

NEW SOUTH WALES | Reporting Requirements

All adults have a responsibility to report to the appropriate authorities if they believe or suspect a child or young person may be at risk of abuse or neglect.

All adults must report to the police if they are aware of or suspect a child is being sexually abused.

YOUR OBLIGATIONS TO REPORT CHILD ABUSE

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

Everyone

Anyone in NSW (including mandatory reporters) who holds a reasonable suspicion that a child or young person is at risk of being neglected or physically, sexually or emotionally abused must report that suspicion to the Child Protection Helpline. This includes where there are concerns about the risk of harm to an unborn child.

Mandatory reporting

Mandatory reporting is a legal requirement for certain professionals to make to Communities and Justice (DCJ) where they have current concerns about the safety, welfare and wellbeing of a child due to abuse, neglect or exposure to domestic violence.

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

A mandatory reporter who wishes to make a report of a child and family which they do not have a professional relationship with should **make the report as an individual not as a mandated reporter.**

To check if you are a mandatory reporter:

<https://www.facs.nsw.gov.au/families/Protecting-kids/mandatory-reporters>



Other
Safeguarding
Resources

My Salvos Toolkit -
Safeguarding Children
and Young People for
Volunteers

REPORTABLE CONDUCT SCHEME - HOLDING WORKERS ACCOUNTABLE

In addition to any other reporting requirement, under the Children's Guardian Act 2019 TSA is also required to report to the NSW Office of the Children's Guardian any reportable conduct involving a member of TSA personnel – paid or unpaid. TSA personnel (volunteer/contractor) who holds a Working with Children Check with a reportable conduct **not work-related** falls under this scheme as well.

Reportable conduct includes any allegations, offences or convictions relating to child abuse or misconduct, including but not limited to:

- Sexual offences where a child is the victim or is present
- Misconduct of a sexual nature
- An assault of a child
- Any behaviour that causes significant emotional or psychological harm to a child

The Reportable Conduct does not interfere with reporting obligations to DCJ or the police – this must still occur - and if criminal conduct is suspected a report to police must be made in the first instance.

Your Safeguarding Consultant will manage and provide oversight of Reportable Conduct Scheme obligations.



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HOW TO REPORT ABUSE

Any adult who reasonably believes that a sexual offence has been committed against a child, must make a report to the police. Failure to make a report is an offence.

If a child is in immediate risk of harm, call the police on 000.

What is concern?	What should I do?
I'm not sure about what I've seen or heard and whether it is abuse or neglect	Contact the Child Protection Helpline (132 111) to discuss your concerns and advise you if they need to be reported, or Contact your Safeguarding Consultant
Immediate risk of harm	Call 000 and make a report to the police
I'm a mandated reporter	There are two ways Mandatory reporters can make a child protection report: <ol style="list-style-type: none"> Contact the Child Protection Helpline on 132 111 eReport through the ChildStory Reporter website: https://reporter.childstory.nsw.gov.au/s/article/How-to-create-an-eReport-in-the-Reporter-Community <p>Mandatory Reporters should refer to the Mandatory Reporter Guide (MRG) if they have concerns about a child. MRG can be accessed at: https://reporter.childstory.nsw.gov.au/s/</p> <p>Phone the Child Protection Helpline on 132 111</p>
Any person with a concern that a child or young person is at risk of significant harm (including mandated reporters)	Contact the Child Protection Helpline on 132 111 which is available 24 hours/7 days

Regardless of what type of abuse or neglect you are reporting, or if you are reporting to child protection services 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
- your details and connection to the child – your information will remain strictly confidential. DCJ (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.



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 report to child protection services 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 child protection services determines the child is not at risk, you cannot be held legally or professionally liable if you have acted honestly and reasonably.

It is an offence to knowingly make a false or misleading report.

