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Child Protection - Mandatory Reporting of Abuse

Source of Obligation

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW), all teachers, child care workers, refuge workers, community housing providers, health professionals such as doctors, nurses and midwives, and Police officers are required by law to report abuse and neglect to the Department of Family and Community Services (FACS), where they **suspect, on reasonable grounds**, that a child (a person under the age of 16) is **at risk of significant harm**.

The Memorandum of Understanding (MOU) between FACS, the Catholic Education Commission NSW (CECNSW) and the Association of Independent Schools of NSW (AISNSW) prescribes additional Mandatory Reporting procedures.

The MOU introduces centralised reporting procedures for non-government schools coordinated and represented by the CECNSW or AISNSW and those procedures are referenced in this policy.

Malek Fahd Islamic School's Policy

Malek Fahd Islamic School has developed a detailed **Child Protection Policy** which outlines abuse and neglect risk indicators, key requirements when managing student disclosure, initial notification procedures, the development of a management plan, the provision of ongoing support, record keeping and confidentiality.

This policy is designed to set out in plain English, teachers' obligations in relation to Mandatory Reporting of child abuse and neglect in NSW.

What Does 'Reasonable Grounds that a Child is at Risk of Significant Harm' Mean?

Suspecting on **'reasonable grounds'** that a child is **'at risk of significant harm'** is the standard that reporters must use in deciding whether or not to report child abuse to 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.

'Significant' is not minor or trivial and may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare or well being. Significance can result from a single act or omission or an accumulation of these.

The concept of **'reasonable grounds'** requires you to consider whether another person, when faced with similar information, would also draw the same conclusion. It does not mean reporters are required to be certain, but rather reporters should ensure their concerns are well founded and based on information from a reliable source.

What can be considered 'Significant Harm'?

Significant harm includes:

- the child's or young person's 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;

- in the case of a child or young person who is required to attend school in accordance with the Education Act 1990 —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 in accordance with that Act;
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- 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;
- the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm; and
- the child was the subject of a pre-natal report under section 25 of the Care and Protection Act and the birth mother of the child did not engage successfully with support services to eliminate, or minimise the risk factors that gave rise to the report.

What Must Be Reported?

All suspicions on reasonable grounds, that a child or young person is at risk of significant harm from the following types of abuse and neglect, must be reported:

- physical abuse
- neglect – including supervision, physical shelter/environment, food, hygiene/clothing, medical care, mental health care, education
- ill-treatment
- sexual abuse
- psychological harm
- exposure to domestic or family violence
- carer concern – including substance abuse, mental health and domestic violence.

Refer to the **Child Protection - Abuse Identification and Initial Notification** policy for more information on the indicators of harm and maltreatment and initial notification of abuse.

Refer to the **New South Wales Mandatory Reporter Guide** (MRG) for guidance on making a decision on whether to report abuse and neglect. This guide includes 'decision trees'.

Grooming behaviours are conduct which may place a child at risk of significant harm, which must be reported under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

Refer to our **Detecting, Reporting and Addressing Grooming Behaviours** policy.

Additional grounds for making a mandatory report, which are not included in the Children and Young Persons (Care and Protection) Act 1998 (NSW), are listed in the MRG, being 'Danger to Self or Others', 'Relinquishing Care' and 'Unborn Child'. Refer to the website for more information on these grounds for making a mandatory report.

When Mandatory Reports Must Be Made

Reports of child abuse and neglect must be made as soon as practicable once a suspicion has been formed. The earlier a report is received the earlier steps can be taken to protect a child, where this is necessary.

Additionally, the Principal should also be notified of the matter as a matter of school policy.

Mandatory Reporter Guide (MRG) and Child Protection Hotline

The MRG assists in providing mandatory reporters with the most appropriate reporting decision. It is not designed to determine whether the matter constitutes a risk of significant harm (ROSH). The MRG website advises that a decision by the Child Protection Helpline that a

report does not meet the ROSH threshold does not necessarily mean the report should not have been made. Ultimately, a report based on a suspicion that a child or young person or class of children or young people is at ROSH is in their best interests.

How is a Report Made?

Due to the seriousness of child abuse and neglect, reports should be made using the most direct means possible.

