

# Mandatory Reporting of Child Abuse and/or Neglect

## Keeping children safe: a shared responsibility

The object of the *Children, Young Persons and Their Families Act 1997* (the Act) is to provide for the care and protection of children in a manner that maximises a child's opportunity to grow up in a safe and stable environment and to reach his or her full potential.

## What does the Act say about reporting abuse and/or neglect?

Every adult who knows, or believes or suspects on reasonable grounds, that a child is suffering, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect. One way that an adult can discharge this responsibility is to report their knowledge, belief or suspicion to Child Protection Services or a Gateway Service.

Prescribed persons (who are often called 'mandatory reporters') have a special duty to inform the Child Protection Services or a Gateway Service if they believe, suspect or know that a child has been or is being abused or neglected. Mandatory reporters may face penalties if they fail to inform Child Protection Services or a Gateway Service of their knowledge, belief or suspicions.

## Who is a mandatory reporter?

The list of mandatory reporters is extensive and includes the following groups:

- registered medical practitioners
- registered and enrolled nurses
- a person who is registered as a dentist, dental therapist or dental hygienist
- registered psychologists
- police officers
- probation officers
- principals and teachers in any educational institution (including a kindergarten)
- a person who provides child care, or a child care service, for fee or reward
- a person concerned in the management of a licensed child care service
- any other person who is employed or engaged as an employee for, of or in, or who is a volunteer in –
  - a Government Agency that provides health, welfare, education, child care or residential services wholly or partly for children,
  - an organisation that receives any funding from the Crown for the provision of such services, and
- any other person of a class determined by the Minister by notice in the Gazette to be prescribed persons.

Anyone working for Gateway Services, Integrated Family Support services or any non-government organisation providing support to families with children is a mandatory reporter.

## When must a mandatory reporter make a report?

Section 14 of the Act provides that if a mandatory reporter –

“in carrying out official duties or in the course of his or her work (whether paid or voluntary), believes, or suspects, on reasonable grounds, or knows –

- (a) that a child has been or is being abused or neglected or is an affected child within the meaning of the *Family Violence Act 2004* (which defines “an affected child” as “a child whose safety, psychological wellbeing or interests are affected or likely to be affected by family violence”), or
- (b) that there is a reasonable likelihood of a child being killed or abused or neglected by a person with whom the child resides; or
- (c) while a woman is pregnant, that there is a likelihood that after the birth of the child –
  - i. the child will suffer abuse or neglect, or may be killed by a person with whom the child is likely to reside; or
  - ii. the child will require medical treatment or other intervention as a result of the behaviour of the woman, or another person with whom the woman resides or is likely to reside, before the birth of the child

the prescribed person must inform the Secretary (Child Protection Services) or a Community Based Intake Service (Gateway Services) of that belief, suspicion or knowledge as soon as practicable after he or she forms the belief or suspicion or gains the knowledge.”

## What are ‘reasonable grounds’ for suspecting abuse or neglect?

Whether someone has ‘reasonable grounds’ for suspecting abuse or neglect is a question of fact that will vary depending on individual circumstances. There may be reasonable grounds for suspecting abuse or neglect where:

- A child tells you that he or she has suffered non-accidental physical injury, neglect, sexual abuse and/or emotional trauma (for example extreme fear).
- Someone tells you that a child has been abused.
- Your own observations of the child’s physical condition or behaviours lead you to believe that the child has suffered non-accidental physical injury or sexual abuse or neglect.

See also the information sheet regarding making a notification about an unborn child (<http://www.dhhs.tas.gov.au/dcyfs/legislation/cyptfa>).

## What does a mandatory reporter have to report?

Whether a mandatory reporter informs the Secretary or a Community-Based Intake Service verbally or in writing, the person must include in the information a statement of the observations, information, opinions and other grounds upon which the belief, suspicion or knowledge is based. Child Protection Services, as delegates of the Secretary of DHHS has the power to request further information relating to the safety, welfare or wellbeing of a child.

## Is it an offence if a mandatory reporter does not make a report?

If you are a mandatory reporter and you fail to inform Child Protection Services or a Gateway Service of a reasonable belief, suspicion or knowledge of a child suffering abuse or is at risk of abuse, you may be charged with an offence under the Act. You may not be guilty of an offence where you honestly and reasonably believed that the Secretary or a Community-Based Intake Service had been informed of the reasonable grounds on which your suspicion or knowledge was based by another person.

## Who can I make a report to?

The recent amendments to the Act provide that you can now make a report to either a **Gateway Service** or **Child Protection Services**. Your notification will be accepted by whichever service you contact.

### (1) Gateway Services

Gateway Services are able to connect vulnerable children, young people and their families to the services they need to protect and promote their healthy development. Families requiring the support of Family Services generally have complex needs which can adversely impact on a child's development if appropriate supports and interventions are not provided in a timely manner. Significant concerns about the child's wellbeing and development are highlighted by how often issues are occurring, how serious the issues are and most importantly how the issues are affecting the child's development. A community-based Child Protection worker works in each of the Gateway Services and is able to act on notifications of neglect and abuse (see dot points below).

#### Contact number for Gateway Services: 1800 171 233

From 9am to 5pm Monday – Friday, this number will divert you to your regional Gateway Services office.

