

PROTECTING CHILDREN FROM HARM POLICY

OVERVIEW

This policy applies to all Australian Childhood Trauma Group (ACT Group) staff and contractors. This policy should be considered within the context of the ACT Group's commitment to safeguarding children from harm in all environments.

ACT Group upholds the rights of all children to thrive and is committed to ensuring the safety of all children accessing our services.

ACT Group provides leadership and expertise in the field of childhood trauma and as such, clinicians frequently work with children and families already involved with Child Protection and the Out of Home Care Sector. In many cases ACT Group clinicians are already supporting families, carers and workers to implement strategies and interventions to reduce the likelihood of further harm occurring.

The purpose of this policy is to therefore ensure ACT Group staff and contractors are fully aware of their legal and ethical duties regarding children engaged in our services and are prompt in their reporting of child safety concerns.

ACT Group currently works with children in Victoria, the Australian Capital Territory and New South Wales. ACT Group Psychologists are considered Mandated Notifiers under legislation in all states. ACT Group Social Workers are considered Mandated Notifiers under legislation in the Australian Capital Territory and New South Wales, but not in Victoria, however, all ACT Group staff are considered to have an ethical duty of care to report where they have formed a reasonable belief that a child is at risk of significant harm.

ACT Group Clinicians are also required to comply with the child abuse reporting guidelines of their relevant professional body.

Staff are strongly encouraged to access legislation and build familiarity with legal requirements for the jurisdictions within which they operate – a table of all legislation is found as an appendix to this policy.

Mandated notifiers:

- must report without unnecessary delay after forming the belief on reasonable grounds of abuse or neglect;
- are required to report each time they become aware of any further reasonable grounds for their belief;
- do not have to be able to prove that the abuse has occurred;
- have a personal responsibility to report belief of abuse or neglect - it is not the responsibility of your supervisors or senior staff;
- are not legally obliged to report concerns if they encounter abuse in their private lives or when working in a capacity that is not directly related to the professional affiliation under which they are mandated.

All ACT Group staff should raise any concerns of abuse or neglect with their immediate superior, especially if they have a suspicion of possible abuse but have not formed a belief at that time. If a mandated notifier's immediate superior does not believe that a mandatory report is warranted, this does not discharge a notifier of their obligation to do so if they have formed a reasonable belief that abuse may have occurred.

Only one mandated notifier needs to make the report, which must be made promptly and include all the reasonable grounds.

In all jurisdictions, legislation protects the reporter's identity from disclosure. In addition, the legislation notes that if the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

Reporting abuse or neglect does not absolve staff of taking reasonable actions within the scope of their role and relationship with their client to provide continued support or intervention to assist and prevent further abuse. Child abuse report call centre staff may ask what a reporters next steps will be and can talk reporters through what they may be able to do, as a person who currently has a relationship with the child and possibly also their family.

Although only mandated notifiers have a legal responsibility to report child abuse, everyone has a moral and ethical responsibility to report all types of possible or known child abuse.

If a child is in immediate danger police must be called on 000.

RESPONSIBILITY

ACT Group will ensure that all staff receive information and training regarding responding to and reporting concerns of child abuse and neglect. Supervisors or the Clinical Leads are responsible for providing practice guidance on continuing to support a child for whom there are safety concerns, and where relevant their family or household.

It is the responsibility of Supervisors or the Clinical Lead to provide practice guidance on continuing to support a child for whom there are safety concerns, and where relevant their family or household.

It is the responsibility of the individual to ensure that the belief or suspicion of child abuse is reported to the relevant State/Territory authority without delay.

It is the responsibility of an ACT Group clinician to take reasonable measures to maintain a relationship with a child or their family to advocate for safety and continue to support change in behaviour. Should further concerns be raised within this ongoing role, additional reports may need to be made to provide further detail on existing or additional concerns.

Any person working with the ACT Group within the scope of this policy is also responsible for adhering to the local State or Territory's legislation in which they are working.

ACT Group Clinicians are required to comply with the child abuse reporting guidelines of their relevant professional body.

