



Safeguarding Children and Vulnerable Persons

Mandatory Reporting Guide



Manual

For the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney

Version II – October 2023

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MARONITE EPARCHY OF AUSTRALIA, NEW ZEALAND AND OCEANIA

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To whom does this policy apply?

This policy applies to all members of the Trustees of the Roman Catholic Church for the Diocese of St Maron, Sydney AKA Maronite Eparchy of Australia, New Zealand and Oceania in its parishes, committees and diocesan organisations. This would include, but not limited to any persons who are in contact with children and vulnerable persons, such as:

- *Members of the clergy and religious*
- *Paid employees*
- *Volunteer employees*

Any member of the congregation who is in contact with children and vulnerable persons.

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I. INTRODUCTION

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

In NSW, mandatory reporting is regulated by the Children and Young Persons (Care and Protection) Act 1998 (the Care Act).

It's mandatory to make a report if the child is 0 to 15 years and at risk of significant harm.

It's not mandatory to make a report if it is an unborn child, or a young person aged 16 to 17.

If you want to report a child and family with whom you do not have a professional relationship, you may only do so as an individual but not as a mandatory reporter.

II. WHO ARE MANDATORY REPORTERS IN NSW

In NSW mandatory reporting obligations apply to persons who deliver the following services wholly or partly to children as part of their professional work or other paid employment and those in management positions in organisations that deliver those services:

- Health Care
- **Welfare (psychologists, social workers, counsellors, etc)**
- Education (teachers, school counsellors)
- Disability Services
- Children's Services
- Residential Services
- Law Enforcement
- **Persons in religious ministry or persons providing religion based activities to children**
- Registered psychologists

III. WHAT ARE MANDATORY REPORTERS REQUIRED TO MAKE IN NSW

A mandatory reporter must make a report when they have reasonable grounds to suspect that a child or young person is at risk of significant harm and those grounds arise in the course of, or from their work or role.

A mandatory reporter has a duty to report, as soon as practicable, the name, or a description, of the child and the grounds for suspecting that the child is at risk of significant harm¹.

¹ Children and Young Persons (Care and Protection) Act 1998 section 27(2)

You must make a report to the Department of Communities and Justice (DCJ) when you have current concerns about the safety, welfare and wellbeing of a child for any of the following reasons:

- the basic physical or psychological needs of the child or young person are not being met (neglect)
- the parents or caregivers have not arranged necessary medical care for the child or young person (unwilling or unable to do so)
- the parents or caregivers have not arranged for the child or young person to receive an education in accordance with the Education Act 1990 (unwilling or unable to do so)
- risk of physical or sexual abuse or ill-treatment
- parent or caregiver's behaviour towards the child causes or risks serious psychological harm (emotional abuse)
- incidents of domestic violence and as a consequence a child or young person is at risk of serious physical or psychological harm (domestic or family violence)
- the child was the subject in a prenatal report and the birth mother did not engage successfully with support services.
- It's mandatory to make a report if the child is 0 to 15 years and at risk of significant harm.

IV. WHAT IS CHILD ABUSE AND NEGLECT

If you think a child or young person is at risk of harm from abuse or neglect, contact the Child Protection Helpline on 132 111 (open 24 hours/7 day).

Children and young people have a right to be safe in their own homes and in the community, and live without violence and abuse. Child abuse and neglect is a crime, yet it continues to be an issue in Australia.

There are different forms of child abuse: neglect, sexual, physical and emotional abuse.

- Neglect – Neglect is when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, shelter, medical and dental care, adequate supervision, and enough parenting and care.
- Sexual abuse – Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children or young people are bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse is a crime.
- Physical abuse – Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes but is not limited to injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation.
- Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. The application of any unreasonable physical force to a child is a crime in NSW. For example, hitting a child or young person around the head or neck, or using a stick, belt or other object to discipline or punish a child or young person (in a manner that is not trivial or negligible) may be considered a crime

- Emotional abuse or psychological harm – Serious psychological harm can occur where the behaviour of their parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma.

Although it is possible for 'one off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person.