In accordance with the terms of the MOU, where a mandatory reporter forms a reasonable belief that a child is at risk of significant harm, they must either report directly to FACS, or to the Head of Agency (HOA). At Malek Fahd Islamic School the HOA is the Principal, however should the allegation involve the Principal, the report is to be made to the School Board.

Either the Principal or the School Board must forward the report of risk of significant harm to FACS as soon as practicable.

Nothing in the MOU precludes any person at the School, including mandatory reporters, from making a report directly to FACS.

Concerns that require immediate attention should be reported by the Principal, by calling the FACS Child Protection Helpline on **132 111**.

When preparing to make a report, the specific circumstances that supported the responses to the **decision trees** (if used) and any unique circumstances supporting a decision to report should be readily available to assist FACS, as well as the following information:

- full name, date of birth (or approximate age), address and phone number of the child or young person, or children or young people, you are concerned about
- full name (including any known aliases), approximate age, address and phone number of the parents or carers
- a description of the child or young person and their current whereabouts
- why you suspect the child or young person is at risk of significant harm (what you have seen, heard or been told)
- whether a language or sign interpreter may be required, whether support is required for a person with a disability or an Aboriginal agency is involved
- your name and contact details.

Sometimes all of this information will not be known to the reporter. As a minimum, FACS needs to be able to identify and locate the child.

Additionally, information about the child or young person's reaction to the report should also be provided to enable FACS to take into account any view or wish expressed by the child or young person, including their opposition to the report being made.

MOU: Feedback

Under the terms of the MOU, the Principal or School Board is obligated to provide feedback to the mandatory reporter that a report to FACS has been made. Mandatory reporters are encouraged to follow up with the Principal or School Board if a reasonable time has passed and they haven't received such feedback.

Concerns that do not require immediate attention can be reported using an **eReport**.

Malek Fahd Islamic School is registered to lodge eReports via FACS eReport Portal. Please contact the Principal should you wish to lodge an eReport.

Staff/Volunteer/Others Misconduct

Where a matter that is subject to Mandatory Reporting also involves an allegation against a staff member or any person engaged by the School to provide services to children, including volunteers, it must also be reported to the NSW Ombudsman.

For details refer to our **Child Protection – Reportable Conduct of Staff, Volunteers and Others** policy.

Confidentiality of the Reporter's Identity

Reports made to FACS are confidential and the reporter's identity is generally protected by law.

It is important to note however that NSW Police may be granted access to the identity of the reporter if this is needed in connection with the investigation of a serious offence against a child or young person. The request must come from a senior NSW Police officer and the reporter must be informed that their identity is to be released, unless informing them of the disclosure will prejudice the investigation.

What Happens After a Report is Made?

The Child Protection Helpline will assess the information that is provided, along with information that may be known to FACS, to determine whether the child or young person is actually at risk of significant harm. FACS may then do one of the following:

- screen out the report because it does not meet the threshold for risk of significant harm
- refer the report to Brighter Futures (an early intervention program designed to build the resilience of families and children that are at risk)
- assess the report but not open it for ongoing services
- offer ongoing services/further assessment to the child or young person, other individual family members, or to the family together
- arrange protective placement of the child or young person.

Reporters will be informed in writing of the action that will be taken by FACS, including whether the report made met the threshold of significant harm and/or whether no further action was recommended.

Even after a report to the Child Protection Helpline has been made, reporters must continue to respond to the needs of the child or young person within the terms of their work role. This may include providing a report to the NSW Police and/or arranging for medical care.

Concerns below 'Mandatory Reporting' threshold?

While the Care and Protection Act outlines a mandatory reporter's obligation to report to Community Services, as an employee of this School, any concern regarding the safety, welfare and wellbeing of a student must be reported to the Principal.

You are required to deal with all reports regarding the safety, welfare or wellbeing of a student with confidentiality and only disclose it to the Principal. Failure to do so will be a breach of this policy.

Implementation

This policy is implemented through a combination of:

- staff training
- effective communication and incident notification procedures
- effective record keeping procedures
- initiation of corrective actions where necessary.

Record Keeping

The documentation relating to the making of a mandatory report is maintained by **the Principal** and located **in the Principal's office**.

Discipline for Breach of Policy

Where a staff member breaches this policy, Malek Fahd Islamic School may take disciplinary action, including in the case of serious breaches, summary dismissal.