



## Child Protection – Mandatory Reporting ACT

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### Related Policies

Child Protection

Child Protection (ACT): Responding to Child Protection Complaints Made Against School Employees  
Complaints

### Purpose

To provide direction to Principals, Teachers and other Mandated Reporters working in schools about making a report to Care and Protection Services when they have formed a reasonable suspicion that a Child or Young Person has suffered or is suffering Sexual Abuse or Non-accidental Physical Injury or is In Need of Care and Protection.

### Policy

A Mandated Reporter must make a report to Care and Protection Services if the Mandated Reporter has formed a reasonable suspicion that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury and those grounds arise during the course of the Mandated Reporter's work (whether for remuneration or otherwise).<sup>1</sup>

A person who believes or suspects that a child or young person is in need of care and protection may report the circumstances on which the belief or suspicion is based to Care and Protection Services.<sup>2</sup> Mandated Reporters should phone 1300 556 728 to make a report.

The Mandated Reporter does not need to investigate or prove his or her concern.

Whilst Mandated Reporters are obliged to make a report to Care and Protection Services it will be usual practice that the report will be made through the Principal. The Principal will ensure that accurate records are kept of all reports and will ensure that the Mandated Reporter is informed of whether Care and Protection Services will appraise the report or not.

The Principal must ensure that Mandated Reporters and the wider school community are made aware of school policy and protocols for making reports to Care and Protection Services

If a Mandated Reporter is not satisfied that the Principal has made a report to Care and Protection Services, the Mandated Reporter must make a report on his or her own behalf to Care and Protection Services. The Mandated Reporter then must inform the Principal of his or her action and provide the Principal with a copy of the Care and Protection Services notification regarding appraisal of the report.

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<sup>1</sup> S 159 *Children and Young People Act 1999* (ACT)

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Mandated Reporters have a professional responsibility to safeguard the child or young person's right to privacy. Providing information to other agencies or persons about any report made to Care and Protection Services or the circumstances leading to the report being made must only occur on the advice of Care and Protection Services and/or the Director of Education.

The Principal, in consultation with other agencies, is to ensure that the school's pastoral care structures effectively support students suspected of being abused or in need of care and protection, their families and staff directly involved with the student.

### Definitions

**Child** is a person under 12 years of age.

**Child Abuse and Neglect** may fall into the following categories:

- Non accidental physical injury (physical abuse) – includes injuries caused by excessive discipline, beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation, poisoning, attempted suffocation or strangulation or physical mutilation.
- Sexual abuse – is any sexual act or sexual threat imposed on a child or young person. Usually this occurs when an adult or someone who is bigger or older involves the child or young person in a sexual activity by using his or her power over the child or young person or by taking advantage of their trust.
- Emotional abuse – refers to chronic or repeated behaviours directed at a child or young person, which are seriously detrimental to or impair the child or young person's psychological, social, emotional, cognitive or intellectual development or behaviour. This includes significant harm to the child or young person's well being or development because of his or her continual exposure to domestic violence.
- Neglect – is the continued failure by a parent or caregiver to provide a child with the basic things needed for his or her proper growth and psychological, intellectual or physical development such as food, clothing, shelter, medical and dental care and adequate supervision.<sup>3</sup>

**In Need of Care and Protection** is defined fully in s 156 of the *Children and Young People Act 1999 (ACT)*. A child or young person is In Need of Care and Protection if he or she has been, is being or is likely to be, abused or neglected and no-one with parental responsibility for the child or young person is willing and able to protect him or her from suffering the abuse or neglect.

**Mandated Reporter** is defined in s 159 *Children and Young People Act 1999 (ACT)*. For the purposes of this policy and compliance with ACT law a mandated reporter includes teachers and school counsellors.

**Reasonable Suspicion.** A Mandated Reporter has a reasonable suspicion to report to Care and Protection Services when:

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<sup>3</sup> The Office for Children, Youth and Family Services, *Reporting Child Abuse Keeping Children and Young People Safe*, August 2006, pp 2 - 7

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- A child or young person discloses that he or she has suffered or is suffering non-accidental physical injury or sexual abuse
- Someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- Your own observations of the child or young person's physical condition or behaviours lead you to reasonably suspect that the child or young person has suffered or is suffering non-accidental physical injury or sexual abuse.

