

# Mandatory Reporting ACT

 Systems, policies, and procedures

## STANDARD 6

### EFFECTIVE COMPLAINTS MANAGEMENT

#### Criteria 6.1

The entity's Complaints Handling Policy outlines the roles and responsibilities, approaches to dealing with different types of complaints, reporting obligations and record keeping requirements.

#### Indicators

6.1.1 Policies and procedures address mandatory reporting obligations

**Mandatory Legislation in the ACT falls under The Children and Young People Act 2008 (Act)**

The health, safety and wellbeing of children is paramount in all organisations providing services to children across Australia. The Royal Commission into Institutional Responses to Child Sexual Abuse highlighted the need for improvement in the processes and outcomes of reporting child abuse. NCSS Standard 6 focuses on effective complaints handling and reporting obligations and supports organisations to implement robust and transparent reporting procedures. This fact sheet provides information on mandatory reporting in the ACT.

#### WHO ARE MANDATORY REPORTERS?

The ACT has an extensive list of mandatory reporters who are defined as people 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 these services: Health care, welfare, education, children's services, residential services, law enforcement, disability services, religious ministry or a person providing religious based activities and registered psychologists.

**With regard to the Catholic Church specifically, mandatory reporters include clergy, religious, lay ministers, church elders and religious brothers and sisters, who provide services to children.**

#### WHAT REQUIRES REPORTING?

Mandatory reporters are legally required to report any concerns about the safety, welfare and wellbeing of any child under any of the following categories:

- Sexual abuse
- Physical abuse

Mandatory reporters may also choose to report if they believe a child is experiencing or is at risk of other forms of abuse, neglect and exposure to domestic violence.

You do not require proof to make a report.

## HOW DO I MAKE A REPORT?

If a reporter believes the child is in imminent danger and at risk of immediate serious harm, they must call 000.

- If you have concerns about the safety, welfare or wellbeing of a child, you can use the online portal found [here](#). You can also make a report using the following contact details:

**Ph:** Mandated reporters 24-hour line: 1300 556 728

**Web:** <https://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services>

**Email:** [childprotection@act.gov.au](mailto:childprotection@act.gov.au)

## WHAT HAPPENS AFTER A REPORT IS MADE?

A Child and Youth Protection Services (CYPS) caseworker will assess the report to determine if statutory child protection intervention is required. They may contact you for further information and also access additional information from other sources.

You may be contacted advising you of the status of the report, however CYPS is not required by law to do so.

Organisations must maintain records of all reports made regardless of the outcome of the report.

## WILL THE CHILD OR FAMILY BE INFORMED THAT I HAVE MADE A REPORT?

The identity of a reporter or referrer must remain confidential unless in the following circumstances:

- the reporter chooses to inform the child or family about the report
- the reporter consents in writing that their identity can be disclosed
- a court or tribunal requests it in order to ensure the safety of a child
- a court or tribunal decides evidence need to be given

## WHAT ARE THE CONSEQUENCES FOR NOT REPORTING CONCERNS ABOUT THE SAFETY, WELFARE AND WELLBEING OF A CHILD?

If you are a mandatory reporter, you are legally bound to report any concerns you have regarding the safety, welfare and wellbeing of a child with regard to sexual or physical abuse.

In 2019 amendments were made to the *Crimes Act (1900)* to strengthen the protection of children from serious abuse. The two additional offences are:

### 1. FAILURE TO REPORT

- All adults in the ACT are required to report information to Police if they know, believe or reasonably ought to know that a child (under 18 years) has been abused, or
- know, believe, or reasonably ought to know that they have information that might materially assist in securing the apprehension, prosecution or conviction of the offender.

This offence relates to sexual abuse and carries a maximum penalty of a custodial sentence.

### 2. FAILURE TO PROTECT

- An adult working in an organisation that engages workers in child-related work commits an offence if:
  - they know that an adult worker engaged by the organisation in child related work poses a serious risk of abusing a child (under 18 years), and
  - they have the power or responsibility to reduce or remove the risk, and
  - they negligently fail to reduce or remove that risk.

This offence relates to sexual abuse and carries a maximum penalty of a custodial sentence.

Mandatory reporting is a legal requirement for organisations providing services directly to children in the ACT. Mandatory reporting should be included in child safeguarding policies and procedures including the Code of Conduct. Failing to report regarding concerns about the welfare, safety and wellbeing of a child could also lead to disciplinary action within an organisation.

Further information regarding mandatory reporting can be found [here](#).