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church

in Australia,
Synod of NSW & ACT

Mandatory Reporting Guideline for the ACT

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

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Mandatory Reporting Guideline in the ACT

What is Mandatory Reporting?

In the Australian Capital Territory (ACT) there are two types of reporters, Mandated and Voluntary Reporters.

Mandatory reporting is a legal requirement for certain professionals to make a Child Concern Report to Child and Youth Protective Services (CYPS) if, through the course of their work (paid or unpaid), they believe on reasonable grounds a child (under 18 years old) may be:

- being or has been sexually abused, or
- experiencing or has experienced non-accidental physical injury (physical abuse).

Mandated reporters along with all adults are also voluntary reporters. Voluntary reporting allows any person who is concerned about a child or unborn child to make a Child Concern Report to CYPS if they believe or suspect a child is:

- being abused, or
- being neglected, or
- exposed to family violence, or
- at risk of abuse or neglect.

For definitions of abuse, see the definitions table below.

In the ACT, mandatory reporting is regulated by the Children and Young People Act 2008. Mandatory reporting laws aim to identify children and young people who are being abused or neglected. A child or young person is a person who is under 18 years of age.

The Children and Young People Act 2008 requires that a mandated reporter, where they have reasonable grounds to suspect that a child or young person in the ACT is at risk must report to CYPS as soon as practicable after forming the belief, the name, or a description, of the child and the grounds for suspecting that the child is at risk.

The church is required, where there is substantial risk that sexual abuse will be committed in the future, to protect a child from the abuse where possible. It requires any person in authority in a 'relevant institution' to take any necessary steps to prevent the sexual abuse from occurring when it is within their power to do so. Mandatory reporting is a key aspect of that duty.

This guideline should read in conjunction with the Mandatory Reporting Policy of the Synod of NSW and the ACT.

How Does Mandatory Reporting relate to the UCA?

Who is a mandated reporter?

- Any UCA worker or minister who is classified as a mandated reporter must fulfil their legislative requirement for mandatory reporting. This includes paid and unpaid workers and relates to any concern which requires mandatory reporting that the person becomes aware of in the course of their work for the UCA.
- Mandated reporters in the ACT are defined in the legislation, but for UCA purposes the key roles included are:
 - a minister of religion, religious leader or member of the clergy of a church or religious denomination

- those who work in childcare and teaching
- a person who, in the course of the person's employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.

See Division 11.1.2 (356) of the Children and Young People Act 2008 for more information.

What must a mandated reporter do?

- Certain people are mandated to report situations where they form a belief on reasonable grounds that a child or young person has experienced abuse or neglect. The mandated reporter is not required to prove that abuse or neglect has occurred.
- If a mandated reporter, in the course of their (paid or unpaid) UCA work, forms a reasonable belief that a child or young person is at risk of being abused or neglected, they **MUST** report their concerns to CYPS through the Synod or in some circumstances, directly.
- Note that all adults are required to report sexual offences against children to ACT Policing.

How to make a report as a Mandated Reporter

If there are reasonable grounds to suspect that a child or young person within the church community is at risk of abuse or neglect, a mandated reporter must follow the Synod mandatory reporting procedure as soon as practicable. A child or young person who is not part of the church community should be reported directly to CYPS (if unsure, report via the Synod).

If a child is in immediate danger or in a life-threatening situation, call the police on 000.

The Synod, through its Safe Church Unit will lodge a report with the CYPS 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 the ACT 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 by the mandated reporter and lodge a Child Concern Report with CYPS online.
4. Any further instructions will be given by the CYPS, including about how to support and protect the child.

A mandated reporter is:

- Not required to, and should not, undertake any investigation of the matter themselves.
- Required to deal with the matter confidentially
- At liberty to make a mandatory report directly with the [CYPS](#). There may be circumstances of such sensitivity and confidentiality that the reporter chooses to report directly to the CYPS. If a direct report is made, the Safe Church Unit must be notified of the report number.

What Synod needs to know to make a report

Mandated reporters need to provide sufficient information so that the child or young person can be identified, and so the reasonable grounds for the belief or suspicion can be reported. However, mandated reporters should not conduct their own investigation.

Collecting the required information requires a degree of judgement. Information on how to speak to a child can be found on the Community Services website at the following link: [Community Services](#)

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 you aren't yet sure if the matter is reportable. It is important that reporting is done as soon as reasonably practicable.

In preparing to make a report to the CYPS, all the available information should be gathered by the reporter and presented to the General Secretary (or CYPS if reporting directly). The Safe Church Unit can assist with further guidance; contact safechurch@nswact.uca.org.au

Penalties

When making a report you are required to provide CYPS with the basis of your belief truthfully and factually. Knowingly providing false or misleading information or failing to report as soon as practicable after forming a belief is an offence under the Children and Young People Act 2008.