This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

V. WHAT ARE THE SIGNS OF ABUSE AND NEGLECT

There are common physical and behavioural signs that may indicate abuse or neglect. The presence of one of these signs does not necessarily mean abuse or neglect. Other things need to be considered, such as the circumstances of the child, young person or family.

When considering if a child or young person has been abused or neglected, or is at risk of this, it is important to keep in mind the life circumstances of the child, young person and their family.

Risk factors

The following risk factors (either singularly or in combination) are associated with increased risk of harm for children and young people:

- social or geographic isolation of the child, young person or family, including lack of access to extended family
- previous abuse or neglect of a brother or sister
- family history of violence including domestic violence
- physical or mental health issues for the parent or caregiver which affects their ability to care for the child or young person in their care
- the parent or caregivers' abuse of alcohol or other drugs that affects their ability to care for the child or young person in their care.

Careful consideration

The signs below are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been, or is, occurring. The child or young person's circumstances and their age or other vulnerabilities, for example disability or chronic illness, also need to be taken into consideration.

If you have concerns, then you should report them to Community Services. Remember, the following are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been, or is, occurring.

Possible signs of neglect

Signs in children or young people

- low weight for age and failure to thrive and develop
- untreated physical problems, such as sores, serious nappy rash and urine scalds, dental decay
- poor standards of hygiene, for example child or young person consistently unwashed
- poor complexion and hair texture
- child not adequately supervised for their age
- scavenging or stealing food and focus on basic survival
- extended stays at school, public places, other homes
- longs for or indiscriminately seeks adult affection
- rocking, sucking, head-banging
- poor school attendance.

Signs in parents or carers

- unable or unwilling to provide adequate food, shelter, clothing, medical attention, safe home conditions
- leaving the child without appropriate supervision
- abandons the child or young person
- withholding physical contact or stimulation for prolonged periods
- unable or unwilling to provide psychological nurturing
- has limited understanding of the child or young person's needs
- has unrealistic expectations of the child or young person.

Possible signs of physical abuse

Signs in children

- bruising to face, head or neck, other bruising and marks which may show the shape of the object that caused it eg belt buckle, hand print
- lacerations and welts
- drowsiness, vomiting, fits or pooling of blood in the eyes, which may suggest head injury
- adult bite marks and scratches
- fractures of bones, especially in children under three years old
- dislocations, sprains, twisting
- burns and scalds, including cigarette burns
- multiple injuries or bruises
- explanation of injury offered by the child or young person is not consistent with their injury
- abdominal pain caused by ruptured internal organs, without a history of major trauma
- swallowing of poisonous substances, alcohol or other harmful drugs
- general indicators of female genital mutilation, such as having a 'special operation'.

Signs in parents and carers

- frequent visits with the child or young person in their care to health or other services with unexplained or suspicious injuries, swallowing of non-food substances or with internal complaints
- explanation of injury offered by the parent is not consistent with the injury
- family history of violence
- history of their own maltreatment as a child
- fears injuring the child or young person in their care
- uses excessive discipline.

Possible signs of sexual abuse

Signs in children or young people

- bruising or bleeding in the genital area
- sexually transmitted diseases
- bruising to breasts, buttocks, lower abdomen or thighs
- child or young person or their friend telling you about it, directly or indirectly
- describing sexual acts
- sexual knowledge or behaviour inappropriate for the child's age
- going to bed fully clothed
- regressive behaviour, such as sudden return to bed-wetting or soiling
- self-destructive behaviour, such as drug dependency, suicide attempts, self-mutilation
- child being in contact with a known or suspected paedophile
- anorexia or overeating
- adolescent pregnancy
- unexplained accumulation of money and gifts
- persistent running away from home
- risk taking behaviours, such as self-harm, suicide attempts.

Signs in parents or carers

- exposing a child or young person to prostitution or pornography or using a child for pornographic purposes
- intentional exposure of a child to sexual behaviour of others
- previous conviction or suspicion of child sexual abuse
- coercing a child or young person to engage in sexual behaviour with other children
- verbal threats of sexual abuse
- denial of adolescent's pregnancy by family.

