

# **Department of Education and Communities**

## ***Protecting and supporting children and young people procedures***

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## Contents

1. Introduction.....	3
Responsibilities of staff .....	3
2. What do I do if I have child protection concerns?.....	7
Concerns about young people.....	8
3. What must be reported to Community Services? .....	9
4. How is a report made to Community Services? .....	11
Will my identity be protected when making a report?.....	12
5. What happens when a report is made to the Child Protection Helpline? .....	13
6. What happens when Community Services screens in a report? .....	15
7. What if Community Services screens out the report? .....	17
8. After the report is made to Community Services .....	18
9. When is the Child Wellbeing Unit contacted? .....	19
10. What if further information becomes known after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit? .....	20
11. What happens when the Child Wellbeing Unit is contacted?.....	21
12. What documentation is required after contact with the Child Wellbeing Unit?.....	22
13. What if contact with the Child Wellbeing Unit is unsatisfactory? .....	23
14. What follow up is needed after making a report to the Child Protection Helpline or contacting the Child Wellbeing Unit? .....	24
15. Talking to children, young people and families about child protection concerns .....	25
16. What if a family does not want support? .....	27
17. Cooperation and collaboration with Community Services .....	28
18. Working with other agencies .....	29
19. Exchange of information .....	31
20. Responding to concerns in specific or unique circumstances .....	33
Concerns about risk of harm that relate to the actions of a staff member .....	33
Concerns that relate to children or young people not enrolled in your educational setting .....	33
Concerns that relate to a child or young person who is taking courses in a range of locations concurrently.....	33
Concerns about a student who moves.....	34
Concerns about children before or after their birth .....	35
Concerns about children and young people in out of home care.....	36
Missing children and young people .....	36
Concerns where staff become aware of a matter that might warrant a notification to the Child Protection Helpline or the Child Wellbeing Unit in the course of providing advice about a matter that has been referred to them for action. ....	38
21. Glossary .....	39
22. Appendix 1.....	43
23. FORM A .....	48

## 1. Introduction

The NSW Government plan [Keep Them Safe: A Shared Approach to Child Wellbeing](#) ‘recognises that caring and supporting children is first and foremost the responsibility of parents, families and communities. When Government support becomes necessary child protection is not the sole responsibility of Community Services but a collective responsibility’.

The directions that *Keep Them Safe: A Shared Approach to Child Wellbeing* sets for child protection include:

- **Fewer children and young people are reported to Community Services**

Community Services is the agency with the authority and mandate to respond to risks of significant harm and where a statutory response is required. Statutory intervention is focused only on those children and young people who require it to protect them from significant harm. Child Wellbeing Units have been established in key government departments to support this change.

- **More families are supported at the local level, in a coordinated approach, by government and nongovernment agencies**

Agencies which provide services to children, young people and their families, or whose staff come into contact with children and young people in the course of their work, have a particular role to play in identifying safety, welfare and wellbeing concerns early on and in working together to provide effective care and protection before problems escalate. Agencies are required by legislation to take reasonable steps to coordinate decision-making and the delivery of services regarding children and young people.

- **Stronger partnerships exist between government agencies and with nongovernment organisations**

The [Child Wellbeing and Child Protection – NSW Interagency Guidelines](#) provide the framework for a coordinated and comprehensive response to child protection and wellbeing and sets out, in practical terms, the ways that agencies should collaborate in their work with children and young people.

### **Responsibilities of staff**

These procedures set out the actions necessary for compliance with the [Protecting and Supporting Children and Young People Policy](#).

All staff have a duty to recognise safety, welfare or wellbeing concerns for children and young people that arise from or during the course of their work. It is the responsibility of principals, workplace managers, TAFE and AMES counsellors to report suspected risk of significant harm to Community Services and help ensure early support and assistance are offered and implemented for children and young people and their families in need of assistance outside of the statutory system.

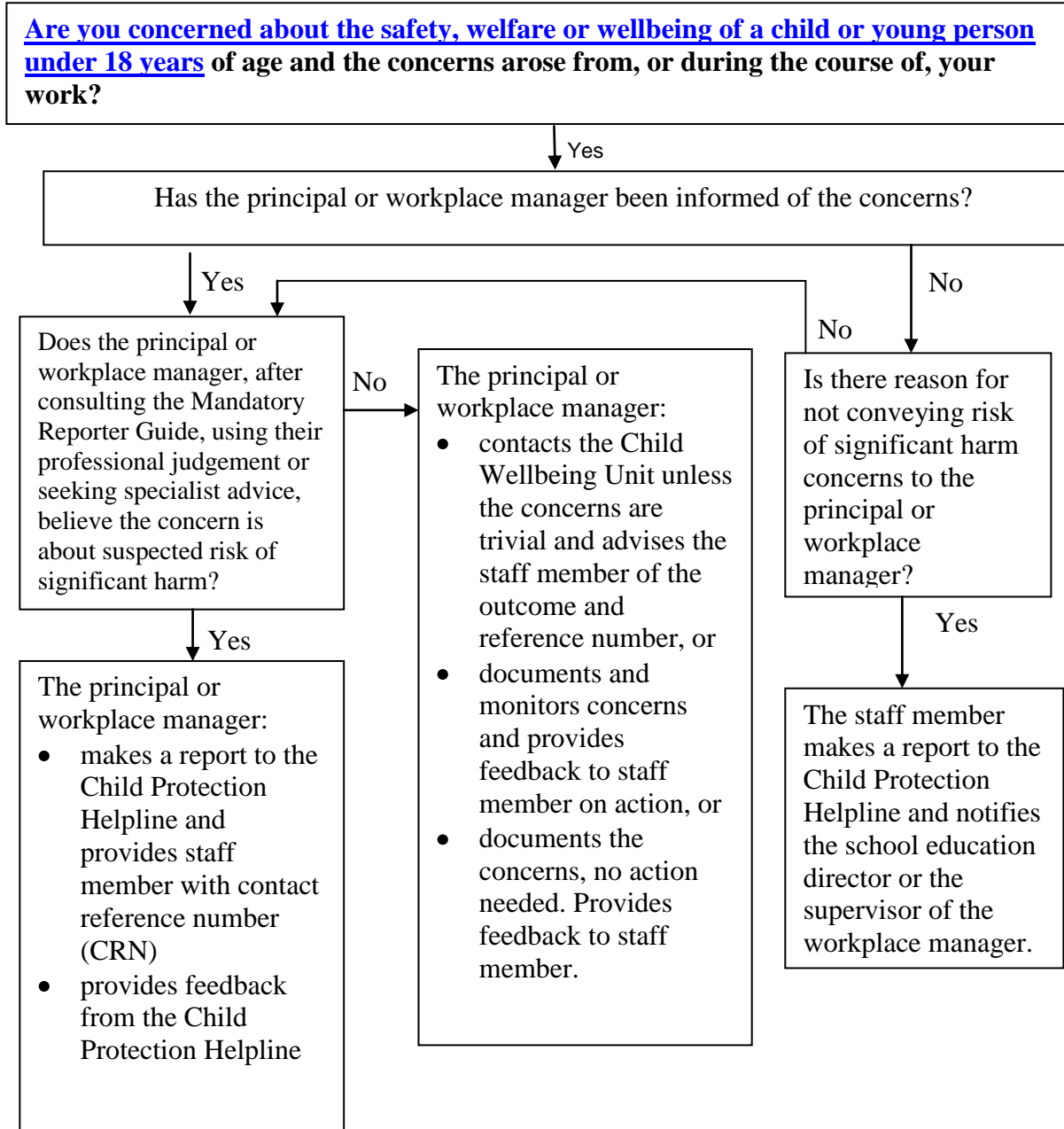
Principals, workplace managers, TAFE and AMES counsellors must report to Community Services when there are current concerns about the safety, welfare or wellbeing of children and young people that constitute suspected risk of significant harm.

All staff, other than TAFE or AMES counsellors, must inform their principal or workplace manager (executive officer in AMES) when they have reasonable grounds to suspect any risk of harm to a child or young person that arises from or during the course of their work.

The following flowcharts provide an overview of the step-by-step process for all staff to respond to concerns about the safety, welfare or wellbeing of children or young people.

## Protecting and supporting children and young people procedures - Flowchart for staff members

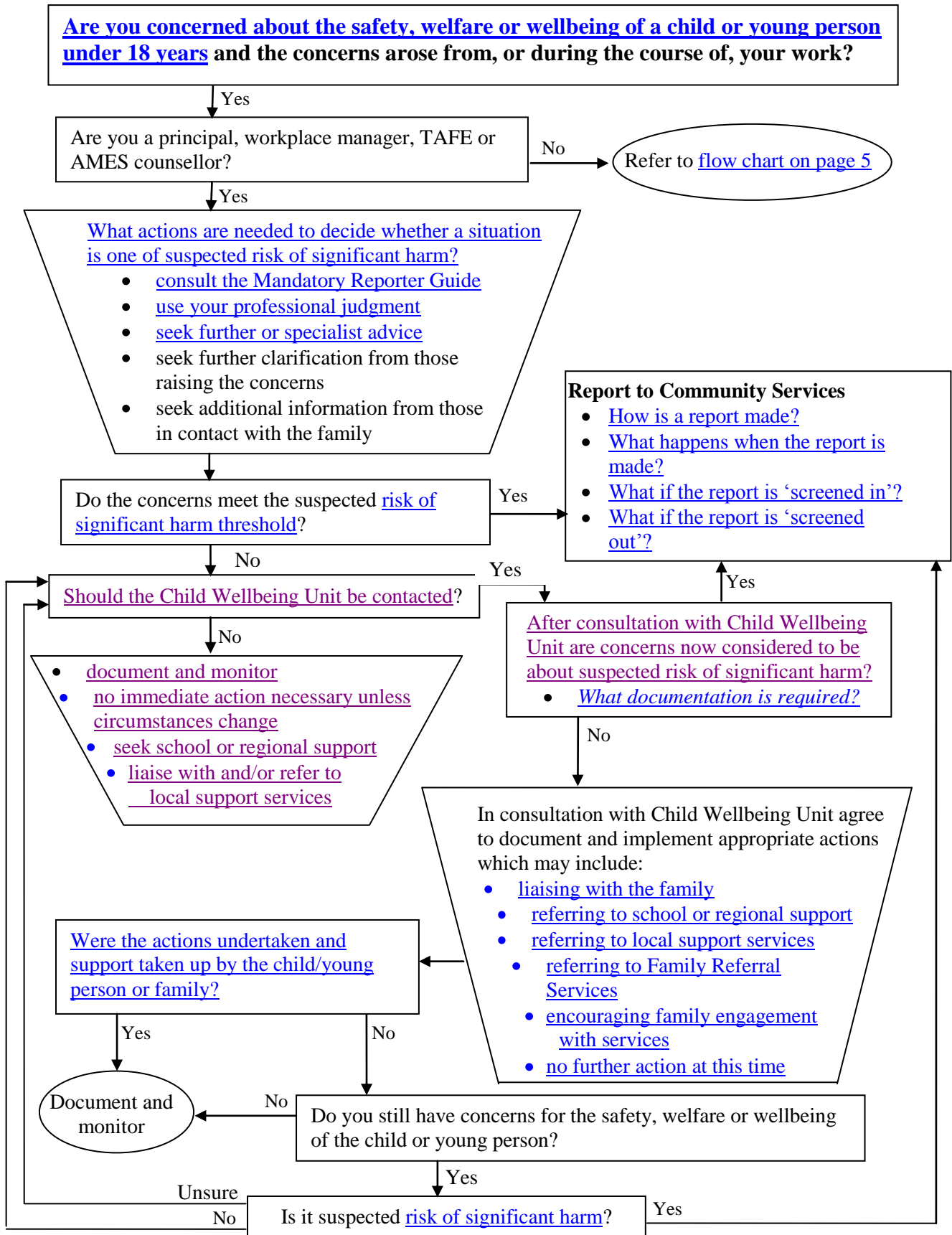
**For use by all staff, other than principals, workplace managers, TAFE counsellors or AMES counsellors**