Failing to report child sexual abuse to the Police is a criminal offence under the Crimes Act 1900 and applies to all adults in the ACT who must tell Police if they have a reasonable belief a sexual offence has been committed against a child.

- For mandated reporters, this is done through the CYPS Child Concern Report.
- For non-emergency Voluntary Reports, this is done through ACT Policing on 131 444.

Note: for concerns relating to a person now over 18 years old (that is, the abuse occurred in the past when the person was a child) the report should also go directly to the Police.

Protection and Support of Mandated Reporters

Where a report is made in good faith and without recklessness to protect a child, the Children and Young People Act 2008 affords protection for Mandated Reporters and those providing information for a report. Below is a brief summary.

- Mandatory reporting is not a breach of professional conduct/ethics/etiquette
- Provision of information as a mandated reporter is not a breach of confidence
- There are no grounds for civil and/or criminal liability.

Mandated reporters are encouraged to seek support for vicarious trauma arising 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 Safe Church Unit.

Further details of the EAP can be found on the Synod website: [EAP](#)

Training for mandated reporters

Church Councils should identify those in their church community whose UCA roles make them mandated reporters, and they should be trained as soon as possible. The nominated Safe Church contact person for the congregation should keep a list of mandated reporters, and information on the currency of each person's training.

Training for mandated 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
- Ongoing 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
<p>What are reasonable grounds</p>	<p>‘Reasonable grounds’ refers to the need to have an objective basis for suspecting that a child or young person may be at risk.</p> <p>A child or young person is at risk of abuse or neglect if, on the balance of probabilities, there is a significant risk of the child or young person being abused or neglected.</p> <p>When making a Child Concern Report to CYPS, it is important to have clear reasons and information to support a belief or suspicion that abuse or neglect is occurring or has occurred.</p> <p>This may include:</p> <ul style="list-style-type: none"> • Being clear on what basis the belief is formed • Checking that the definition of abuse or neglect is consistent with the legal definition. <p>That there is a behaviour, or a pattern of behaviours that point to abuse or neglect.</p> <p>‘Reasonable grounds’ does not mean that mandated reporters are required to confirm their suspicions or have clear proof before making a report. As a guide when unsure, they could consider whether another person, when faced with similar information, would also draw the same conclusion. The Safe Church Unit or the CYPS can also be contacted for advice.</p>
<p>Child</p>	<p>A person under 12 years</p>

Item	Definition
Young Person	A person who is 12 years old or older and not yet an adult. An adult is defined in the Legislation Act as a person 18 years or older.
Mandated Reporters relevant to Religious Organisations	<p>S 356 - mandated reporter.</p> <p>Each of the following people is a mandated reporter:</p> <ul style="list-style-type: none"> a) a doctor b) a dentist c) a Nurse (including an enrolled nurse) d) a midwife e) a psychologist f) a teacher at a school g) a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the Education Act 2004 h) a police officer i) a person employed to counsel children or young people at a school j) a person caring for a child at a childcare centre k) a minister of religion, religious leader or member of the clergy of a church or religious denomination l) a person who, in the course of the person’s employment, has contact with or provides services to children, young people and their families and is prescribed by regulation.
What is child abuse or neglect?	<p>There are different forms of child abuse: neglect, sexual abuse, physical abuse, emotional abuse and family violence. CYPS can receive reports relating to:</p> <ul style="list-style-type: none"> • Neglect happens when a parent, carer or person with parental responsibility fails to provide a child with life’s basic necessities causing significant harm to the child’s wellbeing or development. Examples include failure to provide food, shelter, clothing or health care. Neglect can be episodic or persistent. • Sexual abuse is any sexual act or threat impacting on a child, including unwanted sexual acts on a child over the age of consent (16 years old). Sexual abuse includes comments, physical contact, exposure to adult sexual activity and exposure to or involvement in sexual imagery.

Item	Definition
<p>What is child abuse or neglect? (cont.)</p>	<ul style="list-style-type: none"> • Physical abuse is the non-accidental injury of a child by an adult. An injury can be caused by a single act or repeated acts. Examples include but are not limited to hitting, shaking, burning, excessive physical discipline, attempted suffocation • Emotional abuse is when a child repeatedly experiences events that cause significant harm to their wellbeing or development e.g. constant yelling, belittling, ignoring and ridiculing. • Family violence refers to situations where children or young people are exposed to family violence by seeing or hearing the physical, sexual or psychological abuse between parents or caregivers; or where they are put at risk of exposure to family violence. that has or would cause significant harm.

Relevant Legislation

[Children and Young People Act 2008](#) (ACT)

Related Synod Documents

Mandatory Reporting Policy Synod of NSW and the ACT

Working with Vulnerable People Guideline - ACT

Reportable Conduct Guideline for the ACT

Guideline Review

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