

Mandatory Reporting of Child Harm and Exploitation

Policy Statement

CatholicCare NT (CCNT) is committed to the protection of children and young people from all forms of harm. The Care and Protection of Children Act 2007 requires every adult in the Northern Territory to report, either to Territory Families or the Police, if they believe on reasonable grounds that a child has been or is likely to suffer harm, neglect, or exploitation, or be a victim of a sexual offence.

CCNT programs are funded to provide support services to individuals and families. A number of these programs specifically focus on building employment capacity, financial wellbeing, counselling, parenting skills, and support for children and young people, either separately or in conjunction with their families.

All staff are expected to be aware of and follow this Policy and Procedure as required.


This Policy aims to:

- ensure staff are aware of their mandatory reporting responsibilities under the Northern Territory Care and Protection of Children Act 2007
- provide guidance to staff on mandatory reporting and CCNT procedures to be taken when reporting child harm and exploitation
- protect children from harm and exploitation
- prevent child harm or exploitation from re-occurring

The Mandatory Reporting of Child Harm and Exploitation Policy and Procedure has been endorsed by;

The Executive Management Team of **CatholicCare NT**

Represented by:

Signed: 
Name: Jayne Lloyd
Position: Director
Date: August 2020

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 1 of 8

The Care and Protection of Children Act mandates that all sexually active children under 14 years must be reported to the Territory Families Central Intake Team (CIT). There are also specific mandatory reporting requirements relating to people aged 14 to 15 years, and those aged 16 to 17 years.

Definitions of Abuse that may be referenced in this policy and procedure:

Adult is a person at least 18 years of age.

Child is:

- (a) a person less than 18 years of age; or
- (b) a person appearing less than 18 years of age, if the person's age cannot be proven.

Child harm is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- physical, psychological or emotional abuse or neglect;
- sexual abuse or exploitation;
- a single act, omission or circumstance; and
- a series or combination of acts, omissions or circumstances.

Exploitation of a child includes sexual and any other forms of mistreatment or manipulation of the child. It can involve a child as a participant or spectator in an act of a sexual nature, prostitution and/or a pornographic performance.

Physical harm: occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking and excessive or physically harmful over-training. It also includes giving children harmful substances, such as alcohol, other drugs, or poison. Certain types of punishment, whilst not causing injury, can also be considered physical abuse if they place a child at risk of being hurt.

Sexual harm: happens when any sexual activity involves a child, or sexual threats are made to a child. It can include encouraging a child or young person to participate in, watch or hear something sexually explicit such as pornography. It is abuse of power in a relationship between the child and the other person and is a betrayal of the child's trust.

Emotional harm: happens when the behaviour or attitude of a parent or caregiver towards a child negatively affects (or could affect) the child's social, emotional or developmental growth. It includes failure to provide for the child's:

- emotional needs for nurturing and security
- developmental needs for stimulation and interaction with other people and their environment

Other examples might include constant criticism, scapegoating, terrorising, isolating, rejecting, corrupting them, belittling, manipulative behaviours, excessive teasing,

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 2 of 8

ignoring a child, punishing normal social behaviours, withholding praise and affection and exposure to domestic, family or sexual violence.

Neglect: is the persistent failure or deliberate refusal to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, supervision, clean water, or medical attention to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.

Cumulative Harm: refers to the effects of patterns or circumstances and events in a child's life which diminish a child's sense of safety, stability and wellbeing. Cumulative harm is the existence of compounded experiences of multiple episodes of abuse or 'layers' of neglect.

Exposing a child to violence: involves a child when living in a home where domestic, family, or sexual violence is happening.

Reasonable grounds: is a belief that child harm has occurred when all known considerations or relevant facts are taken into account and objectively assessed. A person does not require proof. Reasonable grounds can be based on:

- your own observations and knowledge
- a child telling you they have been harmed
- another person telling you a child has been harmed

For more detailed definitions refer to the Care and Protection of Children Act 2007 (link is available on the last page of this document).

Roles and Responsibilities

1. Director/Executive:

The Director/Executive will ensure all CCNT staff comply with this Policy and Procedure.

2. Managers, Lead Practitioners and Team Leaders

Managers, Lead Practitioners and Team Leaders will:

- (a) ensure all relevant staff within their area of responsibility undertake training in the prevention and detection of child harm and exploitation.
- (b) ensure their staff are aware of relevant legislation, laws, policies and procedures for ensuring children are safe and protected from harm and exploitation.
- (c) ensure their staff are aware of their responsibility to report suspected harm and exploitation of children in accordance with mandatory reporting requirements under Section 26 of the Care and Protection of Children Act 2007.
- (d) ensure their staff are aware of their obligation to behave in accordance with the CCNT Code of Conduct.

