



## Islamic School of Canberra

### CHILD PROTECTION: MANDATORY REPORTING POLICY

#### Purpose:

To provide direction to Principals, Teachers and other Mandated Reporters working in schools when making a report to Child Youth Protection Services regarding concerns for the safety, welfare or well being of a child or young person. The focus of the Child Protection Policy is both to prevent harm and to be responsive to the needs of children in the care of ISC while meeting our legislative obligations to report. This policy aligns with elements 1.1, 1.9, 2.7, 3.2, 3.3 and 4.1 of the National Safe Schools Framework, 2011.

The school is required to report allegations, offences or convictions relating to child-related misconduct by an employee to the Ombudsman.

#### Policy:

A Mandated Reporter is encouraged and must make a report to Child Youth Protection Services if the Mandated Reporter believes, on reasonable grounds, that a child or young person has suffered or is suffering sexual abuse or non-accidental physical injury. The belief must come from information obtained during the course of, or because of the person's work (whether paid or unpaid). For purposes of this policy, a Mandated Reporter is a teacher or staff member working at ISC.

A Mandated Reporter who believes or suspects that a child or young person is experiencing or has experienced sexual abuse or non-accidental physical injury must provide, as soon as practicable after forming a belief, a mandatory report. The mandatory report must include the child or young person's name and the reasons for their beliefs. ISC policy dictates the same procedure be followed when reporting negligence and risk of harm concerns.

Mandated Reporters make reports of potential abuse by telephone to Child Youth Protection Services on 1300 556 729 or by e-mail on [childprotection@act.gov.au](mailto:childprotection@act.gov.au). A person who gives information honestly to Child Youth Protection Services does not breach professional ethics and is protected from civil liability (Children and Young People Act 2008, ACT). Whilst Mandated Reporters are obligated to make a report to Child Youth Protection Services, it is a usual practice however not necessary that the report will be made through the Principal. The employee can make the report directly without consent from anyone.

The Mandated Reporter does not investigate or attempt to prove his or her concerns. This aspect of the process is left to Child Youth Protection Services who are properly trained in investigative techniques and preservation of evidence. The Principal ensures that Mandated Reporters and the wide school community are made aware of school policy and protocols for making reports to Child Youth Protection Services.

All school employees in school should acknowledge that they have read, understood and are prepared to abide by this Child Protection policy. The Principal ensures that documentation of any

reports made to Child Youth Protection Services are archived according to ISC policy for 7 years. These records are extremely confidential and are stored and archived in a secure place. Staff who make the mandatory report are required to keep a record of this in a secure location.

Mandatory Reporters have a professional responsibility to safeguard the child or young person's right to privacy. Providing information to other agencies or persons about any report made to Child Youth Protection Services or the circumstances leading to the report being made only occurs on the advice of Child Youth Protection Services and/ or the Principal. A Mandated Reporter does not discuss the content of the report with other staff members other than the Principal.

The Principal in consultation with other agencies, ensures that the school's pastoral care structures effectively support students suspected of being abused, neglected or in need of care and protection, their families and staff directly involved with the student including the Mandatory Reporter. The mandated Reporter should inform the Principal of his or her intention to report a child and provide the Principal with a copy of the Child Youth Protection Services notification regarding appraisal of the report.

#### **Definitions:**

**Child** is a person under 18 years of age. It is important to note that this policy also applies to young people as defined below.

**Child Abuse and Neglect** may fall into the following categories:

#### **Non-accidental physical injury physical abuse)**

Is a non-accidental act resulting in an injury to a child or young person by a parent, caregiver or other person who has responsibility for the child or young person. Injury can be caused by a single episode or repeated episodes of abuse. The severity of injury can range from minor bruising to death.

#### **Sexual Abuse**

Sexual abuse is any sexual act or threat impacting on a child, including unwanted sexual acts on a child over the age of consent (18 years old). Sexual abuse includes comments, physical contact, exposure to adult sexual activity and exposure to or involvement in sexual imagery.

