



**uniting
church**
in Australia,
Synod of NSW & ACT

Mandatory Reporting Guideline in NSW

This guideline applies to all Synod entities in NSW other than those which require a specific policy. It is for ordained Ministers, Ministry of Pastor, Lay Leaders, Employees, Volunteers and Members of Councils in a Congregation, Parish Mission or Presbytery within the Uniting Church, Synod of NSW and the ACT.

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What is Mandatory Reporting

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities. Mandatory reporting laws aim to identify children who are being abused or neglected.

This guideline should read in conjunction with the Mandatory Reporting Policy of the Synod of NSW and the ACT. The purpose of the Mandatory Reporting Policy is to ensure there are processes in place to identify children who are being abused and neglected.

In NSW, mandatory reporting is regulated by the *Children and Young Persons (Care and Protection) Act 1998*. Mandatory reporters, where they have reasonable grounds to suspect that a child (under 16 years of age) is at risk of significant harm, must report to NSW Department of Communities and Justice (previously FACS) as soon as practicable, the name, or a description of the child, and the grounds for suspecting that the child is at risk of significant harm.

Mandatory reports relate to where, during the course of the person's work or role, suspicions arise that a child is at risk of significant harm.

Other Child Protection Reporting and penalties for failing to report

Any adult who suspects, on reasonable grounds, that a child or young person is at risk of significant harm must report their concerns to the Police or via Child Protection Helpline on [132 111](tel:132111).

Reports should also be made regarding:

- young people (aged 16 or 17 years) at risk of significant harm
- unborn children at risk of significant harm
- homeless children and young people

In an emergency, where there are urgent concerns for the child's health or life, call the police using the emergency line, triple zero (000).

There are harsh penalties under S316A of the *Crimes Act 1900* for failure to report a child abuse offence without reasonable excuse. The maximum penalty for failing to report is two years imprisonment where the penalty for the abuse is less than five years or five years imprisonment where the penalty for the abuse is five years imprisonment or more.

What is Risk of Significant Harm?

A child or young person is at risk of significant harm if there are current concerns for their safety, welfare or wellbeing because of one or more of the following:

- If the child's basic physical or psychological needs are not met or are at risk of not being met, e.g., if they do not have adequate food or clothing, or do not have a safe or secure place to live
- Parents or caregivers are not arranging necessary medical care, e.g., a child is ill or injured but is not taken to a doctor when needed
- The child is being denied an education
- A child or young person has been, or is at risk of, being physically abused or ill-treated, e.g., the child is physically injured from excessive discipline or other non-accidental actions
- A child or young person has been, or is at risk of, being sexually abused, e.g., sexual activity between the child and another child or adult
- Risk of serious physical or psychological harm resulting from family violence, e.g., where a child might be injured by a punch intended for their mother, or a child cannot sleep at night because of the fear there will be violence in the home
- Risk of the child or young person suffering serious psychological harm, e.g., a child having to take care of their parent, or a child continually ignored, threatened or humiliated.

The report may relate to a single instance, or to a series of acts or omissions. For more information see the definitions table below.

How Does Mandatory Reporting relate to the Uniting Church in Australia

Who is a mandatory reporter?

Mandatory reporters are people who deliver the following services, wholly or partly, to:

- Children as part of their professional work or other paid employment.
- Those in management positions in these services i.e. a person who manages an employee or volunteer in these services; health care, welfare, education, children's services, residential services, or law enforcement to children (either wholly, or as part of their role). Also included are registered psychologists when providing a professional service as a psychologist.

Mandatory reporter groups in NSW include:

- A person in religious ministry or a person providing religion-based activities to children (e.g., Minister of the Word/Deacon, Ministry of Pastor, creche manager, church elder, member of Church Council or leader of any ministry provided to under 18-year-olds.)

In practice, the expansion of the definition of mandatory reporter will result in the following roles within the Church, both paid and volunteer becoming mandatory reporters:

- Ministers, Ministry of Pastor and youth, family leaders
- Elders
- Special Religious Education (SRE) teachers
- People involved in designing, overseeing, managing and delivering activities to children and young people under the age of 18.
- Church Council members as those responsible for children's activities within a congregation.

If you are a Mandatory Reporter as part of your professional role outside of the Church, you must also report any concerns you have for children within the church context.

The UCA would expect anyone, whether a Mandatory Reporter or not, to report if they are concerned that a child is at significant risk of harm.