**Note:** If a staff member has reasonable doubt that the report about suspected risk of significant harm has been made within the required reporting time to the Child Protection Helpline, the staff member then makes the report to the Child Protection Helpline and notifies the school education director or supervisor of the workplace manager.

# Protecting and supporting children and young people procedures - Flowchart

For use by principals, workplace managers, TAFE and AMES counsellors



## 2. What do I do if I have child protection concerns?

- All staff, other than principals, workplace managers, TAFE and AMES counsellors, must inform their principal or workplace manager when, in the course of or from their professional work, they have reasonable grounds to suspect any risk of harm to a child or young person. School counsellors, home school liaison officers and Aboriginal school liaison officers also inform the principal in this situation. The staff member should provide relevant information to assist the principal or workplace manager in decision making.
- Principals, workplace managers, TAFE and AMES counsellors should use the [Mandatory Reporter Guide](#), professional judgment and/or seek advice to assist them in decision making about whether a situation is one of suspected risk of significant harm. Except in cases where suspected risk of significant harm is clear, it is recommended and reporters are encouraged to use the Mandatory Reporter Guide.
- The principal or workplace manager may find it helpful to seek further advice from or involve other staff members, if appropriate, when considering what action is to be undertaken. The staff member who raised the concerns with the principal or workplace manager, as well as staff with relevant roles, may have helpful information to clarify concerns.
- In some situations where concerns have arisen during a conversation with a parent/carer or community member, it may be appropriate to ask clarifying questions during the conversation or later, to assist in making decisions or in using the Mandatory Reporter Guide. Clarification is separate from investigation and should be undertaken with open ended questions (for example: “What happened then?”, ‘tell me about that’, ‘what do you mean by...?’) to establish enough information about the concerns to determine an appropriate course of action. The [Child Wellbeing Unit](#) (intranet only) can be contacted on (02) 9269 9400 for further advice on obtaining information about safety, welfare or wellbeing concerns. Investigating concerns that have been identified as meeting the threshold for suspected risk of significant harm is the responsibility of Community Services and the NSW Police Force.
- Principals, workplace managers, TAFE and AMES counsellors can seek advice from the Child Wellbeing Unit about what actions to take in relation to safety, welfare or wellbeing concerns for a child or young person.
- Principals, workplace managers and delegated staff members can seek information relating to safety, welfare or wellbeing concerns for children and young people from local agencies that have contact with the child, young person or family pursuant to Chapter 16A of the [Children and Young Persons \(Care and Protection\) Act 1998](#). See also Section 19 [Exchange of Information](#).
- Principals and workplace managers should provide feedback to the staff member who drew the concerns to their attention (and any other member of staff as deemed

appropriate by the principal or workplace manager) about whether the matter was reported to the Child Protection Helpline or the Child Wellbeing Unit.

### **Concerns about young people**

The [Children and Young Persons \(Care and Protection\) Act 1998](#) does not make it mandatory to report suspected risk of significant harm to young people aged 16 or 17 to Community Services. However, under the Department's *Protecting and Supporting Children and Young People Policy* all staff have a responsibility to report risk of harm concerns about young people.

Where a staff member has concerns that arise in the course of or from his or her professional work about the safety, welfare or wellbeing of a young person aged 16 or 17 they should discuss their concerns, where possible with the young person's agreement, with the principal or workplace manager.

Where there are concerns that a young person aged 16 or 17 is at suspected risk of significant harm a report must be made to the Child Protection Helpline by the principal, workplace manager, TAFE or AMES counsellor.

Where a staff member has concerns about the safety, welfare or wellbeing of a young person that do not meet the threshold of significant harm but are not trivial, the [Child Wellbeing Unit](#) (intranet only) must be contacted by the principal, workplace manager, TAFE or AMES counsellor.

It is appropriate to treat concerns about young people differently from risks related to children. Where risk factors in young people's lives are balanced by protective factors such as a stable place to live, support from parents or other adults, strong peer networks or participation in a counselling program, risks are usually reduced. Risks may increase if the protective factors change. Consideration should also be given to vulnerabilities of the young person having regard to their maturity, developmental level and any relevant cultural issues of the student.



### 3. What must be reported to Community Services?

Interventions by the statutory child protection system can be intrusive and have an impact on families. The decision about whether or not intervention is needed should not be made lightly. It requires a considered approach based on quality information.

The Child Protection Helpline **must** be contacted when:

- there are current concerns about suspected risk of significant harm and/or
- the Mandatory Reporter Guide indicates this should be done.

All staff, when they have reasonable grounds to suspect that a child or young person is at risk of harm, and those grounds arise during the course of or from the person's work, must inform their principal or workplace manager. The staff member should provide relevant information to assist the principal or workplace manager to determine if there is suspected risk of significant harm and a report to the Child Protection Helpline is required.

Principals, workplace managers, TAFE and AMES counsellors must report concerns about suspected risk of significant harm directly to the Child Protection Helpline.

A child or young person is "at risk of significant harm" if current concerns exist for the safety, welfare and wellbeing of the child or young person because of the presence, to a significant extent, of one or more of the following circumstances:

- (a) the child's or the young person's basic physical or psychological needs are not being met or are at risk of not being met;
- (b) the parent or other carers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
  - (b1) 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;
- (c) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- (d) 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;
- (e) the parent or other carer 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;
- (f) the child was the subject of a pre-natal report under Section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

**Note:** Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

Reference: Section 23 [Children and Young Persons \(Care and Protection\) Act 1998](#)

Concerns about suspected risk of significant harm are sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent. What is 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 wellbeing, or in the case of an unborn child, after the child's birth. The significance can result from a single act or omission or an accumulation of these.

Reference: [NSW Government Premier and Cabinet Keep Them Safe significant harm policy definition](#)

To assist to determine whether safety, welfare or wellbeing concerns meet the threshold for suspected risk of significant harm, principals, workplace managers, TAFE and AMES counsellors can:

- use the Mandatory Reporter Guide
- use their professional judgement
- consult the Child Wellbeing Unit
- seek other specialist advice.

The [Mandatory Reporter Guide](#) has been developed to assist staff in deciding about the nature and seriousness of concerns they may have about the safety, welfare or wellbeing of a child or young person. The Mandatory Reporter Guide does not replace but assists the exercise of professional judgment by principals, workplace managers, TAFE and AMES counsellors. The outcome of the Guide does not prohibit principals, workplace managers, TAFE or AMES counsellors from making a report to Community Services if they feel this is required.

Relevant additional information obtained in relation to a child or young person who has been reported to Community Services should be provided to Community Services without delay. Refer to [section 10, What if further information becomes known after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit?](#)

[Appendix 1 "Indicators of Abuse and Neglect"](#) sets out some information that might be helpful in identifying abuse or neglect of children or young people.

## 4. How is a report made to Community Services?

### Before making a report

Organising information can be very helpful in clarifying concerns and ensuring that important details are not omitted. In most cases a report does not need to be made in haste and good preparation of a report can result in a more effective and timely response from Community Services.

The information gathered from relevant sources should be utilised in order to reach a decision about reporting to Community Services. If a staff member raised the concerns it is important that he or she is involved.

At a minimum, the following should be considered and recorded:

- identifying information for the child or young person (as set out at the top of [Form A](#))
- the nature of the suspected risk of significant harm concerns (this may be the decision tree used from the [Mandatory Reporter Guide](#))
- the critical pieces of information that informed the decision to report, or informed answers to questions in the Mandatory Reporter Guide
- the wishes of the child or young person about the matter, if relevant
- an indication about whether the young person has given permission for the report to be made, if the report relates to homelessness of a young person.

**Note:** Where there are urgent concerns for a child or young person's health or safety, then it is important to immediately contact the police using the emergency line '000'. Suspected imminent risk of significant harm concerns need to be reported to the Child Protection Helpline immediately by telephone. **Concerns identified as suspected risk of significant harm must be reported to the Helpline within 24 hours of becoming known.**

### Making the report

- The responsibility for making a report cannot be delegated. When the principal or workplace manager is absent or uncontactable, the next most senior position at the school or workplace has responsibility for reporting. In such circumstances, the principal or workplace manager must be informed that the report has been made.
- The principal or workplace manager, TAFE or AMES counsellor contacts the Child Protection Helpline by:
  - telephoning 133 627;
  - using the [Risk of significant harm fax form](#); or
  - using [eReporting](#) (intranet only).
- **Faxes and eReports must not be used when:**
  - the outcome of the Mandatory Reporter Guide is "Immediate report to Community Services"; or
  - where the Mandatory Reporter Guide has not been applied but there is suspected to be a high risk of significant harm or imminent risk or significant safety concerns.