Possible signs of emotional abuse

All types of abuse and neglect harm children psychologically, but the term 'psychological harm' or 'emotional abuse' applies to behaviour which damages the confidence and self-esteem of a child or young person, resulting in serious emotional deprivation or trauma.

Signs in children

- constant feelings of worthlessness about life and themselves
- unable to value others
- lack of trust in people
- lack of people skills necessary for daily functioning
- extreme attention-seeking behaviour
- is obsessively eager to please or obey adults
- takes extreme risks, is markedly disruptive, bullying or aggressive
- is highly self-critical, depressed or anxious
- suicide threats or attempts
- persistent running away from home.

Signs in parents or caregivers

- constant criticism, belittling, teasing of a child or young person, or ignoring or withholding praise and attention
- excessive or unreasonable demands
- persistent hostility and severe verbal abuse, rejection and scapegoating
- belief that a particular child or young person in their care is bad or 'evil'
- using inappropriate physical or social isolation as punishment
- domestic violence.

Remember, the above are only possible signs of abuse and neglect. The presence of these signs does not necessarily mean abuse and neglect has been, or is, occurring.

VI. IF A CHILD TELLS YOU ABOUT ABUSE

Children do not often disclose abuse or neglect the first time something happens. They may experience a sense of helplessness and hopelessness and may take weeks or years before making their abuse known.

A child or young person may:

- believe that they are responsible for the abuse
- not understand that it is inappropriate behaviour by others
- want to protect the person responsible
- want to protect their own 'reputation'
- feel ashamed of the abuse, of the perpetrator, of protecting the perpetrator
- feel scared or powerless
- have been threatened with further harm or harm to others if they tell someone.

A child may disclose information purposefully or accidentally. They could:

- 'blurt out' a harmful experience or their fear of something
- confide privately that they have been abused or fear that they will be
- tell another child
- provide hints – as evidenced in drawings, play or stories
- disguise a disclosure by posing 'what if' or 'a friend of mine' scenarios
- present with somatic symptoms, such as constantly feeling 'sick'.

How to Respond

You should respond to a disclosure by being calm and listening carefully and non-judgmentally. Let the child tell their story freely and in their own way. Acknowledge how difficult it may have been to disclose and reassure the child or young person that it was the right thing to do.

The role of the person hearing the disclosure is not to interview or gather evidence. This is the responsibility of specially trained caseworkers and police officers.

Immediately after the disclosure write down and date the comments and statements made by the child using their exact words. Record any observations about the child's mood or demeanour. Communicate this information to the Child Protection Helpline or the Child Wellbeing Unit to assist in the assessment and investigation process.

Taking the child into account

Where appropriate, a child or young person should be told a report is being made to Family and Community Services. How they are told depends on whether the abuse was intentionally or accidentally disclosed, as well as on the child's age and capacity to understand. It is not a legislative requirement to seek the consent of the child or young person when making a report except when reporting the homelessness of young people aged 16 years or above but under 18 years of age.

Even if a child or young person opposes you reporting, if they are at risk of significant harm you must proceed and report the matter as they and their siblings or other children and young people with whom the alleged person responsible has contact may be at similar risk. Failure to report suspected risk of significant harm is against the law and can also be seen as colluding with the abuse and with the alleged perpetrator.

Record the child's response

When making a report, provide information about a child or young person's reaction to hearing that the report is being made to the Child Protection Helpline. The legislation requires DCJ to have regard to any known wish expressed by a young person, including their opposition to the report being made.

VII. IF A PARENT TELLS YOU ABOUT CHILD ABUSE

A parent or carer may disclose they have or could harm their child, or that another household member has done so.

Parents who physically harm or neglect their children or tolerate their partner doing so may still love their children. The behaviour may be due to a range of factors such as:

- lacking a successful model of parenting and family life
- having been abused as children
- lacking an understanding of their child's needs or of age-appropriate expectations
- being overwhelmed by external stressors and unable to cope
- expecting their child to satisfy their own emotional needs

- being victims of violence themselves
- not being able to control their anger or frustration, resulting in lashing out at their child
- chronic illness, such as depression, or disability, which limits their ability to meet the needs of their children.