What Must a Mandatory Reporter Do?

If a mandatory reporter of the UCA, after exercising their professional judgement, suspects on reasonable grounds that a child is at risk of significant harm, they **MUST** report their concerns to the Department of Community & Justice through the Synod Safe Church Unit (or directly to the Child Protection Helpline where necessary). This must be done as soon as the Mandatory Reporter becomes concerned that a child may be at risk of significant harm. Do not wait. A Mandatory Reporter cannot dismiss any indications of a child at risk of significant harm as not being significant enough that is the task of appropriately qualified professionals.

What to do if you need to make a report as a Mandatory Reporter

If there are reasonable grounds to suspect that a child within the church community is at significant risk of harm, a mandatory reporter should follow the Synod mandatory reporting procedure below. The Synod, through its Synod Safe Church Unit will lodge a report with the Department of Communities and Justice (DCJ) on behalf of the church.

The steps to making a report are as follows:

1. If you are reporting as a mandatory reporter and are not a ministry agent, (and your concerns do not directly involve the ministry agent), speak to your ministry agent or Presbytery Minister in the first instance.

If your concerns involve the ministry agent, please contact the General Secretary of the Synod of NSW and the ACT directly. Note that child protection concerns which relate to church leaders, workers and volunteers are associated with reportable conduct. Refer to the Reportable Conduct Guideline for NSW for how to make these reports.

2. Ministry agents will report the concern to the General Secretary of the Synod via the Safe Church Unit as soon as practicable.
3. Synod will acknowledge receipt of the information, and lodge a report using the NSW Mandatory Reporter Guide (MRG).
4. Any further instructions will be given by DCJ. This may include recommendations about any other reports to be made or support services. The Safe Church Unit will assist the mandatory/mandated reporter to continue to support the child or young person.

Helpful information needed for the Synod (or the Child Protection Helpline) report includes the child's name and location, details of parents or carers and reasons for the report (what has the reporter seen, heard, or been told). Further detail can be found in the table at the end of the document.

Direct Reporting

Mandatory reporters can report directly to the appropriate authority if they are not comfortable in reporting via the Synod.

If a mandatory reporter is reporting directly, they should report their concerns to the Child Protection Helpline on [132 111](tel:132111).

In the instance of a report being made directly to DCJ relating to a child in the church community, the reporter must inform the Safe Church Unit of the report with its reference number.

Reports concerning a child who is not part of the church community

If a mandatory reporter has satisfied themselves that there are reasonable grounds to suspect a child is at significant harm and that a report needs to be made about a child who is not part of the church community or activities, the reporter should report directly to the Child Protection Helpline.

Note: this is only for cases that do not involve the Uniting Church. All other cases involving the UCA should be reported via the Safe Church Unit.

Deciding to make a report

Deciding whether to report a concern requires a degree of judgement. Mandatory reporters are strongly encouraged to contact the Safe Church Unit for advice and support.

Information about when and what to report as a mandatory reporter can be found on the Department Communities & Justice (DCJ) website at the following link: [DCJ-Mandatory Reporters](#)

If a child discloses a child protection matter, or as soon as concerns are raised, specifics should be documented immediately to ensure information is accurate, even if there is uncertainty as to whether the matter will require reporting. It is important that reporting is done as soon as reasonably practicable.

The Safe Church Unit can assist with further guidance, contact safechurch@nswact.uca.org.au

Other Requirements of Mandatory Reporters

A mandatory reporter is:

- Not required to, and must not, undertake any investigation of the matter themselves.
- Not to inform the parents or caregivers that a report to DCJ has been made.
- Required to deal with the matter confidentially and only disclose it to those necessary to comply with mandatory reporting obligations. Failure to maintain confidentiality will not only be a breach of this policy, but could expose the mandatory reporter to potential civil proceedings for defamation
- Required to continue to respond to the needs of the child or young person within the terms of their role even after a mandatory report has been made.

Protection and Support of Mandatory reporters

Where a report is made in good faith to protect a child, the Children and Young Persons (Care and Protection) Act 1998 affords protection for Mandatory Reporters and those providing information for a report. In particular:

- Mandatory reporting is not a breach of professional conduct/ethics
- There is no liability for defamation due to making a report
- There are no grounds for civil and/or criminal liability against the person making the report
- Identification of the reporter must not be disclosed without their consent, except in limited circumstances by leave of a court
- Mandatory reporters cannot be compelled to give evidence in any proceedings
- No detrimental action is to be taken against a reporter who is acting in good faith.