- Where possible, the staff member should be available to assist in answering questions when the report is made to the Child Protection Helpline by the principal or workplace manager.
- Record the recommended decision of the Helpline case worker about action to be taken, if known, and the contact reference number.
- The principal, workplace manager, TAFE or AMES counsellor must complete their details and sign the record of the report.
- If the Mandatory Reporter Guide was used attach a copy of the final decision report to *Form A* or other record of the report.
- Further guidance on how to make a child protection report is available from the [Child Wellbeing and Child Protection NSW Interagency Guidelines](#).

### **Will my identity be protected when making a report?**

Generally any person who makes a report in good faith to Community Services, or to a person who has the power or responsibility to protect the child or young person, is afforded protection by law as set out in [Section 29](#) of the *Children and Young Persons (Care and Protection) Act, 1998*.

The reporter's identity must be kept confidential unless the person who made the report has given consent for their identity to be disclosed. However, disclosure of a reporter's details to a law enforcement agency is allowed if their identity is needed in connection with the investigation of a serious offence alleged to have been committed against a child or young person. The request must come from a senior law enforcement officer and the reporter must be informed that their identity is to be released, unless doing so will jeopardise the investigation.

The department will provide support to assist any staff member who is concerned about his or her safety as a result of making a report. Further advice is available from Safety and Security Directorate and Legal Services Directorate in relation to these matters. Confidential counselling is also available through the Employee Assistance Program which can be contacted on 1300 762 989.

Refer to Guidelines for Schools and TAFE NSW Colleges and Campuses: Management of Serious Incidents OHS Update as at March 2004, [Legal Issues Bulletin no 31 – Unauthorised Entry onto Departmental Premises](#) (intranet only) and [Legal Issues Bulletin no 44 Apprehended Violence Orders](#) (intranet only).

## 5. What happens when a report is made to the Child Protection Helpline?

When a report is received by the Child Protection Helpline, case workers are required by law to make an assessment and determination about whether the child is actually at risk of significant harm. The information provided in a report will inform what further action is needed. Other considerations include the child or family history held by Community Services.

The Child Protection Helpline caseworker will seek to verify that the concerns that the principal, workplace manager, TAFE or AMES counsellor is reporting meet the threshold for risk of significant harm. The caseworker will ask a number of questions, which may include whether they have applied the [Mandatory Reporter Guide](#) or have spoken to the [Child Wellbeing Unit](#) (intranet only) prior to contacting the Child Protection Helpline.

At the Child Protection Helpline, caseworkers apply additional specialised structured decision making tools, to determine whether a matter is above or below the threshold of risk of significant harm, if a statutory response is required by Community Services, and its priority.

Information provided by the reporter will be recorded by the Child Protection Helpline caseworker on the Community Services' electronic database, KiDS (Key Information Directory System).

The Child Protection Helpline caseworker will provide the principal, workplace manager, TAFE or AMES counsellor with a Contact Reference Number (CRN).

The Child Protection Helpline will also provide feedback about whether the report has met the threshold of risk of significant harm, (i.e. has been 'screened in') and if so, to which Community Service Centre or Joint Investigation Response Team the report has been transferred. While this feedback may occur during the telephone contact with the Child Protection Helpline, it is generally supplied later in writing by email. If the Child Protection Helpline determines that the report does not meet the threshold for risk of significant harm, (i.e. has been 'screened out') case workers should provide the principal, workplace manager, TAFE or AMES counsellor with that feedback within 24 hours of the report.

If the staff member who has reported the concern to the principal or workplace manager was not present when the report was made, the principal or workplace manager must advise the staff member that the risk of significant harm report has been made by providing them with the contact reference number (CRN) as soon as practicable. The staff member should also be informed of the feedback provided by the Child Protection Helpline

**Note:** A staff member who has raised concerns of suspected risk of significant harm should report directly to Community Services if there is any reasonable doubt that the report has been made by the principal or workplace manager. This may be if, for example, the principal does not advise the staff member that the report has been made or the principal or workplace manager declines to make the report.

If the principal or workplace manager has declined to make a report that a staff member believes meets the threshold for suspected risk of significant harm, the school education director or the supervisor of the workplace manager must be informed of this without delay, and the reasons why the report was not made by the principal or workplace manager.

## **6. What happens when Community Services screens in a report?**

When the Child Protection Helpline determines that the report meets the threshold of risk of significant harm it will then determine a time in which it is recommended that the Community Service Centre respond. This recommended response time may change at a local level.

The Child Protection Helpline will decide whether the matter meets the criteria for a referral to the Joint Referral Unit. The Joint Referral Unit will then determine whether a response by a Joint Investigation Response Team is required.

If a report is determined by the Child Protection Helpline caseworker as requiring further assessment through allocation to a community services centre, Community Services will determine what, if any, action will be taken in response to the report, which can include case management.

Community Services will appoint a case manager where a matter has been allocated for a secondary assessment which involves interviewing the child or young person and/or parents, and others as necessary. Community Services, as case manager, may also convene a case meeting or teleconference with key interagency partners if it has been determined that a child or young person is in need of care and protection following a secondary assessment.

Community Services or another agency with casework responsibility for a child or young person may seek approval from a school principal or workplace manager to collect the child or young person from school or TAFE location. This might be removal of the child or young person as part of a statutory child protection intervention. It may also be collection of the child or young person for matters related to their being in out of home care. (Refer to [Collection of students by the Department of Community Services, procedures.](#))

After a report has been made to the Child Protection Helpline, staff should continue to respond to the needs of, and fulfil any duty of care and support responsibilities for, the child or young person who was the subject of the report.

### **Interviews of children and young people in the education setting**

The principal or workplace manager should permit an interview in an education setting only where he or she has been assured by officers from Community Services, a Joint Investigation Response Team or the NSW Police Force that it is not appropriate for the child or young person to be interviewed at home. Officers from Community Services, Joint Investigation Response Team or the NSW Police Force should provide the principal or workplace manager with the reasons why it is not appropriate for the interview to take place at the home.

Parents or care givers should generally be notified and requested to attend prior to the interview taking place. However, Community Services, a Joint Investigation Response Team or the NSW Police Force may advise the principal or workplace manager that this is not appropriate. For example, this might occur where the allegations involve a family member and/or where there are significant concerns that notifying the parent or caregiver may increase the risk to the child or young person or negatively impact the investigation. In these

circumstances if the principal or workplace manager is satisfied that parental or carer contact is inappropriate the interview can proceed without contact being made.

If there is a disagreement between the principal or workplace manager and Community Services, a Joint Investigation Response Team or the NSW Police Force about whether or not parents or carers should be notified, the principal or workplace manager should contact the department's Legal Services Directorate for advice on (02) 9561 8538.

All children and young people should be given an opportunity to have a support person of their choice with them when interviewed by Community Services, officers from a Joint Investigation Response Team or the NSW Police, including when the interview is video or audio taped.

Principals and workplace managers should be aware that some students may not be comfortable having a member of staff who they identify as being in a position of authority or who they have a poor or limited relationship with, as a support person. In determining who may be the suitable support person, principals and workplace managers should have regard to the student's wishes, their age, maturity, developmental level and any relevant cultural issues of the student together with their own knowledge of the student's individual circumstances.

**Note:** It is not appropriate that another student act as a support person.

More information can be found in [Legal Issues Bulletin No 13\(51\) – Interviews of Students and Staff by Police and Officers from the Department of Community Services in Schools and TAFE NSW Institutes](#) (intranet only).

### **Escalation of concerns**

If a principal, workplace manager, TAFE or AMES counsellor has contacted the Child Protection Helpline about a concern for a child or young person who was screened in as being at risk of significant harm but the report has not been followed up by Community Services and serious concerns are held about the safety, welfare or wellbeing of the child or young person, the matter can be escalated.

When escalating a matter, the principal, workplace manager, TAFE or AMES counsellor can telephone the local community services centre and ask to speak to the manager client services.

If this contact is unsuccessful in resolving the issue, the matter must be escalated for referral to the next level of Community Services management in schools by the school education director or the regional officer responsible for student services, in TAFE by the institute director, in AMES by the AMES regional manager, and in State Training Service, by State Training centre managers.

If this further contact is unsuccessful, the matter can be brought to the attention of the regional director or institute director who should contact the regional director or director, child and family in Community Services for further assistance.



## **7. What if Community Services screens out the report?**

Principals, workplace managers, TAFE and AMES counsellors must inform the Child Wellbeing Unit of their concerns for the child or young person if the Child Protection Helpline has screened out a report that was suspected to be about risk of significant harm. This is done by contacting an assessment officer on telephone (02) 9269 9400.

The Child Wellbeing Unit assessment officer can then assist them in determining an appropriate course of action or referral to help ensure the safety, welfare or wellbeing of the child or young person involved.

The Child Wellbeing Unit can also conduct a cumulative risk appraisal for the child or young person and may also discuss the circumstances of the situation with Community Services.

## 8. After the report is made to Community Services

Well kept records are important in ensuring effective management and follow up of reports relating to suspected risk of significant harm or concerns about the safety, welfare or wellbeing of a child or young person. These records can be required or requested under various legislation.

There must be a record that a report has been made. For reports made to Community Services a copy of [Form A](#), the Mandatory Reporter Guide final decision record, the [Risk of significant harm fax form](#) or a printed copy of the eReport form may be kept as a record.

Principals, workplace managers, TAFE and AMES counsellors must file the record of the report in a secure place so that it is kept accessible to only the principal, workplace manager, TAFE or AMES counsellor or anyone relieving in these positions. It should not be placed on a school counsellor's file.

A confidential copy must be mailed, faxed or emailed to the school education director, TAFE institute director, Director of Community and Migrant Education or Commissioner for Vocational Training, as appropriate. This copy should also be retained in a secure place that is kept confidential.