Sexual abuse is difficult to detect because it is often surrounded by secrecy. Children are threatened or coerced into remaining silent and are frightened of what might happen if they tell someone about what has happened. Children who do tell someone often deny the abuse later on because of fear or because of how the person they told reacted. There may be no physical signs to indicate sexual abuse. Instead, signs are likely to be emotional or behavioural.

Some indicators of possible sexual abuse may include but are not limited to:

- direct or indirect disclosures
- inappropriate sexual knowledge or behaviour for their age and development
- sudden and unexplained changes in mood or behaviour
- anxious unwillingness to remove clothes – such as for sport events
- difficulty sleeping, nightmares or sudden unexplained fears
- not wanting to go home, or somewhere else

- self-destructive behaviour, such as eating disorders, substance abuse,
- self-mutilation, suicide attempts
- suicidal thoughts
- pain, bleeding or swelling in genital or anal area
- having a sexually transmitted disease or is pregnant.

### Physical Abuse

Physical abuse is the non-accidental injury of a child by an adult. An injury can be caused by a single act or repeated acts. Examples include hitting, shaking, burning, excessive physical discipline, attempted suffocation.

Some indicators of possible physical abuse may include but are not limited to:

- seeming to be accident prone – broken bones, dislocations, or unexplained bruises or injuries
- bruising or marks that show the shape of an object
- multiple scars of different sizes or ages
- explanation for injury seems unlikely or is inconsistent with the injury type
- not wanting to go home, or somewhere else
- flinching when approached by adults
- frozen watchfulness
- family use of different doctors or delay in seeking treatment
- parents absent, or undisturbed by the injury when the child presents for treatment
- reluctance to give information or mention previous injuries
- children provided with alcohol or non-prescribed drugs.

### Emotional Abuse

Emotional abuse is when a child repeatedly experiences events that cause **significant** harm to their wellbeing or development. Constant yelling, belittling, ignoring and ridiculing are some examples. Emotional abuse also occurs when a child has been, or is being exposed to family violence and that exposure has, is, or would cause them significant harm (see 'Family violence').

Emotional abuse can be difficult to recognise as the signs are usually behavioural rather than physical. It is also possible that emotional abuse is a sign other forms of abuse are occurring in the child's life.

In recognising emotional abuse, it is important to consider the behaviour of the child's parents or carers as there can be many reasons why a child may be struggling emotionally that are not related to any form of abuse or neglect.

Some indicators of possible emotional abuse may include but are not limited to:

- extremes of behaviour – very aggressive to very passive
- developmental delays
- abnormal attachments with parents – trying too hard to please or failure to connect

- scapegoating
- low self-esteem and confidence, or fearful of doing something wrong
- frozen watchfulness or often anxious or distressed
- being withdrawn or having difficulty relating to others
- feels worthless, unloved or unwanted.

### **Neglect**

Neglect happens when a parent, carer or person with parental responsibility fails to provide a child with life's basic necessities causing significant harm to the child's wellbeing or development. Examples include failure to provide food, shelter, clothing or health care.

Neglect can be episodic and related to a particular event in a family's life, or it can be persistent where the parent repeatedly fails to meet their child's needs and protect them from harm. Neglect can have serious, detrimental effects on the child's social, psychological, educational and physical development.

Evidence of neglect is built-up over time and can cover different aspects of parenting. Some indicators of possible neglect may include but are not limited to:

- malnutrition, frequent hunger or stealing food
- inappropriate clothing for weather conditions (particularly in winter)
- frequent illness, sores that don't seem to heal, medical problems that don't seem to be addressed
- children frequently appearing lethargic, disinterested, detached, unresponsive with no underlying medical issue
- poor hygiene (body odour, matted hair or dirty skin)
- children not meeting developmental milestones when there is no underlying medical issue
- comments that nobody is at home or that they do things by themselves
- being left unsupervised for long periods of time
- being left with adults who are intoxicated or violent
- frequent absence or being late to school
- children thriving away from their home environment.