South West Gateway is run by Baptistcare	South East Gateway is run by Mission Australia
Northern Gateway is run by Baptistcare	North West Gateway is run by Mission Australia

### (2) Child Protection Intake in DHHS

Child Protection Intake is the tertiary 'entry point' for the statutory child protection service in Tasmania. Staff receive enquiries and reports made during business hours Monday to Friday. Outside normal working hours, calls to Intake are automatically transferred to the Emergency After-hours Service for urgent child protection notifications or serious issues affecting children in care only.

Child Protection Services is part of Disability, Child, Youth and Family Services in the Human Services within DHHS. The services are broken into four Area Teams located in the North, North West, South West and South East regions, the boundaries of which align with the Departments of Education and Police and Emergency Management's boundaries.

Each Area Team provides services to children and families located within their region. Services range across the three service platforms - universal, secondary and tertiary level services - from child health and parenting services through to statutory child protection services.

#### Contact number for Child Protection: 1300 737 639

This state-wide number can be used 24 hrs a day to report concerns about children. However, outside of usual business hours (9 to 5) it should only be used to report emergencies or urgent concerns regarding risk of immediate harm.

Website:

[http://www.dhhs.tas.gov.au/about\\_the\\_department/organisational\\_structure/structure/operational\\_units/dcyfs/unit\\_structure/area\\_teams/child\\_protection\\_services](http://www.dhhs.tas.gov.au/about_the_department/organisational_structure/structure/operational_units/dcyfs/unit_structure/area_teams/child_protection_services)

Additional Contact numbers for Child Protection Intake	
<b>South West Tasmania Contacts</b>	<b>South East Tasmania Contacts</b>
Child Protection Services PH: 6230 7650 (business hours only)	Child Protection Services PH: 6230 7833 (business hours only)
<b>Northern Tasmania Contacts</b>	<b>North West Tasmania Contacts</b>
Child Protection Services PH: 6336 2376 (business hours only)	Child Protection Services PH: 6434 6246 (business hours only)
<b>Website:</b> <a href="http://www.dhhs.tas.gov.au">www.dhhs.tas.gov.au</a>	

## Making a report

The Act allows reports to be made orally or in writing. You may be required to provide particulars of a report in writing. Any concerns you have regarding the safety, welfare or wellbeing of a child should be reported. This includes but is not limited to:

- Physical abuse of, or non-accidental or unexplained injury to, a child.
- A disclosure of sexual abuse of a child by the child themselves or a witness.
- The presence of a combination of factors which suggest that sexual abuse may have been suffered by the child such as exhibiting concerning behaviours, or where a known or suspected perpetrator has had unsupervised contact with the child.
- Emotional abuse and ill treatment of a child impacting on the child's stability and healthy development.
- Persistent neglect, poor care or lack of appropriate supervision (including regular lack of attendance at school), where there is a likelihood of significant harm to the child's stability and development.
- Persistent family violence or parental substance misuse, psychiatric illness or intellectual disability, where there is a likelihood of significant harm to the child or the child's stability and development.
- Where a child's actions or behaviour may place them at risk of significant harm and the parents are unwilling or unable to protect the child.
- Where parents are believed to be deliberately involving the child in criminal activity.
- Where a child appears to have been abandoned, or where the child's parents are dead or incapacitated, and no other person is caring properly for the child.

Many cases will not neatly fit into these categories, and it may be harder to determine whether the level and the nature of any risk is such that the child is in need of protection. Consider:

- i. What specifically has happened to the child that has caused your concerns and what is the impact on their safety, stability, health, wellbeing and development?
- ii. How vulnerable is the child (for example, are they under five years old)?
- iii. Is there a history of concerns with this child and/or other children in the family?
- iv. Are the parents aware of the concerns and are they capable and willing to take action to promote the child's health, wellbeing, and development and ensure the safety and stability of the child?
- v. Are the parents able and willing to use support services to promote the child's safety, stability, wellbeing and development?

## Who will respond to a report?

According to the level of the risk to the child an appropriate service will respond.

In cases where supports are required for the family, but where the child is not at risk of immediate harm, the Gateway Service will identify the support required and refer the family to the appropriate services. This is the case regardless of where the report is made.

Child Protection Services will investigate any cases where a risk of harm to a child or children has been identified. Gateway Services have a child protection worker working in each of the four regional Gateways to facilitate any child protection investigations that are required.

## If you are not sure whether to make a report

Often, a mandatory reporter may have some concerns for a child, or that a family needs some support, but does not think the child is at immediate risk.

By contacting the Gateway Service this concern can be addressed without the need to engage the statutory child protection system. In fact, by providing support to families earlier, future involvement of child protection is likely to be avoided.

By advising your concern to the Gateway, you are meeting your requirement to report under the Act, and, with a senior child protection worker out-posted to the Gateway, you can be confident that if child protection needs to be involved, a direct referral will be made to the child protection service.

## Further information

A website covering amendments to the Act is available at <http://www.dhhs.tas.gov.au/dcyfs/legislation/cyptfa>

Other information sheets are also available on the site above and include:

- Information Sharing,
- Responsibilities of Mandatory Reporters, and
- Notifications about unborn children.

**Important note:** This information does not constitute legal advice. If more information is required, consult the relevant legislation or a legal adviser, as necessary.

**Disclaimer:** While reasonable efforts have been made to ensure that the contents of this document are correct, the Crown in Right of the State of Tasmania, its agencies and employees, do not accept responsibility for the accuracy or completeness of the contents, and is not liable to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the contents of this document.