Any further documentation sent or received from Community Services or other agencies in relation to follow up of the report should be attached to the record in the school or workplace. These records should be provided to any successor and retained for a minimum of 70 years after action has been completed.

A report may be exempt from production under the [Government Information \(Public Access\) Act 2009](#). More information or advice can be obtained from the department's Information Access Unit on 9561 8151.

See also [section 10 'What if further information becomes known after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit?'](#) if further information is obtained by the principal, workplace manager, TAFE or AMES counsellor after a report has been made to Community Services.

## 9. When is the Child Wellbeing Unit contacted?

Child Wellbeing Units have been established on the premise that the Child Protection Helpline should only be contacted for matters that require a statutory response. Where there are risk of harm concerns about children and young people that do not meet the threshold of suspected risk of significant harm, the Child Wellbeing Unit can provide advice and support for appropriate local responses.

The [Child Wellbeing Unit](#) (intranet only) is available to principals, workplace managers, TAFE and AMES counsellors to assist and support them in meeting their legal obligations in responding to concerns about the safety, welfare and wellbeing of children and young people.

The role of the department's Child Wellbeing Unit is to:

- advise, support and educate principals, workplace managers, TAFE and AMES counsellors to assist in determining whether their concerns about the safety, welfare or wellbeing of children and young people reach the threshold for making a mandatory report to the Child Protection Helpline, that is suspected risk of significant harm
- assist principals, workplace managers, TAFE and AMES counsellors to identify and implement appropriate local responses to support the child, young person and their family where the suspected risk of significant harm threshold is not met, but there are concerns for the safety, welfare or wellbeing of the child or young person
- work within and across agencies to better coordinate and align service systems to improve responses to child wellbeing issues.

The Child Wellbeing Unit **must** be contacted when:

- there are concerns about risk of harm that do not meet the threshold of significant harm but are not trivial,
- the [Mandatory Reporter Guide](#) indicates this should be done,
- there is an observable pattern of cumulative harm that does not meet the threshold of significant harm, and/or
- when a report has been made to the Child Protection Helpline but has been screened out as not reaching the threshold of risk of significant harm.

During the telephone conversation, the assessment officer may apply or reapply the online Mandatory Reporter Guide with the principal, workplace manager, TAFE or AMES counsellor.

There may also be times where the Child Wellbeing Unit asks the principal, workplace manager, TAFE or AMES counsellor to gather further information or clarify a situation so that they can make an informed decision about their legal obligations to help ensure the safety, welfare or wellbeing of the child or young person involved. The Child Wellbeing Unit will not ask staff to conduct investigations.

## **10. What if further information becomes known after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit?**

On occasions, further information relevant to the suspected risk of harm may come to light after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit has been made. Staff should inform their principal or workplace manager of any further information they become aware of as soon as practicable. The principal, workplace manager, TAFE or AMES counsellor must make further contact with Community Services or the Child Wellbeing Unit depending on the situation.

When further information is obtained, it is important for the principal, workplace manager, TAFE or AMES counsellor to re-examine the previous decision about whether the matter met the threshold for suspected risk of significant harm, in light of the new information. A different decision about how to respond may be reached using professional judgement, specialist advice or re-application of the [Mandatory Reporter Guide](#). If the new information combined with the prior concerns, amounts to suspected risk of significant harm, a report must be made to the Child Protection Helpline.

After further information is obtained, the combination of concerns may not constitute suspected risk of significant harm. If the principal, workplace manager, TAFE or AMES counsellor is aware that there is an open case plan for the child or young person with Community Services, a non-government agency providing out of home care, or [Brighter Futures](#) services, the new information should be provided to the local community services centre or the non-government agency that is involved. Information may also be provided to other agencies identified as 'prescribed bodies' which are involved with the child/young person and/or family under Chapter 16A of the [Children and Young Persons \(Care and Protection\) Act 1998](#). See [section 19](#) for further information about information exchange between prescribed bodies.

If further information is obtained after contact with the Child Wellbeing Unit and the combination of the new information with the previous concerns still does not meet the threshold for suspected risk of significant harm, the principal, workplace manager, TAFE or AMES counsellor must inform the Child Wellbeing Unit of the new information.

Where a staff member becomes aware of information that relates to a matter being assessed or investigated by Community Services, a Joint Investigation Response Team, or the NSW Police that information is to be provided to that agency as soon as possible by the principal, or workplace manager, TAFE or AMES counsellor. Where the staff member has reason to believe the information that relates to an assessment or investigation has not been provided by the principal or workplace manager, or will not be provided within a reasonable time, it can be provided directly by the staff member him or herself.

If serious concerns remain for the safety, welfare and wellbeing of children and young people and there is no follow up by Community Services, consideration should be given to escalating the matter. Refer to [Escalation of concerns](#).

## 11. What happens when the Child Wellbeing Unit is contacted?

When the [Child Wellbeing Unit](#) (intranet only) is contacted where there are concerns about the safety, welfare or wellbeing of a child or young person, assessment officers can provide advice on:

- use of the [Mandatory Reporter Guide](#)
- whether the child or young person has an active or open case with Community Services, is under the parental responsibility of the Minister or is part of the Brighter Futures Program
- whether other agencies may be involved with the child, young person or family
- what further action can be taken and work with the principal, workplace manager, TAFE or AMES counsellor to determine how this will occur
- potential responses and referrals within the department or other appropriate external services to assist the child, young person and/or their family.

The Child Wellbeing Unit will advise if a report must be made to the Child Protection Helpline.

When a principal, workplace manager, TAFE or AMES counsellor contacts the Child Wellbeing Unit, the details of the call will be recorded on an electronic database, WellNet, which is shared with the three other Child Wellbeing Units established by the NSW Police Force, the Department of Human Services and NSW Health. This will help ensure that families that come in contact with multiple agencies are identified and that a cumulative appraisal of risk can be conducted across agencies.

The principal, workplace manager, TAFE or AMES counsellor will be given a reference number when they contact the Child Wellbeing Unit about concerns for a child or young person. They will not be given a reference number when contact is made for advice.

## **12. What documentation is required after contact with the Child Wellbeing Unit?**

When principals, workplace managers, TAFE or AMES counsellors make contact with the Child Wellbeing Unit about the safety, welfare or wellbeing of a child or young person, a record must be kept.

This can be a record, a note (such as on the [Child Wellbeing Unit notepad](#)), (intranet only) or the decision report (where the [Mandatory Reporter Guide](#) has been used). It must include the date, name of the child or young person who is the subject of concerns, details of the concerns and the advice received from the Child Wellbeing Unit. The record must be signed and dated. The reference number provided by the Child Wellbeing Unit must also be recorded.

Any documentation sent to or received from the Child Wellbeing Unit or another agency in relation to the case, should also be recorded or stored. This documentation should be retained for 70 years (according to Functional Records Disposal Schedule FDA 141.18.12.01) and should be kept confidential. It is not necessary for principals, workplace managers, TAFE or AMES counsellors to forward a copy of their records regarding contact with the Child Wellbeing Unit to the school education director or TAFE institute director.

Information related to discussion between the principal, workplace manager, TAFE or AMES counsellor and the Child Wellbeing Unit should remain with that person. Only information relating to follow up required of the school counsellor may be recorded on the school counsellor's file.

### **13. What if contact with the Child Wellbeing Unit is unsatisfactory?**

If a principal, workplace manager, TAFE or AMES counsellor is unhappy with their contact with a [Child Wellbeing Unit](#) (intranet only) assessment officer and this cannot be resolved during their contact with the assessment officer, this should be brought to the attention of the assessment officer's team leader by email or by contacting telephone (02) 9269 9402.

If the principal, workplace manager, TAFE or AMES counsellor remains concerned following contact with a team leader, they can escalate the matter to the school education director or the regional officer responsible for student services who can refer it to the Director, Child Wellbeing. If the concerns remain unresolved, it should be brought to the attention of the Director, Student Welfare.

## **14. What follow up is needed after making a report to the Child Protection Helpline or contacting the Child Wellbeing Unit?**

Changes to the [Children and Young Persons \(Care and Protection\) Act 1998](#) require all staff to take reasonable steps to coordinate decision making and the delivery of services to effectively meet responsibilities in relation to the safety, welfare or wellbeing of children and young people.

A staff member's responsibilities regarding the safety, welfare or wellbeing of children and young people do not cease once a report is made to the Child Protection Helpline or once contact is made with the Child Wellbeing Unit. It is the responsibility of all staff to use their professional resources and capabilities to provide support appropriate to their role, and identify and respond to any concerns for the child or young person.

Where contact has been made with the Child Wellbeing Unit, an assessment officer may suggest that particular support is offered to the child, young person or their family. This support could be provided by the school, TAFE or other educational setting or it may involve wider departmental support. It could also include referral to another agency or service. The principal or workplace manager has overall responsibility for coordinating the provision of support to children and young people in their educational setting and to, where needed, take reasonable steps to coordinate the provision of those services with other agencies. The implementation of this responsibility may be delegated.

Child Wellbeing Unit assessment officers will discuss any suggestions for support with the principal, workplace manager, TAFE or AMES counsellor. Agreed actions should then be developed by the principal, workplace manager, TAFE or AMES counsellor and the assessment officer which are initiated locally to support the child, young person or their family. This should be done to help ensure the department is meeting its responsibility to offer early assistance to children, young people and families in need of support.

Where agreed actions cannot be implemented, for example, the child, young person or their family declines an offer of support or the suggested support is not available or is ineffective, the principal, workplace manager, TAFE or AMES counsellor should consider whether this increases the level of risk to the child or young person and, if so, what action should be taken. The [Mandatory Reporter Guide](#) can assist with this decision and further advice can also be sought from the Child Wellbeing Unit regarding the level of risk and any further actions that might be required.

See also [section 16](#) What if a family does not want support and [section 18](#) Working with other agencies.



## **15. Talking to children, young people and families about child protection concerns**

Where concerns about a child or young person arise in the course of discussions with the child or young person, it is particularly important for the staff member to continue to play a support role or to ensure that the child or young person is encouraged to link with available support. It is also important for the staff member to reassure the child or young person in this situation without making promises that cannot be kept, such as promising that no one else will be told.

