



# SPECIAL COMMISSION OF INQUIRY INTO CHILD PROTECTION SERVICES IN NEW SOUTH WALES

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## PUBLIC FORUM

### MANDATORY REPORTING

15 FEBRUARY 2008

### FACTS SHEET

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#### 1. What is mandatory reporting?

- a. Certain members of the community are legally required to make a report to the Department of Community Services (DoCS) about children who are at risk of harm or living away from home without parental permission. "Child" is defined in s. 3 of the Act as meaning a person who is under the age of 16 years.
- b. These reports are made by telephone or fax to the DoCS Helpline, which is the centralised intake service for DoCS.

#### 2. Who are mandatory reporters?

- a. Under s.27 of the *Children and Young Persons (Care and Protection) Act 1998* ("the Act"), mandatory reporting applies to all persons who deliver:
  - health care
  - welfare
  - education
  - children's services
  - residential services, or
  - law enforcement

to children as part of their professional work or paid employment, or manage those who do so.

- b. Under clause 10 of the *Children and Young Persons (Care and Protection) Regulation 2000*, mandatory reporting also applies to people who:
  - are paid to provide or manage a child-minding service out of school hours, for children aged at least 6 years, but less than 13 years, or

- people who in the course of their professional work deliver disability services to children.
- c. Under s.120 of the Act mandatory reporting of children being homeless applies to a person who provides residential accommodation.
- d. This public forum is primarily concerned with mandatory reporting of children suspected of being at risk of harm.

#### **4. Who is responsible for mandatory reporting?**

- a. Mandatory reporting is the responsibility of the individual (rather than, for example, the employer).
- b. Failure to report can result in prosecution and a fine of up to \$22,000, although there have been no prosecutions under the Act resulting from a failure to report.
- c. DoCS, the Department of Education and Training, the Catholic Education Commission NSW and the NSW Association of Independent Schools currently have a Memorandum of Understanding (“MOU”) in place to facilitate centralised reporting from schools. Under this MOU, each school has a designated central officer (usually the principal) who reports to the DoCS Helpline on behalf of school staff.

#### **5. Threshold for reporting for mandatory reporters**

- a. Under s.27(2) of the Act, a mandatory reporter must make a report to DoCS if he or she reasonably suspects that a child is at risk of harm.
- b. Under s.23 of the Act, a child is defined as being at risk of harm if “*current concerns exist for the safety, welfare or well-being of the child or young person because of the presence of any one or more of the following circumstances:*”
  - a. *the child’s or young person’s basic physical or psychological needs are not being met or are at risk of not being met,*
  - b. *the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care,*
  - c. *the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated,*
  - d. *the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm,*

- e. *a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm,*
- f. *the child was the subject of a pre-natal report under section 25 and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report.”*

## **7. Number of reports<sup>1</sup>**

- a. In 2006/07, there were 286,033 reports made to the DoCS Helpline about 123,690 children.
- b. Mandatory reporters made 212,016 of these reports, or about 74%.
- c. Of the mandatory reports:
  - i. Police made 93,069, or about 44%
  - ii. Health made 43,870 or about 21%
  - iii. Schools/child care made 35,741, or about 17%
  - iv. Non-government organisations made 21,318, or about 10%.

## **8. Initial response by DoCS to reports<sup>2</sup>**

- a. Of the reports received by the DoCS Helpline in 2006/07:
  - i. About 11% were either referred elsewhere or closed at the Helpline.
  - ii. About 18% were forwarded to a Community Services Centre (CSC) for information only, usually because they concerned an existing matter.
  - iii. About 70% were referred to a CSC or a Joint Investigation Response Team (JIRT) for further assessment.

## **9. Response by the CSCs/JIRTs<sup>3</sup>**

- a. About 27% of all reports received by the DoCS Helpline were closed by the CSC to which they were referred without any assessment by the CSC.
- b. Limited additional inquiries only were made by the CSC/JIRT in response to about 27% of all reports received by the DoCS Helpline. This included

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<sup>1</sup> Information sourced from Department of Community Services on 30 November 2007.

<sup>2</sup> DoCS response to Summons No 2, 24 December 2007.

<sup>3</sup> Ibid.

gathering, recording, processing and considering 'other information' about the child to determine whether further assessment was required or whether the matter could be closed.

- d. Face-to-face contact by a DoCS caseworker with the child and family occurred in response to about 15% of all reports.
- e. Actual or a risk of harm was substantiated in nearly all reports that resulted in face-to-face contact.
- f. It is likely that some of the reports received by a CSC concerned children or families who were already receiving a service from the CSC.

## 10. Increase in reporting<sup>4</sup>

- a. Reports to DoCS have tripled between 1999/2000 and 2006/07, from 72,986 to 286,033.
- b. In 2006/07, Police made 69% more reports than they had made in 2001/02.
- c. In 2006/07, Health made 88% more reports than they had made in 2001/02.
- d. In 2006/07, schools/childcare made 63% more reports than they had made in 2001/02.

## 11. What was reported?

- a. The suspected risk of harm to most children who were reported in 2006/07 was from domestic violence.<sup>5</sup>
- b. Almost 60% of reports made by Police in 2005/06 concerned domestic violence.<sup>6</sup>
- c. The most common primary issue reported by Health in 2005/06 was mental health issues of a child's carer.<sup>7</sup>
- d. The most common primary issue reported by schools and child care in 2005/06 was physical abuse.<sup>8</sup>

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> NSW Department of Community Services *Annual Statistical Report 2005-6* (September 2007) p18.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.