Try not to judge

It is important to suspend personal judgment about the parent. Do not either minimise or exaggerate their behaviour or attitudes. It is also important not to ignore the role of the parent or carer who has failed to protect their child or young person, or to prematurely regard them as an innocent party or a minimally responsible party.

Focus on the child

The reporter's focus should remain on how the child or young person is experiencing the parental or carer behaviours, their particular vulnerabilities and any risk of significant harm. The obligation to report current concerns exists regardless of a parent's remorse or their stated intention to seek help.

VIII. INFORMATION NEEDED TO MAKE A REPORT

The detail and quality of the information provided to the Child Protection Helpline by the reporter is critical to the quality of the decision making that follows. It is important to provide all relevant information when making a child protection report.

- Prepare for making a report to Helpline by gathering all the available information together.
Note that reports must still be made where only a little information is known but there is risk of significant harm.
- Sometimes you may not have all of this information. As a minimum, Communities and Justice needs to be able to identify and locate the child or young person.
Information that assists this, such as the child or young person's school or childcare centre, is also helpful.
- The kind of information which is useful includes risk of significant harm information, as well as information about the child or young person, the family, the reporter, and the context of the report.

Helpful information

If possible, please have following information ready when making a report to the Child Protection Helpline:

Child or young person

- name
- date of birth or age

- address
- phone numbers
- cultural identity or Aboriginality
- language barriers
- disabilities
- school details
- care arrangements, legal status.

Parents, carers or other household members

- name
- date of birth or age
- address
- phone numbers
- cultural identity or Aboriginality
- language barriers
- disabilities.

Reporter details

- name, agency address, phone and email details
- position
- reason for reporting today
- nature of contact with child or family
- nature of ongoing role with child or family, include frequency, duration and type
- if report is being made by someone else in the agency, name of the agency worker who sourced the report.

Other information

- information about parental risk factors and how they link to child's risk of harm, such as domestic violence, alcohol or other drug use, unmanaged mental illness, intellectual or other disability
- protective factors and family strengths
- non-offending carers' capacity to protect child
- any previous suspicious death of a child or young person in the household?
- is the parent or carer pregnant?
- is the parent or carer the subject of an Apprehended Violence Order?
- description of family structure, for example, biological parents, single parent, blended family
- name, age, gender of siblings. Do siblings live with the child or young person? Services involved with child and family if known
- principal language of family and whether an interpreter for a spoken or signed language is required
- if parent knows of report and their response
- if child or young person knows about the report and their views
- information related to worker safety issues

- outcome of Mandatory Reporter Guide.

1. Physical Abuse

- description of injuries – type of injury and location on body
- who caused the harm?
- medical treatment required and/or administered?
- how did the injury occur?
- are the circumstances suspicious? Why?
- details of any excessive discipline used
- did the injury result from domestic violence?
- does the child fear for their life or safety or the safety of the non-offending parent?
- do credible threats to kill or injure the child exist?
- is the parent or carer's behaviour violent and/or out of control?

2. At-risk behaviour

- homelessness – What are the current living arrangements? What are the risk factors?
- are the whereabouts of the parents or carers known? Are they behaving protectively? How?
- are the parents or carers able and willing to address the risk taking or serious self-harming behaviour?

3. Sexual abuse

- provide details of disclosure in the child's own words
- when did the alleged abuse occur?
- what was the context of the disclosure?
- is there a witness?
- is there medical evidence?
- information on the alleged offender (age, name, etc)
- is the language and/or behaviour of the child extremely sexualised? Is this uncharacteristic of their age?
- are the sexual behaviours reflective of the age group?
- does a highly suspected perpetrator of sexual abuse have access to the child?
- does the child require immediate medical treatment and was it administered?
- is the child extremely fearful of being in the home?
- does the non-offending parent believe the child and are they supportive?

4. Pre-natal

- are there any parental risk factors (substance abuse, mental health, disability, homelessness)?
- are the parent or carer behaviours likely to seriously impact the child once it is born?
- is there a birth alert with NSW Health?
- is the anticipated due date within 14 days?