APPENDIX

Information regarding child protection reporting for each state/territory of Australia is collated by AIFS:

<https://aifs.gov.au/cfca/publications/australian-child-protection-legislation>

Key points to note regarding the differing legislation in each state/territory include:

STATE / TERRITORY	STATE OF MIND	EXTENT OF HARM
ACT	Belief on reasonable grounds	Not specified: "sexual abuse ... or non-accidental physical injury"
VIC	Belief on reasonable grounds	Child has suffered, or is likely to suffer, significant harm as a result of physical injury or sexual abuse, and the child's parents have not protected, or are unlikely to protect, the child from harm of that type
NSW	Suspects on reasonable grounds that a child is at risk of significant harm	A child or young person "is at risk of significant harm if current concerns exist for the safety, welfare or wellbeing of the child or young person because of the presence, to a significant extent, of ... basic physical or psychological needs are not being met or at risk of not being met ... not receiving necessary medical care ... not receiving an education in accordance with the <i>Education Act 1990</i> ... physical or sexual abuse or ill-treatment ... serious physical or psychological harm as a consequence of living in a household where there have been incidents of domestic violence ... serious psychological harm ... the child was the subject of a prenatal report under section 25 and the birth mother did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical the risk factors that gave rise to that report"

Legislation for each State/Territory in Australia:		
Jurisdiction	Principal act	Other relevant acts/legislation
Australian Capital Territory	<i>Children and Young People Act 2008</i> (ACT)	<i>Adoption Act 1993</i> (ACT) <i>Children and Young People Act (ACT Childcare Services) Standards 2009</i> (No. 1) <i>Children and Young People (Employment) Standards 2011</i> (No. 1) <i>Crimes (Child Sex Offenders) Act 2005</i> (ACT) <i>Family Violence Act 2016</i> (ACT) <i>Ombudsman Act 1989</i> (ACT) <i>Working with Vulnerable People (Background Checking) Act 2011</i> (ACT)
New South Wales	<i>Children and Young Persons (Care and Protection) Act 1998</i> (NSW)	<i>Adoption Act 2000</i> (NSW) <i>Advocate for Children and Young People Act 2014</i> (NSW) <i>Child Protection (International Measures) Act 2006</i> (NSW) <i>Child Protection (Offenders Prohibition Orders) Act 2004</i> (NSW) <i>Child Protection (Offenders Registration) Act 2000</i> (NSW) <i>Child Protection (Working with Children) Act 2012</i> (NSW) <i>Crimes (Domestic and Personal Violence) Act 2007</i> (NSW) <i>Industrial Relations (Child Employment) Act 2006</i> (NSW) <i>Ombudsman Act 1974</i> (NSW) <i>Young Offenders Act 1997</i> (NSW)

