

## POLICY/PROCEDURE: Mandatory Reporting of Child Harm and Exploitation

### Policy Statement

CatholicCare NT (CCNT) is committed to the protection of children and young people from all forms of harm. The Care and Protection of Children Act 2007 requires every adult in the Northern Territory to report, either to Territory Families or the Police, if they believe on reasonable grounds that a child has been or is likely to suffer harm, neglect, or exploitation, or be a victim of a sexual offence.

CCNT programs are funded to provide support services to individuals and families. A number of these programs specifically focus on building employment capacity, financial wellbeing, counselling, parenting skills, and support for children and young people, either separately or in conjunction with their families.

This policy and procedure applies to all staff.

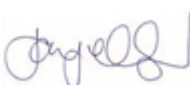
### This Policy aims to:

- ensure staff are aware of their mandatory reporting responsibilities under the Northern Territory Care and Protection of Children Act 2007
- provide guidance to staff on mandatory reporting and CCNT procedures to be taken when reporting child harm and exploitation
- protect children from harm and exploitation
- prevent child harm or exploitation from re-occurring.

### The Mandatory Reporting of Child Harm and Exploitation Policy and Procedure has been endorsed by;

The Executive Management Team of **CatholicCare NT**

Represented by:

Signed:   
Name: Jayne Lloyd  
Position: Director  
Date: February 2024

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The Care and Protection of Children Act mandates that all sexually active children under 14 years must be reported to the Territory Families Central Intake Team (CIT). There are also specific mandatory reporting requirements relating to people aged 14 to 15 years, and those aged 16 to 17 years.

Definitions of Abuse that may be referenced in this policy and procedure:

**Adult** is a person at least 18 years of age.

**Child** is:

- (a) a person less than 18 years of age; or
- (b) a person appearing less than 18 years of age, if the person's age cannot be proven.

**Child harm** is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. Harm can be caused by:

- physical, psychological or emotional abuse or neglect;
- sexual abuse or exploitation;
- a single act, omission or circumstance; and
- a series or combination of acts, omissions or circumstances.

**Exploitation of a child** includes sexual and any other forms of mistreatment or manipulation of the child. It can involve a child as a participant or spectator in an act of a sexual nature, prostitution and/or a pornographic performance.

**Physical harm:** occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking and excessive or physically harmful over-training. It also includes giving children harmful substances, such as alcohol, other drugs, or poison. Certain types of punishment, whilst not causing injury, can also be considered physical abuse if they place a child at risk of being hurt.

**Sexual harm:** happens when any sexual activity involves a child, or sexual threats are made to a child. It can include encouraging a child or young person to participate in, watch or hear something sexually explicit such as pornography. It is abuse of power in a relationship between the child and the other person and is a betrayal of the child's trust.

**Emotional harm:** happens when the behaviour or attitude of a parent or caregiver towards a child negatively affects (or could affect) the child's social, emotional or developmental growth. It includes failure to provide for the child's:

- emotional needs for nurturing and security
- developmental needs for stimulation and interaction with other people and their environment.

Other examples might include constant criticism, scapegoating, terrorising, isolating, rejecting, corrupting them, belittling, manipulative behaviours, excessive teasing,

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ignoring a child, punishing normal social behaviours, withholding praise and affection and exposure to domestic, family or sexual violence.

**Neglect:** is the persistent failure or deliberate refusal to provide the child with the basic necessities of life. Such neglect includes the failure to provide adequate food, clothing, shelter, supervision, clean water, or medical attention to the extent that the child's health and development is, or is likely to be, significantly harmed. Categories of neglect include physical neglect, medical neglect, abandonment or desertion, emotional neglect and educational neglect. The issue of neglect must be considered within the context of resources reasonably available.

**Cumulative Harm:** refers to the effects of patterns or circumstances and events in a child's life which diminish a child's sense of safety, stability and wellbeing. Cumulative harm is the existence of compounded experiences of multiple episodes of abuse or 'layers' of neglect.

**Exposing a child to violence:** involves a child when living in a home where domestic, family, or sexual violence is happening.

**Reasonable grounds:** is a belief that child harm has occurred when all known considerations or relevant facts are taken into account and objectively assessed. A person does not require proof. Reasonable grounds can be based on:

- your own observations and knowledge
- a child telling you they have been harmed
- another person telling you a child has been harmed.

For more detailed definitions refer to the Care and Protection of Children Act 2007.

## Roles and Responsibilities

### 1. **Director/Executive:**

The Director/Executive will ensure all CCNT staff comply with this Policy and Procedure.