When the concerns relate to a young person aged 16 or 17 years, he or she should be involved in the decision and process of reporting to the Child Protection Helpline or contacting the [Child Wellbeing Unit](#) (intranet only) except where to do so would escalate risks to the young person or the young person is not capable of being consulted or involved in the process. If the young person does not wish a report or contact to be made, this does not necessarily mean that a report will be made but the view expressed must be conveyed to Community Services or the Child Wellbeing Unit. Community Services will consider the young person's wishes in undertaking any assessments and investigations. The Child Wellbeing Unit will also consider the young person's wishes when providing advice about appropriate actions.

The decision about whether a report to the Child Protection Helpline or contact with the Child Wellbeing Unit is discussed with a child needs to be carefully considered in consultation with Community Services, the Joint Investigation Response Team (where they are involved) or the Child Wellbeing Unit. Consideration should be given to:

- the immediate needs and safety of the child
- the type of concern that is being reported
- the age and capacity of the child to make sense of the information
- the additional stress that may be placed on the child or the family, which in turn may increase the risk of further abuse to the child
- the impact of doing so on any investigation that might be undertaken by Community Services or a Joint Investigation Response Team.

Involvement of children and young people in decisions about actions and interventions that affect them can increase their effectiveness.

Staff should not inform the parents/carers of a report to the Child Protection Helpline. Community Services generally advise parents or carers that a report has been made. Any person making an enquiry or complaint to a staff member about a Helpline report or an interview with a student, must be referred to Community Services, the Joint Investigation Response Team or the NSW Police Force, as appropriate.

Communication by staff about a report with a family that is the subject of a report to the Child Protection Helpline can take place if advised or requested by Community Services or the Child Wellbeing Unit, or if advised by the Employee Performance and Conduct Directorate where the report involves a staff member.

For matters that fall below the threshold of risk of significant harm, principals and workplace managers may but are not required to, inform parents/carers that advice will be, or has been,

sought from the Child Wellbeing Unit about support that may assist the family, except where to do so would increase the risks to the child or young person or staff member involved.

Discussing with the family the need for, and potential benefits of, referral or support services is particularly important if it has been identified that these will ensure the safety, welfare or wellbeing of the children or young people involved. This can greatly increase the likelihood of families taking up these services.

Consideration should be given to who may be the most appropriate staff member to liaise with the family. In general this will be the person with whom the child, young person or family members have the best relationship. If a principal, workplace manager, TAFE or AMES counsellor is unsure about whether or not to talk to a family about concerns that fall below the threshold of risk of significant harm, they can contact the Child Wellbeing Unit for advice. See also [section 18](#) Working with other agencies.

## **16. What if a family does not want support?**

Families that are the subject of concerns below the threshold of risk of significant harm may not require additional supports. These families are also not generally required to participate or engage in any referrals or supports that departmental staff may suggest. There may be times when a family declining a referral or offered support is entirely appropriate and does not escalate the suspected risk to the child or young person.

However, there will be times when a family declining or not engaging in a service or support will raise further concerns for the child or young person involved. Should a family decline to accept a referral or support service, consideration should be given to whether this changes the required response to the situation. For example, concerns may escalate to suspected risk of significant harm requiring a report to the Child Protection Helpline. Community Services has the statutory power to compel the family to take up services, or to otherwise intervene.

A staff member should consult with their principal or workplace manager if an offer of referral or support has been declined. The principal, workplace manager, TAFE or AMES counsellor will determine if further action is required to address the concerns by reapplying the [Mandatory Reporter Guide](#), using their professional judgement and/or seeking specialist advice (including from the [Child Wellbeing Unit](#)) (intranet only) or information from other agencies that know the family to determine what, if any, further action may be required.

Follow up with a family where concerns are about education neglect should be consistent with the [School Attendance Policy](#).

Where a family has not engaged with support or services and there are concerns that a child or young person is at suspected risk of significant harm, a report must be made to the Child Protection Helpline. Where a family has not engaged with support or services and concerns remain about the safety, welfare or wellbeing of a child or young person, but these are not significant or trivial, the Child Wellbeing Unit must be contacted.

If a principal, workplace manager, TAFE or AMES counsellor is uncertain about what to do if a family refuses a referral or other support service, they can contact the Child Wellbeing Unit on (02) 9269 9400 for assistance.

## **17.Cooperation and collaboration with Community Services**

When Community Services decides to take action in relation to a report that has been screened in by the Child Protection Helpline as risk of significant harm, staff should work cooperatively and collaboratively with officers from Community Services where this is required and in accordance with the department's responsibilities. This might involve consulting with Community Services, participating in case conferences or requesting or providing information relating to the child, young person or family involved.

Where a case has been screened in by Community Services, principals, workplace managers, TAFE and AMES counsellors can seek general advice from the local Community Services manager casework. Where the principal or workplace manager, TAFE or AMES counsellor is aware that Community Services is involved with a child or young person it is good practice to liaise with Community Services to ensure appropriate coordination, information exchange and support in relation to the child or young person. Community Services has undertaken to provide a liaison officer for school principals in each local community services centre. This may be the manager client services. Principals can seek advice from this contact person.

**Note:** When a report made to the Child Protection Helpline has been screened in, the community services centre will provide feedback to the person who has made the report if he or she requests it and has an ongoing role with the child, young person or family and feedback will enable that work to continue. Contact might be by letter or email. The onus is on the reporter to seek this feedback.

Community Services may also consult with interagency partners who have a role in the case plan prior to a decision to close an allocated case. Ideally, this will occur through a case meeting. If a meeting is not possible, this may occur by phone, fax, email or letter. The intention is to make certain there is an opportunity for other agencies to provide Community Services with other crucial information before a decision is made to close a case.

## 18. Working with other agencies

Changes to the [Children and Young Persons \(Care and Protection\) Act, 1998](#) require staff to take reasonable steps to coordinate decision making and the delivery of services to effectively meet responsibilities in relation to the safety, welfare or wellbeing of children and young people.

Effective referral and support networks need to be established by schools and educational settings so that children, young people and their families can be connected to the right services, which include services within the department (including TAFE) and local external agencies, where these are required.

Where contact is made with the [Child Wellbeing Unit](#) (intranet only), assessment officers will assist with identifying support services, where appropriate. This could be a departmental service or a service external to the department. School, TAFE or other departmental staff will need to implement the referral. This could mean approaching the appropriate service and discussing the matter with the family. The Child Wellbeing Unit can provide advice on this.

Principals, workplace managers, TAFE and AMES counsellors may need to nominate an appropriate staff member to arrange the referral and to be the contact person for consultation and any coordination of involvement as necessary. If this occurs, the principal or workplace manager should ensure that there are systems in place to receive feedback regarding the outcomes of service provision or support to the child, young person or family in question.

Communication, collaboration and information sharing with other agencies can enhance the effectiveness of the work of those services with families. (See also [Section 19](#) Exchange of information).

Case meetings can be initiated at the local level by other agencies, services or designated departmental staff. They can be initiated without Community Services involvement for matters that do not meet the threshold for risk of significant harm.

When more than one agency is involved with a child, young person or their family and coordination of services is required, consideration should be given (in accordance with the section 1.5 of the [Interagency Guidelines](#) for Child Protection Intervention 2006) to which agency is best positioned to lead the coordination of support to the child, young person or their family. In determining which agency this might be, consideration should be given to:

- which agency provides services most directly related to the primary safety, welfare or wellbeing concern (for example, where the primary concern is about a parent's mental health it may be most appropriate that a health service lead coordination)
- the child, young person or family's view about which agency they prefer
- which agency is having or has had the most success in supporting the child, young person and/or their family.

There may, at times, be differing opinions between departmental staff and other agencies involved with the child, young person or family about which agency should lead the coordination of support. These differences should be resolved amicably with the best interests of the child or young person being the determining factor. Further advice on resolving

differences between agencies can also be found in Section 1.5 of the [\*Interagency Guidelines for Child Protection Intervention 2006\*](#).

## **19.Exchange of information**

Because the protection of children and young people from risk of harm is deemed to be more important in some situations than an individual's right to privacy, there are statutory provisions that override restrictions on disclosure of personal information.

Chapter 16A of the [\*Children and Young Persons \(Care and Protection\) Act 1998\*](#) allows government agencies and non-government organisations who are “prescribed bodies” to provide and receive information that relates to a child or young person's safety, welfare or wellbeing, whether or not the child or young person is known to Community Services and whether or not the child or young person consents to the information being provided and received. Prescribed bodies include the department, government and non-government schools, police, public health organisations and TAFE establishments.

Chapter 16A allows information to be exchanged between agencies working with children and young people where it relates to the safety, welfare or wellbeing of a child or young person. It provides for information sharing to assist decision making, assessment, investigation, planning and/or service provision. It allows for information sharing in relation to concerns that are below the statutory reporting threshold.

Providing information in good faith, including a response to requests for information and requests for a service, is not a breach of professional ethics or standards of professional conduct and does not carry liability for defamation or constitute grounds for civil action.

More information and copies of the forms to be used to request and respond to requests for information can be found in [Legal Issues Bulletin No. 50 Exchanging information with other organisations concerning the safety, welfare or wellbeing of children or young people \(October 2009\)](#) (intranet only).

### **Providing information to and requesting information from Community Services under section 248**

Community Services has the authority under [Section 248](#) of the *Children and Young Persons (Care and Protection) Act 1998* to direct prescribed agencies (including the department) to provide information relating to the safety, welfare and wellbeing of a child or young person. Community Services can also provide information to these agencies. Such exchanges of information may occur at any stage in a child protection investigation or assessment. Community Services must be a party to Section 248 information exchange.

Before providing information to Community Services, reasonable steps should be taken by principals, workplace managers, TAFE and AMES counsellors to confirm that the person to receive the information is the appropriate Community Services officer including that he or she has the authority to make the request. It should be supplied promptly in writing or by phone and a record made of the information that was provided. The record should be filed in the workplace with the report record.

Section 248 also enables prescribed agencies (including the department) to request information from Community Services during the follow up or investigation of a child protection report. Principals, workplace managers, directors, TAFE and AMES counsellors should request information in writing from Community Services and make reference to Section 248.

More information about Section 248 requests for information can be found in [Legal Issues Bulletin No. 47 Requests for Information from other Government Agencies \(November 2008\)](#) (intranet only).