5. Neglect

- has the child suffered an injury or illness as a direct result of neglectful behaviour by the parent or carer?
- has the parent or carer failed to provide adequate supervision?
- detailed description of child's appearance
- did hazardous conditions in the home result in the injury or illness?
- describe any relevant household conditions and/or state of the home
- did parent or carer fail to obtain necessary medical and/or mental health care?
- was the child diagnosed with malnutrition?
- are the parents or carers behaviours a factor in the child not attending school (educational neglect)? What actions has the school taken?
- is there a substance exposed newborn? Have the parents made preparations for the infant?
- is there a severe condition or pattern of parent or carer behaviour that presents an imminent risk?

6. Psychological harm

- detailed information on the child's emotional state. What have you observed?
- do the child's symptoms relate to a persistent pattern of parent or carer behaviour, such as domestic violence?
- how does the parent or carer behave towards the child?

Once a report is compiled, then must be made to the Child Protection Helpline no further report needs to be made unless new information comes to hand.

IX. HOW TO MAKE A CHILD PROTECTION REPORT

There are two ways mandatory reporters can make a child protection report:

- By calling the Child Protection Helpline on 132 111.
- By e-Report through the ChildStory Reporter website.

Calling the Child Protection Helpline

Mandatory reporters can call the Child Protection Helpline on 132 111. It is open 24 hours a day, 7 days a week. Reading Mandatory reporters: What to report and when may help you to decide whether you should call or not.

If you're a member of the general public, you can also call the Child Protection Helpline. Reading Should I call to report a child at risk? may help you to decide whether you should call or not.

Registering to submit e-Reports

Mandatory reporters need to register to submit eReports. Once registered, mandatory reporters:

- can create and submit eReports after using the Mandatory Reporter Guide (MRG), if the MRG outcome is "Report to DCJ" or "Refer to CWU"
- will be notified by email when there is a change of status for a report
- can log into the ChildStory Reporter Community website to see the status of any previous reports that have been submitted.

X. WHAT HAPPENS NEXT?

When the Department of Communities and Justice (DCJ) receives your report, we are required by law to make an assessment and determine whether the child or young person is actually at risk of significant harm.

The information you provide in a report will inform what further action is needed. Other considerations include the child or family history held by DCJ.

The Department will assess all reports to determine the most appropriate action to ensure the safety, welfare and wellbeing of the child or young person. This might involve talking to the child or young person, their family or other important people in their life (such as relatives, teachers or child carers), or talking to people who work with the child or young person, or their family (such as counsellors, health professionals or family support workers).

XI. FEEDBACK ON YOUR REPORT

The Child Protection Helpline will inform you in writing whether the report you made meets the threshold of significant harm or not.

XII. CONFIDENTIALITY

Any issues relating to suspected or alleged harm or / and abuse to children or vulnerable persons is highly sensitive and must be treated in such a way. Any reports or documentation on disclosures must be kept in a secure place, at all times and access to these records is strictly limited to those involved in the matter, according to their capacities.

The matter is only discussed with those who are dealing with the situation; no other persons will be involved, without special or prior consent of the Maronite Bishop of Australia.

Reports made to the Child Protection Helpline are confidential and the reporter's identity is generally protected by law. The law offers the following protections to a person who makes a report in good faith:

- making the report will not breach professional etiquette or ethics or amount to professional misconduct
- the reporter will not be liable for defamation
- the reporter is protected from civil and criminal liability
- the reporter is protected against retribution for making, or proposing to make, a report.

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Protecting Children and Vulnerable Persons

- except in specific, limited circumstances, the report, or its contents, is not admissible in any proceedings
- a person cannot be compelled by a court to provide the report or disclose or give evidence of any of its contents
- there is an overriding public interest against disclosure of a report under the *Government Information (Public Access) Act 2009*.

However, current legislation allows NSW Police access to the identity of the reporter, if this is needed in connection with the investigation of a serious offence 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 informing them of the disclosure will prejudice the investigation.

