

Mandatory Reporting South Australia

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 SA falls under The Children and Young People (Safety) Act 2017 (SA)

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, also known as mandatory notifying, in South Australia.

WHO ARE MANDATORY REPORTERS?

South Australia has an extensive list of mandatory reporters including, but not limited to:

- doctors, pharmacists, dentists and registered or enrolled nurses
- psychologists
- police officers
- community corrections officers
- social workers
- ministers of religion
- person who is an employee of, or volunteer in, an organisation formed for religious or spiritual purposes
- teachers including pre-school and kindergarten
- employee of, or volunteer in, or in a management position of an organisation that provides health, welfare, education, sporting or recreational, child care or residential services wholly or partly for children or young people.

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?

As a mandatory notifier you must make a report as soon as you know, believe or suspect on reasonable grounds that a child or young person is or might be at risk of harm.

Reasonable grounds to report risk of harm may include your own observations of the child or caregiver or information a child or another person has told you.

You do not need proof of abuse or harm to make a report.

HOW DO I MAKE A REPORT?

All serious concerns must be reported via CARL (Child Abuse Report Line) on **13 14 78**.

Serious concerns include serious harm, serious injury, chronic neglect or the abuse of a child in the care of the department.

If you believe a child is at imminent risk of harm or in immediate danger, call 000.

Reports of less serious concerns can be made via eCARL, the online reporting system, which can be found [here](#).

WHAT HAPPENS AFTER A REPORT IS MADE?

The staff on the Child Abuse Report Line will inform you of the next steps to be taken. All reports should be documented and stored securely as per the record keeping policies and procedures of your organisation.

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

All mandatory notifiers are legally entitled to confidentiality excluding the following circumstances:

- the notifier consents to their details being disclosed
- a court of law requests the information as it is deemed of critical importance
- it is reasonably necessary to prevent further harm to a child or young person
- it is reasonably necessary for the person's statutory duties to be fulfilled

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.

In June 2022 South Australia legislated two offences under the Criminal Law Act 1935 (SA) related specifically to sexual abuse of a child: Failure to Report and Failure to Protect.

1. FAILURE TO REPORT

- All mandatory reporters are required to report information to Police if they know, believe or reasonably ought to know that a child (under 18 years) has been sexually 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.

Failure to report is an offence and carries a prison term.

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 serious physical abuse and carries a maximum penalty of imprisonment for two years.

Mandatory reporting is a legal requirement for organisations providing services directly to children in South Australia. 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 will also lead to disciplinary action within an organisation.

Further information regarding mandatory reporting in South Australia can be found on the South Australian Government Department for Child Protection website:

<https://www.childprotection.sa.gov.au/reporting-child-abuse>