## **20. Responding to concerns in specific or unique circumstances**

### **Concerns about risk of harm that relate to the actions of a staff member**

Where concerns about either suspected risk of harm or risk of significant harm relate to the actions of a staff member, the principal or workplace manager **must** make a report to the [Employee Performance and Conduct Directorate](#) (EPAC) (intranet only) on telephone 9266 8070 without delay. In TAFE and AMES this will include reports that have been made by the counsellor where concerns relate to the actions of a staff member.

Concerns about the actions of a staff member that constitute suspected risk of significant harm must be reported to the Child Protection Helpline as well. If the concerns do not reach the threshold of suspected risk of significant harm a notification to EPAC will generally suffice. In some rare circumstances, such as when the concerns relate to a staff member's own family, contact with the [Child Wellbeing Unit](#) (intranet only) may be required. The [Mandatory Reporter Guide](#) can assist in making this decision. EPAC should be advised whether or not a report has been made.

Where concerns about suspected risk of harm or risk of significant harm relate to the actions of a principal or workplace manager, staff should report these directly to that person's immediate supervisor as well as EPAC. The supervisor is then responsible for reporting to the Child Protection Helpline if the concerns constitute suspected risk of significant harm. All other allegations against a staff member in the area of child protection should be reported directly to EPAC.

More information about the process to be followed can be found in [Allegations Against Employees in the Area of Child Protection](#).

### **Concerns that relate to children or young people not enrolled in your educational setting**

Where there are concerns identified during the course of or from the officer's work about the safety, welfare or wellbeing of a child or young person who is not enrolled in that educational setting (for example, a sibling of a student or a child or young person participating in a school-auspiced activity) the same procedures for reporting to the Child Wellbeing Unit or Child Protection Helpline are followed.

### **Concerns that relate to a child or young person who is taking courses in a range of locations concurrently**

Where there are concerns about the safety, welfare or wellbeing of a child or young person, including a trainee or apprentice, who is participating in programs in a range of locations (e.g. TAFE college and school), the workplace manager or principal who becomes aware of the concern should discuss the situation with any other manager or principals involved at other locations and decide who is in the best position to make the report to the Child Protection Helpline, contact the Child Wellbeing Unit or provide support and assistance to the child or young person.

The reporting officer should consider whether or not to share information about the concerns with staff in other locations. For example, where there are concerns relating to a trainee or apprentice in a workplace setting, the workplace manager or principal must provide advice

about the situation to the Commissioner for Vocational Training and should consider who else, if anyone, needs to be aware to appropriately support the child or young person. The Vocational Training Tribunal can be contacted on (02) 9266 8450.

### **Concerns about a student who moves**

Where there are ongoing concerns about the safety, welfare, wellbeing of a child or young person who leaves the school or other program, as a result of moving or transitioning from a preschool, primary school or junior secondary campus, it is important that the principal, workplace manager, TAFE or AMES counsellor:

- seeks to clarify or confirm whether they have enrolled elsewhere
- forwards related papers under a confidential file cover to the principal or workplace manager at the new location if a new enrolment is established in the government sector.

**Note:** any papers that are held which may identify the identity of the person who made a report to Community Services or the Child Wellbeing Unit must not be provided without the consent of the reporter

- forwards related papers, as above, to the principal or workplace manager at the new location if a new enrolment is established in the non-government sector
- raise the concerns with the regional officer for further investigation as outlined in the [School Attendance Policy](#) if a new enrolment can not be established
- considers whether information should be shared with other prescribed bodies under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*
- where relevant, advises the Child Wellbeing Unit or Community Services case manager that the child or young person has left and provides any other relevant details
- provides information to the principal of the new interstate school when it is requested by the principal using the [Interstate Student Data Transfer Note](#).

**Note:** The most vulnerable children and young people may change address or schools frequently and risk of harm can escalate in a new situation where they are not known and may have no support networks. It is important that communication occurs with the Child Wellbeing Unit in any cases where concerns are held for the safety, welfare or wellbeing of a child or young person who has moved and with Community Services where concerns about suspected risk of significant harm have been recently reported.

### **Concerns where risk of harm is the result of the actions or behaviour of a child or young person**

If a student, trainee or apprentice of any age engages in behaviour that, in a staff member's view, constitutes sexual or physical assault, they should report those concerns to their principal or workplace manager.

It is then the responsibility of the principal or workplace manager to decide whether or not the actions or behaviours constitute a reportable incident per the department's [Incident Reporting Policy](#) (intranet only). If so, the appropriate areas within the department should be notified as soon as practicable but within 24 hours of the incident occurring according to the [Incident Reporting Procedures](#) (intranet only).

The principal or workplace manager must also decide whether to notify the police of any alleged criminal behaviour and/or the Child Protection Helpline where the concerns are identified as suspected risk of significant harm. Principals should consult with the [Safety and](#)

[Security Directorate](#) (intranet only) if they do not know if they should notify the police of a matter. Other workplace managers should liaise with [Legal Services Directorate](#) (intranet only) who can also assist if a principal or workplace manager is uncertain about their legal obligations. If it is unclear whether or not the incident constitutes suspected risk of significant harm, the principal or workplace manager can apply the [Mandatory Reporter Guide](#) and/or seek advice from the [Child Wellbeing Unit](#) (intranet only).

An assessment of the risk posed by this behaviour and risk management strategies must be put in place in the educational setting to ensure the safety of any child or young person or any staff member who may have been harmed or has the potential to be harmed by the behaviour of the alleged perpetrator. The risk assessment and management process must be consistent with departmental policies and occupational health and safety legislation and any strategies should be regularly reviewed and monitored.

In circumstances where the behaviour of a student, trainee or apprentice is of concern in an educational setting, [disciplinary procedures](#) (schools) and [disciplinary procedures](#) (TAFE NSW) must be considered.

It is also important to respect the rights to privacy of the individual students involved and to restrict the sharing of information to circumstances where it is necessary to ensure the safety of students or staff and comply with any other legal obligations.

If the student, trainee or apprentice who is alleged to have perpetrated criminal behaviour is under the age of 18, consideration should be given to whether there are concerns for that child or young person that require a report to the Child Protection Helpline or contact with the Child Wellbeing Unit. If the principal or workplace manager is uncertain whether a report is required in this instance, they can seek specialist advice, for example from the Child Wellbeing Unit telephone (02) 9269 9400 or apply the [Mandatory Reporter Guide](#) where applicable.

### **Concerns about children before or after their birth**

[Section 25](#) of the *Children and Young Persons (Care and Protection) Act 1998* allows reports to be made about a child before his or her birth. The [Mandatory Reporter Guide](#) can assist principals, workplace managers, TAFE and AMES counsellors in determining whether the concerns for the unborn child constitute suspected risk of significant harm and should be reported to the Child Protection Helpline.

Prenatal reporting is not mandatory. However, it is recognised that this action may be helpful to provide early assistance to prevent the likelihood of there being risks to the safety, welfare or wellbeing of the child when he or she is born. If a principal, workplace manager, TAFE or AMES counsellor is unsure whether or not to report a matter relating to an unborn child, they can seek specialist advice, for example, from the school counsellor, use the Mandatory Reporter Guide or contact the [Child Wellbeing Unit](#) (intranet only) on (02) 9269 9400.

It is a mandatory requirement to report to the Child Protection Helpline if an infant is suspected to be at risk of significant harm after birth and it is known that a prenatal report was made. There also needs to be reason to believe that the mother has made no meaningful engagement with support services, or the prenatal report has not been successful in mitigating the risk to the child after birth.

### **Concerns about children and young people in out of home care**

If there are concerns for the safety, welfare or wellbeing of a child or young person who is in the care of the Minister for Community Services that meet the threshold for suspected risk of significant harm, a report must be made to the Child Protection Helpline. If they do not meet the threshold for significant harm, this information should be provided to the local community services centre or non-government agency that has responsibility for the child or young person's care. The agency should be informed that the information is being provided because the child or young person is in out of home care. The Child Wellbeing Unit can be contacted for assistance in determining the agency responsible for the child's care, if this is not already known.

In situations where the parents of a child or young person make an arrangement for them to be placed in voluntary care, if the legal restrictions for this care are not complied with, the child or young person is also taken to be at suspected risk of significant harm. The [Mandatory Reporter Guide](#) provides assistance in making decisions in these circumstances under Relinquishing Care. (Sections [154, 2\(A\), 156A](#), 3 *Children and Young Persons (Care and Protection) Act 1998*)

### **Concerns about children and young people who are, or are at risk of being, homeless.**

The Human Rights and Equal Opportunity Commission 1989 Report of the National Inquiry into Homeless Children defines homelessness as where a child or young person is living without any family support in any of the following circumstances:

- no accommodation at all, that is 'roofless'
- only temporary or transient accommodation, e.g. staying with friends
- emergency, refuge or crisis accommodation
- other long term supported accommodation for homeless people, such as hostels or transitional accommodation.

A child or young person who is living in accommodation where they do not have access to basic utilities (such as power and running water) may also be regarded as homeless. Homelessness will usually increase a child or young person's vulnerabilities and pose additional risks to their safety, welfare and wellbeing and their capacity to remain engaged in learning during this period of instability.

The Department acknowledges the link between disengagement from education and a child or young person's increased vulnerability to long term homelessness. Maintaining engagement with and participation in school or TAFE can provide a source of stability, predictability and purpose. It can also provide a supportive network of peers and adults.

Schools and TAFE colleges are well placed to intervene early in youth homelessness. School and TAFE counsellors may work with students and parents to facilitate their return to the family home, to help students find other appropriate accommodation, or refer them to community supports or programs.

The factors which can cause children or young people to become homeless can include high levels of family conflict or stress, sexual, physical or psychological harm, domestic violence, and alcohol or substance abuse. Staff may already be responding to child protection concerns about students, prior to them becoming homeless and have taken appropriate action. Alternatively, staff may not be aware of these factors and it may only be the child or young person's homelessness which comes to staff member's attention.