### 2. **Line Supervisors and Managers will:**

- (a) ensure all relevant staff within their area of responsibility undertake training in the prevention and detection of child harm and exploitation.
- (b) ensure their staff are aware of relevant legislation, laws, policies and procedures for ensuring children are safe and protected from harm and exploitation.
- (c) ensure their staff are aware of their responsibility to report suspected harm and exploitation of children in accordance with mandatory reporting requirements under Section 26 of the Care and Protection of Children Act 2007.
- (d) ensure their staff are aware of their obligation to behave in accordance with the CCNT Code of Conduct.
- (e) ensure their staff complete their Safeguarding Children Training, and that staff are aware of and how to access, where relevant, the Safeguarding Children statements on the intranet.

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- (f) support their staff to identify, assess the risk, discuss with their supervisor and report any suspected harm or exploitation.
- (g) if required, support their staff after making a report/notification.

### 3. **Staff**

All staff are responsible for:

- (a) promoting child safety at all times.
- (b) providing an environment that is supportive of all children’s emotional, psychological, physical and social safety.
- (c) sharing information and responsibility in order to detect and prevent child harm and exploitation.
- (d) being familiar with the different types of harm and exploitation.
- (e) being alert for any indications of harm and exploitation.
- (f) familiarising themselves with the relevant legislation, CCNT’s Policies and Procedures, Code of Conduct, Safeguarding Children requirements or any additional information associated with the prevention of child harm and exploitation.
- (g) reporting to their supervisor any suspicion that a child’s safety may be at risk.
- (h) report any concerns with breaches of policies or of the behaviour or practices of personnel.
- (i) reporting any reasonable belief that a child is at risk of harm and exploitation to Territory Families or Police (as per mandatory reporting requirements).

## Procedure:

### If a child or young person discloses

A child or young person may choose to tell you they have been harmed or exploited, or it may be revealed accidentally.

If this happens, it is important to give them your full attention – without causing them to feel scared, or to believe that they have done something wrong.

A child’s or young person’s right is to be listened to, protected and supported. Staff will promote equity and diversity will be respected. It is the right of the child or young person and their family to have their concerns resolved.

You can help by:

- **Listening to them:** be calm, patient and listen supportively – let them use their own words and don’t interrupt them. Respond sensitively and don’t judge.
- **Reassuring them:** help them feel safe to talk. Reassure them the abuse is not their fault.
- **Respecting them:** respect the fact the child or young person may only tell you some details. Acknowledge their bravery and strength. Do not make promises you can’t keep. Do not ask lots of questions – leave the investigation and fact finding to Territory Families or the Police.
- Tell them that you will need to talk to someone whose job it is to keep them safe.

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## Making a report

### When to report

- you **must** make a report to Territory Families or Police as soon as possible after forming a belief that a child or young person has suffered or is at risk of harm or exploitation
- failure to do so may constitute an offence under section 26 of the Care and Protection of Children Act 2007
- for advice and guidance, talk with your supervisor, however under the law it is your responsibility to make a report if you believe a child or young person is being harmed or is at risk of harm
- you can also call the 24-hour Child Protection Hotline on 1800 700 250 to discuss your concerns
- reports can also be made online via the Territory Families online portal available <https://careservices.nt.gov.au/web/portal/pages/home>
- please note the first occasion using the online portal will require you to register your name and organisation and the contact details for CCNT must be used.

### What to report

- disclosure by a child or young person
- allegations by a third party
- observations of physical or behavioural indicators, such as injuries or fear.

### How to report

Make a report by contacting the 24-hour Territory Families Child Protection Hotline 1800 700 250 or via the online Territory Families care services portal. Where a child's or young person's safety is at immediate risk, call NT Police on Triple Zero (000) or 131 444. Ask for a PROMIS number if you make a report to Police.

#### The Child Protection Hotline will ask you:

- the child's or young person's name, age, address and present location
- the nature of the suspected abuse or neglect
- what has been heard or observed
- information about any immediate danger to the child or young person
- any other information that may help, e.g. whether any other agencies are involved with the family.

#### CCNT requires you to do the following when making a report:

1. When making a verbal report to the Territory Families Child Protection Hotline complete the CCNT Child Protection Reporting Form (ORG/SP/F037). This form will:
  - assist you in preparing to make a report to Territory Families
  - provide a comprehensive record of your concerns about the child or young person
  - assist you in planning any follow-up support for the family

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- do not complete the CCNT Child Protection Reporting Form (ORG/SP/F037) if making an online report via the Territory Families portal
  - when using the online reporting portal system a PDF form will be generated and can be saved.
2. Once you have completed either the CCNT form or the Territory Families online form and made the report, scan and email it to [CP@catholicarent.org.au](mailto:CP@catholicarent.org.au), copying your Line Supervisor. Information in this form is used for internal reporting processes and as a requirement of the Safeguarding Children accreditation.
  3. Within one working day upload the completed form to the documents tab of that participant's electronic file and write a session note describing what has occurred, the actions taken and any further actions planned.

