerns and follow up in accordance with these procedures
- Reporting to the Helpline, as soon as practicable, where there is any suspicion on reasonable grounds, that a child is at risk of significant harm and where those grounds arise during the course of, or from work.
- Reporting to supervisors, as soon as practicable, where there is any suspicion on reasonable grounds, that a young person is at risk of significant harm and where those grounds arise during the course of, or from work.
- Completing the Mandatory Reporter Guide (MRG) online and making a report to the Child Protection Helpline (where required)
- Maintaining appropriate confidentiality in relation to all incidents or disclosures about abuse of a child or young person.
- Liaising with Community Services and other agencies as required
- Participating in child protection core training and refresher training provided by Marist180 which are designed to assist the recognition of abuse and neglect of children and young people and the implementation of relevant policies and procedures.
- If unsure what their responsibility is in relation to child protection seeking advice from their supervisor.

Annexure 1: Information to provide in a risk of significant harm report to Helpline

Suggested information required for making a report	
Child's information	Family information
Name of child or young person or other means of identifying them Age and date of birth If child is Aboriginal, Torres Strait Islander or both if known Cultural background of child, language(s) spoken, religion and other cultural factors Name, age of other household children or young people Address of child and family School 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/young person under the care of the Minister and residing in out of home care?	Name, age of parents and household adults Home and/or mobile phone number Cultural background of parents, language(s) spoken, religion and other cultural factors Information about parental risk factors and how they link to child's risk of harm <ul style="list-style-type: none"> • Domestic violence • Alcohol or other drug misuse • Unmanaged mental illness • Intellectual 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 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	Other information
Name, agency address, phone and email details Position 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	Services involved with child/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 (if known)

Related Policies, Forms and Legislation

Related Documentation	<ul style="list-style-type: none"> • Marist180 – Child Protection Framework • Marist180 – Child Protection Policy • Marist180 Child Protection Records and Information Exchange Policy • Marist180 – Identify and Respond to Child Abuse and Neglect Policy • Marist180 – Promote Child Safety in the Workplace Policy • Marist180 – Identify and Respond to Abuse and Neglect - Quick Reference Guide
Relevant Legislation	<ul style="list-style-type: none"> • Children and Young Persons (Care and Protection) Act 1998 (NSW) • Children and Young Persons (Care and Protection) Act 1998 Amendments 2016 (NSW) • <i>Children and Young People Act 2008</i> (ACT) • <i>Children, Youth and Families Act 2005</i> (Vic.) • <i>Children and Community Services Act 2004</i> (WA) • <i>Children's Protection Act 1993</i> (SA) • <i>Child Protection Act 1999</i> (Qld)

Coverage: This procedure relates to NSW, Marist180 programs operating outside NSW should refer to local legislation and procedures/guidelines

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