Where staff become aware that a child or young person is homeless or at risk of homelessness this should raise concerns about their safety, welfare or wellbeing which must be reported to the principal or workplace manager as set out in Section 2, [What do I do if I have child protection concerns?](#)

Principals and workplace managers may report homelessness of a child or young person under 18 years of age to the Community Services Child Protection Helpline. The [Mandatory Reporter Guide](#) can assist in making decisions about responding to concerns about homelessness of children, young people and their families by using the decision tree *Neglect: Physical shelter/ environment*.

Permission to report a young person aged 16 or 17 years of age as being homeless must be obtained from the young person. However, if a young person refuses to give permission for a report of homelessness to be made and there are concerns that the young person may be at risk of significant harm, a report must be made to Community Services, regardless.

### **Missing children and young people**

A missing person, as defined by the NSW Police Force, is a person whose whereabouts are unknown and there are concerns for his or her safety or wellbeing. Children and young people can go missing for a range of reasons, including child protection and wellbeing concerns.

Where a principal or workplace manager becomes aware that a child or young person is missing the parent or carers must be contacted unless providing this information to a parent or carer would breach legal obligations (such as where a court order has restricted the information that can be provided to a parent or carer about the child or young person). Advice can be obtained from the Legal Services Directorate if a principal or workplace manager is unsure about what legal obligations may exist. The principal or workplace manager should check whether the child has been reported missing to the police. If the matter has not been reported to the police, the principal or workplace manager should ensure that this occurs. The police will take all details and, if necessary, liaise with the NSW Police Missing Persons Unit.

Where there are concerns that the family is missing, or their whereabouts is unknown, and there are concerns for their safety or wellbeing or that of their children, this should also be reported to the police.

Consideration should also be given to whether the child or young person may be at risk of harm. Where the child or young person is suspected to be at risk of significant harm a report must be made to the Child Protection Helpline. The [Child Wellbeing Unit](#) (intranet only) can also be contacted for advice about whether a report to the Child Protection Helpline is required.

If the child or young person is in the care of the Minister and is missing this information should be provided to the Child Protection Helpline.

No member of staff should arrange to meet with or otherwise contact children or young people who have been reported missing from home before discussing the matter with a

Community Services case worker and/or NSW Police. The staff member must not proceed with any such meeting if, following such a discussion, officers advise against it.

If principals are uncertain whether to report a missing person to the police, or are concerned about the response made by the police to a report, they should contact the [Safety and Security Directorate](#) (intranet only) for advice.

**Concerns where staff become aware of a matter that might warrant a notification to the Child Protection Helpline or the Child Wellbeing Unit in the course of providing advice about a matter that has been referred to them for action.**

Issues may be brought to the attention of staff in the course of providing advice about a matter that has been referred to them for action that they believe requires a report being made to the Child Protection Helpline or the Child Wellbeing.

If after advising the person that a matter might warrant a report to the Child Protection Helpline or the Child Wellbeing Unit, the staff member has concerns that a report has not or will not be made by the person requesting advice, the staff member should inform the principal or workplace manager of their concerns as set out in [section 2, what do I do if I have child protection concerns](#) or [section 10, What if further information becomes known after a report to the Child Protection Helpline or contact with the Child Wellbeing Unit?](#)

## 21. Glossary

The following statements are provided to clarify the meanings of terms as they are used in these procedures.

**Apprentice**, including a probationary apprentice, means a person who is employed either to:

- (a) undertake work-based training in a vocation which is a declared trade pursuant to the *Apprenticeship and Traineeship Act, 2001* or,
- (b) undertake work-based training as a trainee apprentice who is a party to a trainee apprenticeship established in a vocation which is a declared trade pursuant to the *Apprenticeship and Traineeship Act, 2001*.

**Behaviours that cause psychological harm** include acts by a parent, caregiver or other person that damage the cognitive and emotional development of a child or young person.

**Carer** is a person who, while not a parent of the child, has day to day care of the child. A carer may provide the care with or without fee or reward. Carers may be relatives, friends or acquaintances of a parent, residential care workers, child care workers, youth workers, nursing staff and foster carers.

**Case manager** refers to a worker from Community Services or another agency including a non-government agency, who is appointed as the case manager following a risk of harm report. The role of the case manager is to coordinate the interagency intervention until risk of harm concerns have been resolved.

**Case plan** refers to the central tool in case management. It is a document which sets out what action will be taken to enhance the child or young person's safety, welfare and wellbeing. The case plan identifies goals, objectives and tasks with clearly identified responsibilities and timeframes that are realistic and achievable within available resources.

**Case planning** is an interactive process, involving the participation of the child or young person, their parent/carer, and service providers that are critical to the case-planning process. The focus is on developing the goal/s of intervention and identifying strategies to meet the care and protection needs of the child or young person.

**Child** means a person under the age of 16 years.

**Child abuse/ child maltreatment** These terms are used interchangeably. Child abuse is the term commonly used to describe different types of maltreatment inflicted on a child or young person. It includes assault (including sexual assault), ill-treatment, neglect and exposing the child or young person to behaviour that might cause psychological harm. Child abuse can be a criminal offence under the Crimes Act 1900.

[\*Child Wellbeing and Child Protection – NSW Interagency Guidelines\*](#) provide the framework for a coordinated and comprehensive response to child protection and wellbeing and sets out, in practical terms, the ways that agencies should collaborate in their work with children and young people.

***Class of children or young people*** refers to more than one child or young person who may be at risk of harm because of their association with a person or situation identified as posing a risk of harm through abuse or neglect.

***Counsellor*** refers to a school, TAFE or AMES counsellor who is employed by the department.

***Domestic violence*** is violence, abuse and intimidatory behaviour perpetrated by one person against another in a personal, intimate relationship. It is partnership violence that includes violence perpetrated when couples are separated or divorced. The acts of domestic violence are mainly but not only perpetrated by men against women within heterosexual relationships but can also occur within same sex relationships. Domestic violence occurs between two people where one has power over the other causing fear, physical and/or psychological harm. Domestic violence can have a profound effect on children and young people. Children and young people may experience harm, by being in the presence of or by being exposed to violence in the parental relationship, by becoming the victims of violence or a combination of the two.

***Female Genital Mutilation (FGM)*** According to the World Health Organisation definition, FGM comprises all procedures that involve partial or total removal of the female external genitalia and/or injury to female genital organs for cultural or other non-therapeutic reasons.

***Investigating*** (as opposed to clarifying) Investigating concerns that have been identified as meeting the threshold for suspected risk of significant harm is the responsibility of Community Services and/or the NSW Police Force

In some situations where concerns have arisen, it may be appropriate to ask clarifying questions to assist in making decisions or in using the Mandatory Reporter Guide. Clarification is separate from investigation and should be undertaken with open ended questions (for example, what happened then?', 'tell me about that', 'what do you mean by...?') to establish enough information about the concern(s) to determine an appropriate course of action.

***Joint Investigation Response Team (JIRT)*** Specially trained police and case workers (Community Services) and NSW Health (where relevant) conduct joint investigations when a report to the Child Protection Helpline involves a criminal act.

The [\*Mandatory Reporter Guide\*](#) has been developed to assist mandatory reporters to determine whether their concerns about the safety, welfare or wellbeing of a child or young person meet the risk of significant harm threshold for reporting children and young people at risk in NSW to the Child Protection Helpline



**Neglect** is the failure to provide the basic physical and emotional necessities of life. Neglect may be an ongoing situation and can be caused by a repeated failure to meet the child's or young person's basic physical and psychological needs.

**Physical abuse or ill-treatment** is assault, non-accidental injury and/or physical harm to a child or young person by a parent, caregiver, another person responsible for the child or young person, or older child. It includes harm or injuries which are caused by excessive discipline, beating or shaking, bruising, lacerations or welts, burns, fractures or dislocation, female genital mutilation and attempted suffocation or strangulation.

**Psychological harm** refers to harm resulting from abusive behaviours that damage the cognitive or emotional development of a child or young person. Psychological harm includes emotional deprivation and trauma and the serious impairment of a child's or a young person's social, emotional, cognitive or intellectual development and/or disturbance of a child's or a young person's behaviour.

**Psychological needs** refers to the social, emotional, cognitive or intellectual needs of a child or young person.

**Reasonable grounds** are grounds which would cause a reasonable person to form a judgement of risk of harm, having regard to the circumstances of the individual case including the nature and seriousness of the allegations made, the age and physical condition of the child, any corroborative evidence which exists, and other relevant information.

**Report, risk of significant harm** is a report made to Community Services, usually via the Helpline, to convey a concern about a child or young person who may be at risk of significant harm due to the circumstances outlined in Section 2 of these Guidelines or as indicated through use of the Mandatory Reporter Guide.

**'Screened in'** is when the Child Protection Helpline receives a report and the Helpline makes an assessment and determination that the report meets the threshold of risk of significant harm.

**'Screened out'** is when the Child Protection Helpline receives a report and the Helpline makes an assessment and determination that the report does not meet the threshold of risk of significant harm.

**Serious psychological harm** is the result of the abusive or neglectful behaviours of a parent, caregiver or other person.

A child or young person can suffer serious psychological harm from acts of psychological abuse or the accumulation of psychologically abusive behaviours, chronic neglect, or exposure to situations such as ongoing or severe physical abuse, domestic violence or sexual abuse.

**Sexual abuse or ill-treatment** of a child or young person refers to any sexual act or sexual threat imposed on a child or young person. Adults or adolescents or older children, who sexually abuse children or young people, exploit their dependency and immaturity. Coercion that may be physical or psychological is intrinsic to child sexual abuse and differentiates child sexual abuse from consensual peer sexual activity.

**Staff** refers to any person who is a permanent, temporary, casual or part-time employee of the department, including TAFE, Adult Migrant English Service, Adult and Community Education and State Training Services whether they are in child-related employment or not.

**Statutory out of home care** The care of the child or young person who is in the parental responsibility of the Minister, or a non-related person, residing at a place other than their usual home, and by a person other than their parent, as a result of a Children’s Court Order that lasts for more than 14 days, or because they are a protected person.

**Trainee** means a person who is employed to undertake work-based training in a vocation which is a declared calling pursuant to the *Apprenticeship and Traineeship Act, 2001*.