### **Family violence**

Family violence often includes multiple forms of abuse, such as physical, sexual and emotional. Emotional abuse is connected to family violence when a child has been, or is being exposed to the violence and that exposure has, is or would cause them significant harm. This exposure includes:

- seeing the violence
- hearing the violence
- seeing the consequences of family violence such as property damage, injuries to those involved including the emotional impact on the victim, or Police visiting the home.

Indicators of possible exposure to family violence include many of those described for other forms of abuse and neglect. Other examples include but are not limited to:

- hypervigilance – overly aware of their surroundings due to anxiety or extreme fear
- concentration problems
- clinginess
- defiant behaviour and rebelliousness
- withdrawal, loss of interest in social activities, depression
- distrust of adults.

## Other Types of Abuse

### *Self-harm*

Self-harm is a complex matter. It happens when a child deliberately hurts their body and is often done in secret as their way of coping with difficult emotions or stressful events. Types of self-harm include cutting, burning or punching the body, or picking skin or sores.

Self-harm *can* be reported to CYPS on a **voluntary** basis if the child is a danger to themselves or others **and** there is no parent **willing and able** to protect the child from harm. In these situations, CYPS may respond by working with community partners to provide a support service to the child and family, rather than conduct an appraisal. The aim is to uncover why the child is self-harming and to help them change their behaviour. See 'How can CYPS act on a report'.

### *Danger to self or others*

Each year, CYPS receives a large number of reports relating to children who may be engaging in risk-taking behaviour that poses a risk to themselves and the broader community. This can include unsafe sexual practices, drug and alcohol abuse or driving a car unlicensed.

While such concerns *can* be reported to CYPS on a **voluntary** basis, it is often better for other **support services** to be used first – including speaking with the child and their parents and suggesting relevant support programs.

Reports made to CYPS may result in a support service being provided to the child and family, rather than an appraisal being conducted. See 'How can CYPS act on a report'. If you know the family, you may be better placed to discuss your concerns with them than a Child and Youth Protection worker they do not know.

### **Mandated Reporter**

For the purposes of this policy and compliance with ACT law, a Mandated Reporter is a teacher, including a teacher's assistant or aide if they are working in paid employment at the school. A counsellor is also a Mandated Reporter as is a person caring for a child at a childcare centre, including a childcare assistant or aide in paid employment. Finally, any person, who, in the course of their employment has contact with or provides services to children, young people and their families, is also a Mandated Reporter. Imam is also mandated to report sexual and physical abuse to Child Youth Protection Services.

### **At risk of abuse or neglect**

A child or young person is at risk of abuse or neglect if, on the balance of probabilities, there is significant risk of the child or young person being abused or neglected.

### **Reasonable Grounds**

A mandated Reporter has belief on reasonable grounds that a child or young person has experienced sexual abuse or non-accidental injury if:

A child or young person has experienced sexual abuse or non-accidental physical injury, or

- Someone else advises you that a child or young person has been sexually abused or non-accidentally injured, or
- Your own observations of the child or young person's physical condition or behaviours, or those of the parents or caregivers, lead you to reasonably believe that the child or the young person has suffered or is suffering non-accidental physical injury or sexual abuse.

### **Mandatory and voluntary reporting under the *Children and Young People Act 2008***

Under the *Children and Young People Act 2008* there are two types of reporting: voluntary and mandatory reporting.

**Voluntary reporting** allows any person who is concerned about a child or unborn child to make a Child Concern Report to CYPS if they believe or suspect a child is:

- being abused, or
- being neglected, or
- exposed to family violence, or
- at risk of abuse or neglect.

*Voluntary reporting also includes a report of an unborn child if it is believed or suspected this child may be at risk after birth. This is called prenatal reporting.*

Everyone in the community is a voluntary reporter. As a voluntary reporter, you should always provide CYPS with the basis for your belief or suspicion honestly and without recklessness. Knowingly providing false or misleading information is an offence under the *Children and Young People Act 2008* and you can be charged. A maximum penalty of 50 penalty units, six months imprisonment or both apply to this offence.