Mandatory reporters are also encouraged to seek support for the vicarious trauma which may arise out of dealing with a child protection concern. Support can be provided by the Synod Employee Assistance Program or guidance can be given by the Synod Safe Church Unit.

Further details of the EAP (Employee Assistance Program) can be found on the Synod website: EAP (Employee Assistance Program)

Training for mandatory reporters

Church Councils should identify those in their church community whose UCA roles make them mandatory reporters, and they should be trained as soon as possible. A list of mandatory reporters should be held by the Safe Church contact person nominated for each congregation, and information on the currency of training for each identified mandatory reporter should be kept by them.

Training for mandatory reporters should develop their understanding of the UCA National Child Safe Policy Framework and all relevant Synod policies and procedures.

The Synod provides a range of training and resources which include:

- Safe Church Awareness Training
- Regular ethical ministry training
- The formation of candidates for ministry process
- Engaging with the National Child Safe Policy Framework
- Guidance material for mandatory reporting requirements and procedures
- Tools and resources via the Synod website.

All church leaders and relevant staff and volunteers are expected to complete the Safe Church Awareness Training relevant to their role.

Useful Definitions regarding Mandatory reporting

Item	Definition
What is professional judgment	<p>For the purposes of this policy, professional judgement takes into consideration any professional knowledge, the context in which decisions are being made, the nature and level of evidence available, methods used and a variety of other factors. Professional judgement means drawing on the following when you make assessments or decisions: formal knowledge e.g., theory, legislation, policy; practice wisdom e.g., experiences, social norms; emotional wisdom e.g., impact of work on oneself and others; personal and professional values e.g., drawing on an ethical framework for practice; reasoning skills e.g., ability to critically reflect on practice and reason from personal experience and knowledge.</p>
What are reasonable grounds	<p>'Reasonable grounds' refers to the need to have an objective basis for suspecting that a child or young person may be at risk of significant harm, based on:</p> <ul style="list-style-type: none"> • Firsthand observations of the child, young person, or family; • What the child, young person, parent, or another person has disclosed; and • What can reasonably be inferred based on professional training and / or experience 'Reasonable grounds' does not mean that mandatory reporters are required to confirm their suspicions or have clear proof before making a report. However, they should consider whether another person, when faced with similar information, would also draw the same conclusion.
What is risk of significant harm	<ul style="list-style-type: none"> • A child or young person is at risk of significant harm if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances— <ul style="list-style-type: none"> (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, (b1) in the case of a child or young person who is required to attend school in accordance with the Education Act 1990—the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in accordance with that Act, (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,

Item	Definition
What is risk of significant harm (cont.)	<p>(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,</p> <p>(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.</p> <p>'Significant' may reasonably be expected to produce a substantial and demonstrably adverse impact on the child or young person's safety, welfare, or wellbeing. Although it is possible for 'one-off' incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child.</p>
Child	A person under 16 years
Helpful information to include in a report	<p>Helpful information needed for the Synod (or the Child Protection Helpline) report includes the child's name and location, details of parents or carers and the reasons for the report (what has the reporter seen, heard, or been told).</p> <p>Specifically, it is helpful to include if possible:</p> <ul style="list-style-type: none"> • Full name, date of birth (or approximate age), address and phone number of the child or young person you are concerned about
Helpful information to include in a report (cont.)	<ul style="list-style-type: none"> • Full name (including any known aliases), approximate age of the parents or carers • A description of the child or young person and their current whereabouts • Why you suspect the child or young person is at risk of significant harm (what you have seen, heard, or been told) • Whether a language or sign interpreter may be required, whether support is required for a person with a disability, or an Aboriginal agency is involved • Your name and contact details. <p>Sometimes you may not have all this information. DCJ needs at least to be able to identify and locate the child or young person. Information that assists this, such as the child or young person's school or childcare centre is also helpful.</p>

Relevant Legislation

Children and Young Persons (Care and Protection) Act 1998.

Related Synod Documents

Mandatory Reporting Policy Synod of NSW and the ACT.

Working with Children Check Guideline - NSW Reportable Conduct Guideline for NSW.

Guideline Review

This guideline is to be reviewed annually by Synod Risk & Compliance and amendments approved by the Synod Governance Oversight Committee (SGOC).