**Workplace manager** means the designated member of staff in charge of the establishment (whether under the title of College Director, Campus Manager or otherwise), and includes any person acting or relieving as the person in charge of the establishment. Where there is a TAFE-managed Children’s Centre on campus, the Early Childhood Director will be designated as executive officer for the Centre. It also includes State Training Centre Managers. In AMES ‘workplace manager’ refers to the Executive Officer.

**Young Person** means a person who is aged 16 or 17 years.

## 22. Appendix 1

### Indicators of abuse and neglect

Risk of harm within the [Children and Young Persons \(Care and Protection\) Act 1998](#) relates to the impact of abuse and neglect on a child or young person. The following indicators have been developed from research and clinical experience over recent decades. One indicator in isolation may not imply abuse or neglect. Each indicator needs to be considered in the context of other indicators and the child's or young person's circumstances. The lists are not in hierarchical order.

### Setting the context

**The following factors in the life circumstances of the child or young person are relevant when considering indicators of abuse and neglect:**

- history of previous harm to the child or young person
- social or geographic isolation of the child, young person or family, including lack of access to extended family or supports
- abuse or neglect of a sibling
- family history of violence including injury to children and young people
- domestic or dating violence.

**Issues for the parent or caregiver affecting their ability to care for the child or young person:**

- the parent or carer's abuse of alcohol or other drugs affecting their ability to care for the child or young person or arrange for their education
- a deficiency in functional parenting skills required to provide for the safety, welfare and well-being of children and young people
- the parent or caregiver is experiencing significant problems in managing the child or young person's behaviour or their engagement with any educational options
- the parent or caregiver has unrealistic expectations of age appropriate behaviour in the child or young person
- the parent is experiencing significant problems in relating to the young person.

**General indicators of abuse or neglect in children and young people:**

- where the child or young person gives some indication that the injury or event did not occur as stated
- where the child or young person tells you she/he has been abused
- when the child or young person tells you she /he knows someone who has been abused, may be referring to herself/himself
- someone else tells you such as a relative, friend, acquaintance or sibling of the child or young person that the child or young person may have been abused
- poor concentration
- sleeping problems, e.g. nightmares, bed wetting

- marked changes in behaviour or mood, escalation in risk-taking behaviours, tantrums, aggressiveness, withdrawal
- child or young person complains of stomach aches and headaches with no physical findings
- unrealistic expectations of a young person including failure to allow the young person to participate in decisions that affect them or expecting adult behaviours.

#### **General indicators of abuse or neglect in young people:**

- self harming behaviour such as cutting or burning self
- high level of risk taking behaviours such as climbing up cliff faces while intoxicated
- substance abuse
- involvement in criminal activities such as stealing and fighting
- social isolation
- difficulty in maintaining long term peer relationships
- persistently negative themes in art work and creative writing
- homelessness.

### **Indicators of neglect**

#### **Indicators in children and young people:**

- poor standards of hygiene leading to social isolation
- scavenging or stealing food
- extended stays at school, public places, other homes
- being focused on basic survival
- extreme longing for adult affection
- flat and superficial way of relating, lacking of a sense of genuine interaction
- anxiety about being dropped or abandoned
- self comforting behaviour, e.g. rocking, sucking
- non-organic failure to thrive
- delay in developmental milestones
- loss of “skin bloom”
- poor hair texture
- untreated physical problems

#### **Indicators in young people:**

- staying at the homes of friends and acquaintances for prolonged periods, rather than at home
- resources are not provided which would allow the young person to care adequately for himself or herself, e.g. access to washing or food
- exposure to serious risks through non-attendance at school e.g. crime, anti-social behaviour, drug and alcohol abuse.

#### **Indicators in parents or carers:**

- failure to provide adequate food, shelter, clothing, medical attention, hygienic home conditions or leaving the child or young person inappropriately without supervision
- inability to respond emotionally to a child or young person

- child or young person left alone for long periods
- keeping a child or young person at home from school to care for others
- depriving of or withholding physical contact or stimulation for prolonged periods
- failure to provide psychological nurturing
- one child or young person treated differently, for example, scapegoated
- absence of social support from relatives, other adults or social networks.

## **Indicators of physical abuse or ill treatment**

### **Indicators in children and young people:**

- facial head and neck bruising
- lacerations and welts from excessive discipline or physical restraint
- explanation offered by the child or young person is not consistent with the injury
- other bruising and marks which may show the shape of the object that caused it e.g. a hand-print, buckle
- bite marks and scratches where the bruise may show a print of teeth and experts can determine whether or not it is an adult bite
- multiple injuries or bruises
- ingestion of poisonous substances, alcohol, drugs, or major trauma
- dislocations, sprains, twisting
- fractures of bones, especially in children under 3 years
- burns and scalds
- head injuries where the child or young person may have indicators of drowsiness, vomiting, fits or retinal haemorrhages suggesting the possibility of the child having been shaken.

### **General indicators of female genital mutilation (FGM) that could include:**

- having a special operation associated with celebrations
- reluctance to be involved in sport or other physical activities when previously interested
- difficulties with toileting or menstruation
- anxiety about forthcoming school holidays or a trip to a country which practises FGM
- older siblings worried about their sisters visiting their country of origin
- long periods of sickness.

### **Indicators in young people:**

- aggressive or violent behaviour towards others, particularly younger children
- explosive temper that is out of proportion to precipitating event
- being constantly on guard around adults and cowering at sudden movements.

### **Indicators in parents or caregiver:**

- direct admissions by parents or carers that they fear they may injure the child or young person
- family history of violence, including previous harm to children and young people
- history of their own maltreatment as a child or young person

- repeated presentations of the child or young person to health or other services with injuries, ingestions or with minor complaints
- marked delay between injury and presentation for medical assistance
- history of injury which is inconsistent with the physical findings
- history of injury which is vague, bizarre or variable.

## **Indicators of psychological harm**

### **Indicators in children and young people:**

- feelings of worthlessness about life and themselves
- inability to value others
- lack of trust in people and expectations
- lack of interpersonal skills necessary for adequate functioning
- extreme attention seeking or risk taking behaviour
- other behavioural disorders, e.g. disruptiveness, aggressiveness, bullying.

### **Indicators in young people:**

- avoiding all adults
- being obsessively obsequious to adults
- difficulty in maintaining long term significant relationships
- being highly self critical.

Children and young people sustain psychological harm from all types of abuse.

### **Indicators in parents or carers:**

- constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and affection
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child or young person is bad or evil
- using inappropriate physical or social isolation as punishment
- situations where an adult's behaviour harms a child's or young person's safety, welfare and well-being
- exposure to domestic violence.

## **Indicators of sexual abuse or ill treatment**

### **Indicators in children and young people:**

- describe sexual acts e.g. Daddy hurts my wee wee
- direct or indirect disclosures
- age inappropriate behaviour and/or persistent sexual behaviour
- self-destructive behaviour, drug dependence, suicide attempts, self-mutilation
- persistent running away from home
- going to bed fully clothed
- regression in developmental achievements in younger children
- child or young person being in contact with a known or suspected perpetrator of sexual assault
- unexplained accumulation of money and gifts
- bleeding from the vagina or external genitalia or anus

- injuries such as tears or bruising to the genitalia, anus or perineal region
- sexually transmitted diseases
- adolescent pregnancy
- trauma to the breast, buttocks, lower abdomen or thighs.

**Indicators in young people:**

- particularly negative reactions to adults of only one sex
- sexually provocative
- desexualisation, e.g. wearing baggy clothes in order to disguise gender. Eating disorders may be a possible indicator in this category
- art work or creative writing with obsessively sexual themes
- preoccupation with causing harm to men they suspect are homosexual
- engaging in violent sexual acts and talking about these acts
- knowledge about practices and locations which are usually associated with prostitution.

**General indicators of child or young person's stress should be considered such as:**

- poor concentration at school
- sleeping/bedtime problems e.g. nightmares bed-wetting
- marked changes in behaviour or mood, tantrums, aggressiveness, withdrawal
- child complains of stomach aches and headaches with no physical findings.

**Indicators in parents, carers, siblings, relatives, acquaintances or strangers:**

- exposing a child or young person to prostitution or child pornography or using a child or young person for pornographic purposes
- intentional exposure of child or young person to sexual behaviour in others
- ever committed/been suspected of child sexual abuse
- inappropriate curtailing, or jealousy regarding age appropriate development of independence from the family
- coercing child or young person to engage in sexual behaviour with other children and young people
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family
- perpetration of spouse abuse or physical child abuse.

Offenders use a range of tactics including force, threats and tricks to engage children or young people in sexual contact and to try to silence the child or young person. They may also try to gain the trust and friendship of parents in order to obtain access to children and young people.



23. FORM A - CONFIDENTIAL

Record of a report to the Child Protection Helpline about suspected risk of significant harm

Name of child or young person ..... Age .....
Date of birth..... Sex: M \_\_\_ F \_\_\_
Home address ..... Postcode .....
Home phone .....
School/Course/Program attended .....
School/Campus/Centre or other location.....
Names of parents or carers and relationship to child or young person:
Name ..... Name .....
Phone No ..... Phone No .....
Relationship..... Relationship.....

What actual significant harm or risk of significant harm is suspected? (For grounds for suspected risk of significant harm refer to Section 3 of these procedures. Record critical pieces of information that informed your decision to report or your answers to questions in the Mandatory Reporter Guide

.....
.....
.....

If known, what are the wishes of the child or young person about this matter?

.....

Is this a report related to the homelessness of a young person who has given permission for the report to be made? Yes \_\_\_ No \_\_\_

Report made to Child Protection Helpline

Date ...../...../..... Time .....

Recommended decision of Helpline caseworker about action to be taken, if known.

.....
.....

Note: If the report was not screened in as reaching the risk of significant harm threshold, inform the Child Wellbeing Unit on (02) 9269 9400.

Contact reference number allocated to this report by Community Services .....

Name..... Signature .....

Principal/ Workplace Manager/ TAFE or AMES counsellor (circle one)

Address ..... Postcode .....

Telephone ..... Facsimile .....

Mandatory Reporter Guide final Decision Report attached? Yes \_\_\_ No \_\_\_

Note: A confidential copy of this form is to be provided to the school education director/ TAFE institute director/ Director of AMES/ Commissioner of Vocational Training.