**Mandatory reporting** is a **legal requirement** for certain professionals to make a Child Concern Report to CYPS if, **through the course of their work** (paid or unpaid), they believe on **reasonable grounds** a child may be:

- being or has been **sexually abused**, or
- experiencing or has experienced **non-accidental physical injury** (physical abuse).

Mandated reporters are **also** voluntary reporters and as such can choose to report any other form of abuse or neglect to CYPS, however they are not obliged to do so under mandatory reporting laws.

There are also certain situations where mandated reporters are **not required** to make a report. These are when they believe the:

- **same** information has **already been provided** to the Police or CYPS by another person
- abuse was by another **child**
- the reasons for the reporter's belief do not arise from information obtained because of, or during the course of, their work (paid or unpaid).

When making a report as a mandated reporter, you are required to provide CYPS with the basis of your belief honestly and without recklessness. Knowingly providing false or misleading information or failing to report as soon as practicable after forming a belief is an offence under the *Children and Young People Act 2008* and you can be charged. A maximum penalty of 50 penalty units, six months imprisonment or both apply to this offence.

### ***Who are mandated reporters?***

Mandated reporters are groups of professionals who, because of their work, have unique access and expertise to identify possible abuse or neglect of a child more readily than the general community. These groups are **mandated** under law to report to CYPS their concerns regarding potential physical

and sexual abuse when they come across it through the course of their work. For ministers of religion, this obligation exists even if they obtained the information during a religious confession. Mandated reporters can also **choose** to make a voluntary report concerning risk to an unborn baby, or suspected neglect or emotional abuse of a child.

You are a mandated reporter if you are a:

- minister of religion
- doctor
- dentist
- nurse (including an enrolled nurse)
- midwife
- psychologist
- police officer
- teacher (including a paid teacher's assistant or aide)
- school counsellor
- person authorised to inspect education programs, materials or records used for home education
- childcare centre worker that cares for a child (including a paid childcare assistant or aide)
- person coordinating or monitoring home-based care for a family day care scheme provider
- public servant whose work provides services personally to children or families
- public advocate
- official visitor (a specific position in child protection appointed by the Minister)
- person who, in the course of their employment has contact with or provides services to children and their families and is prescribed by regulation.

#### **Reporting child sexual abuse under the *Crimes Act 1900***

From 1 September 2019, failing to report **child sexual abuse** to the **Police** is a criminal offence under the *Crimes Act 1900*. The 'Failure to Report' offence **applies to all adults** in the ACT who must tell Police if they have a reasonable belief a sexual offence has been committed against a child. The intent of this law is to improve the way adults proactively report child abuse to authorities. It responds to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse that made several recommendations about reporting laws.

#### ***How to report child sexual abuse***

If there is an immediate risk of harm, call 000 to make your report.

For all other circumstances, call ACT Policing on **131 444** to make your report.

If you are a mandated reporter and your concerns are about a child under 18 years old, you only need to report the information to CYPS who will then inform the Police – you do not need to additionally report to the Police. However, if you are reporting concerns relating to a person now **over 18 years old** (that is, the abuse occurred in the past when the person was a child), then go directly to the Police to make your report.

For information on how to make a report to CYPS, go to 'How to make a report'.

#### ***Failure to protect***

Where there is substantial risk that sexual abuse will be committed in the future, the *Crimes Act 1900* requires people in authority to protect the child from the abuse where possible. It requires any person in authority in a 'relevant institution' to take any necessary steps to prevent the sexual abuse from occurring when it is within their power to do so.

Relevant institutions include:

- schools
- religious organisations
- hospitals
- childcare centres
- out of home care providers (and carers)
- sports clubs
- youth organisations.

### What should be reported to CYPS

CYPS can receive reports relating to:

- physical abuse
- sexual abuse
- emotional abuse
- family violence
- neglect.

A child can suffer one or more of these. Each kind of abuse has a range of possible warning signs, or indicators, though just one sign on its own may not suggest abuse is happening.

### Responding to a child who discloses abuse or neglect

If a child tells you they have been abused or neglected it is a clear message they want the abuse to **stop**. It is important you take their cry for help seriously as it took a lot of courage for them to tell you in the first place.