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 3 of 8

- (e) ensure their staff complete their Safeguarding Children Training, and that staff are aware of and how to access, where relevant, the Safeguarding Children statements on the intranet.
- (f) support their staff to identify, assess the risk, discuss with their supervisor and report any suspected harm or exploitation.
- (g) if required, support their staff after making a report/notification.

3. **Staff**

All staff are responsible for:

- (a) promoting child safety at all times.
- (b) providing an environment that is supportive of all children’s emotional, psychological, physical and social safety.
- (c) sharing information and responsibility in order to detect and prevent child harm and exploitation.
- (d) being familiar with the different types of harm and exploitation.
- (e) being alert for any indications of harm and exploitation.
- (f) familiarising themselves with the relevant legislation, CCNT’s Policies and Procedures, Code of Conduct, Safeguarding Children requirements or any additional information associated with the prevention of child harm and exploitation.
- (g) reporting to their supervisor any suspicion that a child’s safety may be at risk.
- (h) report any concerns with breaches of policies or of the behaviour or practices of personnel.
- (i) reporting any reasonable belief that a child is at risk of harm and exploitation to Territory Families or Police (as per mandatory reporting requirements).

Procedure:

If a child discloses

A child or young person may choose to tell you they have been harmed or exploited, or it may be revealed accidentally.

If this happens, it is important to give them your full attention – without causing them to feel scared, or to believe that they have done something wrong.

A child’s right is to be listened to, protected and supported. Staff will promote equity and diversity will be respected. It is the right of the child and their family to have their concerns resolved.

You can help by:

- Listening to them: be calm, patient and listen supportively – let them use their own words and don’t interrupt them. Respond sensitively and don’t judge.
- Reassuring them: help them feel safe to talk. Reassure them the abuse is not their fault.

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 4 of 8

- Respecting them: respect the fact the child or young person may only tell you some details. Acknowledge their bravery and strength. Do not make promises you can't keep. Do not ask lots of questions – leave the investigation and fact finding to Territory Families or the Police.
- Tell them that you will need to talk to someone whose job it is to keep them safe.

Making a report

When to report

- you **must** make a report to Territory Families or Police as soon as possible after forming a belief that a child has suffered or is at risk of harm or exploitation
- failure to do so may constitute an offence under section 26 of the Care and Protection of Children Act 2007
- for advice and guidance, talk with your supervisor, however under the law it is your responsibility to make a report if you believe a child is being harmed or is at risk of harm
- you can also call the 24-hour Child Protection Hotline on 1800 700 250 to discuss your concerns

What to report

- disclosure by a child
- allegations by a third party
- observations of physical or behavioural indicators, such as injuries or fear

How to report

Make a report by contacting the 24-hour Territory Families Child Protection Hotline 1800 700 250. Where a child's safety is at immediate risk, call NT Police on Triple Zero (000) or 131 444. Ask for a PROMIS number if you make a report to Police.

The Child Protection Hotline will ask you:

- the child's name, age, address and present location
- the nature of the suspected abuse or neglect
- what has been heard or observed
- information about any immediate danger to the child
- any other information that may help, e.g. whether any other agencies are involved with the family

CCNT requires you to do the following when making a report:

1. Complete and upload the CCNT Child Protection Reporting Form (ORG/SP/F037) to the child/family file in CSnet®. This form will:
 - assist you in preparing to make a report to Territory Families
 - provide a comprehensive record of your concerns about the child
 - assist you in planning any follow-up support for the family
2. Under actions/themes, note that a mandatory report was made and that details have been uploaded.

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 5 of 8

3. Complete the mandatory reporting process in the activity in CSnet®. This information is for internal reporting processes for the Executive, and is a requirement of our Safeguarding Children accreditation.

Protection of notifiers

People making a report to Territory Families can do so anonymously, however CCNT requires all staff members to identify themselves, their role and the organisation when making a work-related report so that Territory Families can:

- a) re-contact you for further information
- b) advise you of the status of the case
- c) possibly include CCNT in a support plan for the child, if appropriate

As a notifier, your identity is protected by law and will not be provided to the family.

Concerns/Allegations involving a Staff Member

Where the allegation is of abuse involving a child or young person, interviews with that child or young person and the staff member who is subject to the allegations will not be conducted by CCNT. Allegations must be reported to, Lead Practitioner, Team Leader, Manager or General Manager and subsequently passed on to the Intake Number for notifications of child abuse 1800 700 250 as well as reported to the Australian Childhood Foundation (ACF) within 28 days by completing and submitting the Child Abuse Incident – ACF Report Form (ORG/SP/F068). The subject staff member may be relocated or asked to step down until the outcome of an investigation (Refer to Section Safety of Parties). The staff member will have a right to a fair process for their concerns/allegations to be carried out. Decisions by Management will depend on the outcome of an organisational decision or investigation and could include but not be limited to:

- conducting an internal investigation
- dismissal of allegations
- disciplinary action with potential for dismissal of staff member

Safety of Parties

Where Management deems it is in the interests of protection for either a participant, staff member or the staff member suspected of misconduct, that immediate separation action is taken, the Manager must advise the Director.