### Protection of notifiers

While reporting to Territory Families can be done anonymously, CCNT requires staff to identify themselves, their role and the organisation when making a work-related report so that Territory Families can:

- a) re-contact you for further information
- b) advise you of the status of the case
- c) possibly include CCNT in a support plan for the child or young person, if appropriate.

As a notifier, your identity is protected by law and will not be provided to the family.

### Responding to alleged abuse and harm of a child by another child/young person

Responding to harm and abuse of a child by another child or young person may require Child Protection intervention, and/or other further support services for all children/young people involved.

Children and young people who display harmful sexual behaviours require particular specific responses and supports that carefully examine the nature of their behaviours, developmental considerations, and any other contextual and contributing factors.

Any allegation or incident of this nature should immediately be reported and will follow the same reporting procedure 'If a Child Discloses'.

### Concerns/allegations involving a CCNT staff member

If a CCNT staff member is identified as the alleged perpetrator of harm to a child or young person, interviews with that child or young person and the staff member who is subject to the allegations will not be conducted by CCNT. Allegations must be reported to the relevant Line Supervisor, General Manager Quality Systems and subsequently passed on to Territory Families Child Protection Hotline 1800 700 250. Additionally, the General Manager Quality Systems is responsible for reporting the allegation to the Australian Childhood Foundation (ACF) verbally within 24 hours and in 28 days by completing and submitting the Child Abuse Incident – ACF Report Form (ORG/SP/F068).

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If a staff member is alleged to have caused harm to a child who is receiving CCNT services or connected to the delivery of services, or if staff become aware of any concerning behaviour of another staff member, they are to report their concerns/allegations to their Line Supervisor/Manager or to the General Manager Quality Systems. Failure to report is viewed by CCNT as serious misconduct and grounds for disciplinary action which may include dismissal. Further legal implications may also apply.

Subject to an allegation the staff member identified may be relocated or asked to step down pending outcome of the investigation (refer to Allegations of Misconduct Policy (ORG/HR/P017)).

### Employee Assistance Program (EAP)

CCNT is committed to provide support/counselling to those involved following an allegation. Staff are entitled to a limited amount of free, professional counselling from our EAP. To access the EAP, contact EASA on 1800 193 123.

EAP counselling is confidential and nothing discussed with a counsellor will be communicated back to CCNT. EAP counselling is available free to staff regardless of whether the issue is related to a workplace problem or some other issue for the staff member.

The General Manager Quality Systems in consultation with CCNT Executive will initiate a practice incident and program review process. This review may also be provided to the Australian Childhood Foundation as an attachment to the Child Abuse Incident – ACF Report Form (ORG/SP/F068).

### References

#### Associated Documents

This document should be read in conjunction with:

- CCNT Policy/Procedure: Allegations of Misconduct (ORG/HR/P017)
- CCNT Policy/Procedure: Duty of Care (ORG/SP/P003)
- CCNT Policy/Procedure: Safeguarding Children and Young People Policy (ORG/SP/P030)
- CCNT Policy/Procedure: Employee Assistance Program (EAP) (ORG/HR/P040)
- CCNT Organisation Form: Child Protection Reporting Form (ORG/SP/F037)
- CCNT Organisation Form: Participant Risk Assessment (ORG/SP/F006)
- CCNT CSnet Helpful Hints: Mandatory Reporting Process
- CCNT Guidelines: Code of Conduct (ORG/HR/G001)
- CCNT Policy/Procedure: Incident Management (ORG/WHS/P025)

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## Legislation

NT Care and Protection of Children Act 2012 (2007)

Information Act 2006

Disability Services Act 2004

Criminal Code Act 2006

Family Law Act 1975

Privacy Act 1998

Fair Work Act 2009

**Information regarding current practises and guidelines can be found at:**

### **Territory Families**

<https://territoryfamilies.nt.gov.au/>

### **NT Government**

<https://nt.gov.au/law/crime/domestic-and-family-violence>

### **Under Age Sexual Activity PHC Remote Guideline**

[http://remotehealthatlas.nt.gov.au/under\\_age\\_sexual\\_activity.pdf](http://remotehealthatlas.nt.gov.au/under_age_sexual_activity.pdf)

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