It is important you **remain calm** and in control of your feelings – you may feel a sense of outrage, disgust, sadness, anger and sometimes, disbelief. You need to set your emotions aside to reassure and support the child.

Talking about abuse and neglect is difficult. When talking with children, be mindful of their potential distress and confusion. Questioning can be confusing or even intimidating for a child who may feel they have done something wrong, or that by letting others know their parents may get in trouble.

Avoid **specific questioning**. Instead, broadly invite the child to talk about how they are going, is anything bothering them, how are they feeling, and so on. Leading a child through specific questioning can jeopardise information that may have otherwise been useful evidence in a court process. Seeking information from children about abuse and neglect is the role of the Police and CYPS.

### What to do

- Listen carefully to what the child is saying.
- Control your verbal and facial expressions.
- Tell them you believe them.
- Reassure them that they have done the right thing by telling you.
- Acknowledge it is hard to talk sometimes.
- Reassure them that they are not to blame.



- Tell them what you will do next – let them know you want to protect them and will need to tell someone else who will be able to help.
- If you cannot answer a question they have, tell them you don't know but will talk with the right people to get them help.
- Let them know you are there for them and they can trust you.
- Make written notes about what the child told you and contact CYPS.

### Before making a report

Sometimes a child's circumstances can have a negative effect on their wellbeing, however this does not necessarily mean the child is being abused or neglected. Before making a report to CYPS, consider if involving the child protection system is the most appropriate response, or if perhaps there is a better solution for you to ensure the child and family is okay.

Before making a report to CYPS, it is good to:

- Speak with the child: If you know the child, have a gentle conversation with them. Let them know you are worried there may be something wrong. By simply offering to listen, you can help the child open up about any issues they may be having.
- Speak with the parents: Depending on the situation, speaking with the parents about your concerns may be the best first step. You could work with the parents to resolve any issues – whether this is you being actively involved, connecting them with other services or just letting them know you are there if they want help. Engaging with parents in a positive and supportive way can help build trust and expand their support network. However, if after raising your concerns with the parents you believe abuse or neglect may be happening, it is **very important** that you **do not** conduct your own investigation or interfere with a future CYPS processes. Instead, record the parents' responses to your questions for future reference. Observations, comments and parent responses can be included as part of your Child Concern Report to CYPS.
- Consider available support services: There are many support services that specialise in providing help to parents and their children. See 'Supporting families: other ways you can help'.

### Checklist

The following checklist will help you decide if you should make a report to CYPS or the Police.

- I have formed a **reasonable** belief a child is being, has been, or is at significant risk of being abused or neglected.
- I am clear on what basis I have formed this belief.
- My **definition** of abuse or neglect is consistent with the definition provided in this policy.
- I am responding to a behaviour (for example sexualised behaviour) that may have many causes, or a **pattern of behaviours** that point to abuse or neglect.
- I believe the abuse or neglect is occurring **within the family**.
- This particular abuse or neglect has to my knowledge **not yet been reported** to CYPS or the Police by another person.
- I have **sufficient information** that will enable CYPS or the Police to identify the child my report relates to.  
When making a report you should also be prepared to share what you know about:
  - the child's behaviour inside and outside their home

- the child's siblings
- the child's parents or carers.

### How to make a report

If you are worried about the safety or wellbeing of a child and have seen some of the signs mentioned in this guide, use the **online portal** from the Access Canberra or Community Services Directorate websites to make your Child Concern Report. You can access the portal at:

- <https://form.act.gov.au/smartforms/csd/child-concern-report>  
If you are reporting child sexual abuse (as a non-mandated reporter), you can do this by:
  - calling **ACT Police** on 131 444.  
Regardless of what type of abuse or neglect you are reporting, or if you are reporting to CYPS or the Police, when making your report you will be asked to provide information about:
    - the child – including name, age, background
    - the family – including general details of the parents and other significant people living in the home
    - the reason for your concern – including what happened and where, who was involved, what led to the incident, any visible injuries, the impact on the child, who you believe to be responsible
    - relevant circumstances – such as drug or alcohol misuse, mental health, financial issues, past trauma, unemployment, court matters
    - your details and connection to the child – your information will remain strictly confidential, CYPS (or the Police) may just need to contact you if more information is needed.