The Director will have approval responsibility to relocate or ask a staff member to step aside from their duties pending an investigation.

Direction for relocation or stepping aside will be put to the staff member concerned in writing, counter-signed by the Director. The written document will advise the staff member of the reason(s) for the relocation and of the processes of any investigation procedure. The written document will also reference employment conditions during the period of relocation.

Staff who are relocated or asked to step aside from primary duties pending investigation, will remain on full pay and employment conditions during the period of investigation.

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 6 of 8

The General Manager has responsibility for advising all staff members involved in the alleged misconduct, particularly the staff member alleged of the misconduct, of the external support options available to them.

1. If a staff member is alleged to have caused harm (as per this Policy & Procedure) to a child who is receiving CCNT services or connected to the delivery of services, or if staff become aware of any concerning behaviour of another staff member, they are to initially report their concerns/allegations to their Lead Practitioner, Team Leader or Manager. Failure to report is viewed by CCNT as serious misconduct and grounds for disciplinary action which may include dismissal. Further legal implications may also apply.
2. The notification procedure and management of the matter is the same as above.
3. The Director must be notified of any concerns and/or decisions to report these concerns. Decisions regarding interim arrangements will be made or delegated by the Director in conjunction with Territory Families/Police as required.
4. The Director has responsibility under the Safeguarding Children standards to ensure that the Australian Childhood Foundation (ACF) be notified within 28 days of any concerns/allegations involving a staff member and this process will be managed by the Director/Executive.
5. Staff are able to access the Employee Assistance Program (EAP) (ORG/HR/P040) for support and/or counselling following an allegation of report. Please see Policy/Procedure: Employee Assistance Program (EAP) (ORG/HR/P040) for further information.

Monitoring and Review

CCNT requires staff members to also inform their Manager, who will advise senior management of any reports made to authorities. This will enable the organisation to best provide support to the child or young person, their family and personnel, where appropriate.

All critical incidents will be verbally reported to ACF within 24 hours. All instances, allegations, disclosures or reasonable concerns of abuse or neglect of a child or young person arising from an action by an employee or volunteer within our organisation will be investigated and will be the subject of a critical incident review. This will also be reported to the Australian Childhood Foundation within 28 days, in accordance with the requirements of the Safeguarding Children Program, by the General Manager Quality Systems.

This document will be reviewed at least every 3 years, in consultation with stakeholders. Some circumstances may trigger an early review. This includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the Director. CCNT retains evidence that each review has been undertaken. Such evidence may include minutes of meetings and documentation of changes to policies and procedures that result from a review and in accordance with the Policy/Procedure: Document Control (ORG/QA/P006).

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 7 of 8

References

Associated Documents

This document should be read in conjunction with these forms and procedures:

- CCNT Policy/Procedure: Allegations of Misconduct (ORG/HR/P017)
- CCNT Policy/Procedure: Duty of Care (ORG/SP/P003)
- CCNT Policy/Procedure: Safeguarding Children and Young People Policy (ORG/SP/P030)
- CCNT Policy/Procedure: Employee Assistance Program (EAP) (ORG/HR/P040)
- CCNT Organisation Form: Child Protection Reporting Form (ORG/SP/F037)
- CCNT Organisation Form: Participant Risk Alert Sheet (ORG/SP/F006)
- CCNT CSnet Helpful Hints: Mandatory Reporting Process
- CCNT Policy/Procedure: Document Control (ORG/QA/P006)
- CCNT Guideline: Code of Conduct (ORG/HR/G001)
- CCNT Policy/Procedure: Incident Management (ORG/CLG/P003)
- CCNT Policy/Procedure: Critical Incident (ORG/WHS/P024)

Links

NT Care and Protection of Children Act 2012 (2007)

<https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT>

Information Act 2006

<https://legislation.nt.gov.au/en/Legislation/INFORMATION-ACT>

Disability Services Act 2004

<https://legislation.nt.gov.au/Legislation/DISABILITY-SERVICES-ACT>

Criminal Code Act 2006

<https://legislation.nt.gov.au/Legislation/CRIMINAL-CODE-ACT>

Family Law Act 1975

<https://www.legislation.gov.au/Details/C2016C01106>

Under Age Sexual Activity PHC Remote Guideline

http://remotehealthatlas.nt.gov.au/under_age_sexual_activity.pdf

Information regarding current practises and guidelines can be found at:

Territory Families

<https://territoryfamilies.nt.gov.au/>

NT Government

<https://nt.gov.au/law/crime/domestic-and-family-violence>

Organisation Policy: Mandatory Reporting of Child Harm and Exploitation	Date of Issue: December 2006	CatholicCare NT
ORG/SP/P007 V8.0	Date Reviewed: August 2020	Page 8 of 8