The Mandated Reporter is not required to prove that abuse has occurred.

**Young Person** is a person who is 12 years or older but not yet an adult.

### Procedures

1. Each school should have a policy on how mandatory reports will be made and who will make reports.
2. Reports by Mandated Persons should be made to Care and Protection Services 1300 556 728. Other persons call 1300 556 729.
3. If there is a life threatening situation you should ring 000 immediately.
4. When making a report you should discuss with Care and Protection Services about informing parents that a report has been made. If Care and Protection Services advise not to inform parents you **must not** inform them that a report has been made.
5. Care and Protection Services will involve the Sexual Assault and Child Abuse Team of the Australian Federal Police if criminal offences appear to have been committed.
6. When making a report have available all relevant information that is available about the child or young person's situation and family structure. This includes his or her full name, age, parents' names, names of known siblings and contact details.
7. When making a report, you will be asked about:
  - the nature of the abuse or neglect;
  - when the abuse or neglect is said to have occurred;
  - details about how and when you became aware of the information;
  - names of others who may have witnessed the abuse/neglect;
  - details of any disclosure made to you or others;
  - description of any injuries seen;
  - description of the behaviour of the child/ren or young person(s);
  - attitude of the carers of the child or young person to the injury / incident;
  - known supports to the child, young person and family.

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8. If the report concerns the conduct or negligence of an employee of the Catholic Education Office, the Director of Catholic Education must be informed as soon as possible of the circumstances leading to the report being made.
9. After any report is made the Director of Education must be informed of the report using the *Form for Notification of A Mandatory Report to Care and Protection Services*. The child or young person's identification details need not be recorded on the form.
10. When a Care and Protection Services Officer or a Police Officer attends school to interview a student in relation to a child protection matter the Principal must:
  - 10.1 sight the identification details of the officer;
  - 10.2 arrange for the interview to take place discreetly and to ensure that the student's privacy is respected;
  - 10.3 ensure that the officer is aware of the cultural background of the student and any other relevant information about the intellectual / developmental level of the student and any difficulties he or she may have with communication;
  - 10.4 ensure that the officer has been given the opportunity to explain his or her role to the student in the presence of the Principal or the Principal's delegate;
  - 10.5 ensure that the student has agreed to be involved in the interview;
  - 10.6 ensure that a supportive adult, acceptable to the student, is present for the interview (unless the student does not wish a support person to be present);
  - 10.7 explain the role of the support person to the student and assure the student that the support person will be available after the interview for ongoing support;
  - 10.8 provide post-interview support/follow up for the student as required;
  - 10.9 check that officers have undertaken to advise the student's parents that an interview has taken place.
11. When a Care and Protection Services Officer or Police Officer attends school to remove a student from school the Principal must:
  - 11.1 sight the identification details of the officer;
  - 11.2 check with the officer's supervisor that authorisation has been granted to remove the student;
  - 11.3 check that the officer has or will inform the parent / guardian that the action has taken place;
  - 11.4 inform the Director of Education that the student has been removed;
  - 11.5 make a written record of the actions taken.

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12. When Care and Protection Services or Police request to interview a staff member(s) the Principal should not reveal the name of relevant staff members without their consent. Staff members may decline to be interviewed.
13. The Director of Catholic Education must approve any request by Care and Protection Services to access school records.

### References

Children and Young Act 1999 (ACT)

[http://www.austlii.edu.au/au/legis/act/consol\\_act/caypa1999242/](http://www.austlii.edu.au/au/legis/act/consol_act/caypa1999242/)

*Reporting Child Abuse: Keeping Children and Young People Safe*

<http://www.dhcs.act.gov.au/ocyfs/publications/keeping%20childweb.pdf>

### Forms

*Form for Notification of Mandatory Report to Care and Protection Services*

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| Approved by:             | CEO Heads of Division  |
| Issuing Group:           | Human Resources Division   |
| Implementation Date:     | September 2006   |
| Supersedes Policy Dated: | 1 January 2005   |
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| CEO Contact Officer:     | Principal Human Resources Officer: Child Protection & Legal Issues |