Northern Territory	<i>Care and Protection of Children Act 2007 (NT)</i>	<i>Adoption of Children Act 1994 (NT)</i> <i>Child Protection (Offender Reporting and Registration) Act 2016 (NT)</i> <i>Children's Commissioner Act 2013 (NT)</i> <i>Disability Services Act 2004 (NT)</i> <i>Domestic and Family Violence Act 2007 (NT)</i> <i>Information Act 2006 (NT)</i> <i>Youth Justice Act 2005 (NT)</i>
Queensland	<i>Child Protection Act 1999 (Qld)</i>	<i>Adoption Act 2009 (Qld)</i> <i>Child Employment Act 2006 (Qld)</i> <i>Child Protection and Education Legislation (Reporting of Abuse) Amendment Bill 2017</i> <i>Child Protection (International Measures) Act 2003 (Qld)</i> <i>Child Protection (Offender Reporting) and Other Legislation Amendment Bill 2017 (Qld)</i> <i>Child Protection Reform Amendment Act 2017 (Qld)</i> <i>Child Protection Reform Amendment Act 2014 (Qld)</i> <i>Commission for Children and Young People and Child Guardian Act 2000 (Qld)</i> <i>Director of Child Protection Litigation Act 2016 (Qld)</i> <i>Domestic and Family Violence Protection Act 2012 (Qld)</i> <i>Education and Care Services Act 2013 (Qld)</i> <i>Education (General Provisions) Act 2006 (Qld)</i> <i>Family and Child Commission Act 2014 (Qld)</i> <i>Family Responsibilities Commission Act 2008 (Qld)</i> <i>Guardianship and Administration Act 2000 (Qld)</i> <i>Ombudsman Act 2001 (Qld)</i> <i>Police Powers and Responsibilities Act 2000 (Qld)</i> <i>Public Guardian Act 2014 (Qld)</i> <i>Public Health Act 2005 (Qld)</i> <i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i> <i>Youth Justice Act 1992 (Qld)</i>
South Australia	<i>Children's Protection Act 1993 (SA)</i>	<i>Adoption Act 1988 (SA)</i> <i>Child Protection Review (Powers and Immunities) Act 2002 (SA)</i> <i>Child Safety (Prohibited Persons) Act 2016 (SA)</i> <i>Child Sex Offenders Registration Act 2006 (SA)</i> <i>Children and Young People (Oversight and Advocacy Bodies) Act 2016 (SA)</i> <i>Children and Young People (Safety) Bill 2017 (SA)</i> <i>Children's Protection (Miscellaneous) Amendment Act 2005 (SA)</i> <i>Domestic Violence Act 1994 (SA)</i> <i>Family and Community Services Act 1972 (SA)</i> <i>Young Offenders Act 1994 (SA)</i>
Tasmania	<i>Children, Young Persons and</i>	<i>Adoption Act 1988 (Tas.)</i> <i>Child Care Act 2001 (Tas.)</i> <i>Child Protection (International Measures) Act 2003 (Tas.)</i>

	<i>their Families Act 1997 (Tas.)</i>	<i>Children, Young Persons and their Families Amendment Act 2009 (Tas.)</i> <i>Commissioner for Children and Young People Act 2016 (Tas.)</i> <i>Community Protection (Offender Reporting) Bill 2016 (Tas.)</i> <i>Education Act 1994 (Tas.)</i> <i>Family Violence Act 2004 (Tas.)</i> <i>Registration to Work with Vulnerable People Act 2013 (Tas.)</i> <i>Youth Justice Act 1997 (Tas.)</i>
Victoria	<i>Children, Youth and Families Act 2005 (Vic.)</i>	<i>Adoption Act 1984 (Vic.)</i> <i>Child Employment Act 2003 (Vic.)</i> <i>Child Wellbeing and Safety Act 2005 (Vic.)</i> <i>Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017 (Vic.)</i> <i>Commission for Children and Young People Act 2012 (Vic.)</i> <i>Family Violence Protection Act 2008 (Vic.)</i> <i>Sex Offenders Registration Act 2004 (Vic.)</i> <i>Working with Children Act 2005 (Vic.)</i>
Western Australia	<i>Children and Community Services Act 2004 (WA)</i>	<i>Adoption Act 1994 (WA)</i> <i>Child Care Services Act 2007 (WA)</i> <i>Children and Community Services Act 2004 (WA)</i> <i>Commissioner for Children and Young People Act 2006 (WA)</i> <i>Community Protection (Offender Reporting and Registration) Act 2004 (WA)</i> <i>Family Court Act 1997 (WA)</i> <i>Restraining Orders Act 1997 (WA)</i> <i>Working with Children (Criminal Record Checking) Act 2004 (WA)</i> <i>Young Offenders Act 1994 (WA)</i>

Mandated notifiers:

For further information on making a report, including who to contact, please refer to the following websites:

- Victorian staff: <https://providers.dhhs.vic.gov.au/mandatory-reporting> and <https://providers.dhhs.vic.gov.au/mandatory-reporting-child-protection-victoria-registered-psychologists-factsheet>
- ACT Staff: <https://www.communityservices.act.gov.au/ocyfs/keeping-children-and-young-people-safe>
- Regarding children residing in NSW: <https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters>

Professional Association guidelines:

Australian Association of Social Workers:

<https://www.aasw.asn.au/practitioner-resources/code-of-ethics>

Australian Psychological Society:

<https://www.psychology.org.au/getmedia/d873e0db-7490-46de-bb57-c31bb1553025/APS-Code-of-Ethics.pdf>

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