Be as detailed as possible. The information you provide is central to the decision-making process. The more information you can provide helps to make a timely and informed assessment of what further action should be taken and for the child, and family, to receive the necessary help as soon as possible.

If unsure if you should report a case or not, talk to CYPS for confirmation

### You can also make a report using the contact details below:

- General public 24-hour line – 1300 556 729
- Mandated reporters 24-hour line – 1300 556 728
- [childprotection@act.gov.au](mailto:childprotection@act.gov.au)
- Child and Youth Protection Services (CYPS)

### Protection of reporters

When you make a Child Concern Report to CYPS, the *Children and Young People Act 2008* provides you with certain protections. This includes protection of your identity and protection from prosecution.

### Protection of your identity

When you make a report, your identity is protected under law from being disclosed to any other person, except in certain exceptional circumstances. This applies to both voluntary and mandated reporters.

Information that identifies people who have made a Child Concern Report to CYPS and the contents of the reports and subsequent investigations are exempt from release under the *Freedom of Information Act 1989*.

### Protection from prosecution

When you make a report, you are required to be honest and to act without recklessness. If after investigating your allegations CYPS determines the child is **not** at risk, you cannot be held legally or professionally liable if you have acted honestly and reasonably. However, it is an offence to knowingly make a false or misleading report.

### After a report is made

How can CYPS act on a report?

When CYPS receives a Child Concern Report, they are legally required to find out more about the child's situation to determine if they may be 'in need of care and protection'. To do this, a 'Child Concern Report Risk Assessment' is carried out to analyse the child's exposure to risk and their potential needs. At this point, the focus is whether the reported behaviour meets the **criteria** of abuse or neglect as required by the *Children and Young People Act 2008*.

Where the assessment indicates there is a **reasonable** suspicion of abuse or neglect, CYPS then considers whether there is a parent both **willing and able** to protect the child. To establish this, CYPS reviews information it already has about the parents and contacts other parties for relevant information – such as schools, doctors and even you, asking for your experience and opinion of the parents.

After conducting the assessment CYPS will determine if:

- a more detailed investigation should happen – this is an appraisal
- a support response is more appropriate
- no action is needed.

An **appraisal** is broader than an 'investigation' of the report. An appraisal looks at the circumstances of the child and usually the child, parents and other important figures in the child's life are interviewed. CYPS visits the child's home and information is typically shared with a range of agencies. This process helps CYPS decide whether further involvement is necessary. Critical decisions are usually made in consultation with the child, family and other agencies.


A **support response** is typically used when CYPS determines the child is **not** at risk of abuse or neglect but believes the child or family would benefit from some form of help. This may include assistance by CYPS with a specific issue, such as a housing or parenting problem, or referrals to a support program run by another agency. Involvement with a support response is voluntary – families do not have to accept the support.

If CYPS determines the child is **not at risk** of abuse or neglect and **no** specific issues exist requiring support, CYPS closes the report and takes no further action.

### References:

- Children and Young People Act 2008 (ACT)
- Keeping Children and Young People Safe, November 2014
- ACT Education Act 2004
- National Safe Schools Framework 2011
- A guide to reporting child abuse and neglect in the ACT
- Royal Commission into Institutional Responses to Child Sexual Abuse, Final Report, Vol 13, 2017
- ACT Teacher Quality Institute Act 2010
- Australian Professional Standards for Teachers 2010
- Child Protection and Reporting Child Abuse and Neglect Guidelines for ACT Public Schools

- Ombudsman Act 1989
- Teachers' Code of Professional Practice
- Working with Children and Young People - Volunteers and Visitors (Interim) Policy
- *Crimes Act 1900*
- Reportable Conduct Act 2017

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Signature	
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