

# Mandatory reporting of harm and exploitation of children – guidelines and procedures

Department of Education

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Read this document with the Sexual behaviour in children guidelines<sup>1</sup> and the Allegations of sexual misconduct policy.<sup>2</sup>

## 1. Introduction

Every person in the Northern Territory (NT) is legally required, under Section 26 of the *Care and Protection of Children Act 2007*, to make a report if they reasonably believe that a child or young person may have been, or is at risk of being, harmed or exploited. These reporting obligations are commonly referred to as 'mandatory reporting'. A person can be charged for not making a mandatory report if they have formed a reasonable belief a child or young person may have been, or is at risk of being, harmed or exploited.

The Department of Territory Families, Housing and Communities (TFHC) has responsibility for investigating allegations that a child may have been, or is at risk of being, harmed or exploited as the result of an act or omission of their parent.

In some cases, a child may be harmed or exploited by people who are not part of their household, and the harm is not a result of something their parents did or failed to do. In these circumstances, TFHC does not have a statutory child protection role. All allegations relating to criminal or sexual offences are investigated by the police.

Child harm or exploitation can be prevented and there are early intervention support services that can assist. Employees can seek information about early intervention support services from TFHC and Families and Children Enquiry and Support (Territory FACES) by calling 1800 999 900.

## 2. Scope

These guidelines articulate the obligations for the Department of Education (department), its employees and all other persons who work or volunteer within schools and corporate divisions.

## 3. Procedures

Mandatory reporting was introduced to the NT in 1984 under the *Community Welfare Act 1983*, which was subsequently replaced by the *Care and Protection of Children Act 2007* (the Act). In 2009, the Act was amended to include a duty to report selected scenarios of sexual abuse and a special duty for health practitioners.

Reporting of domestic and family violence is also covered in the *Domestic and Family Violence Act 2007* and the NT Domestic, Family and Sexual Violence Reduction Framework 2018-28. The department is committed to ensuring its policies support the requirements to report and reduce domestic, family and sexual violence.

In 2018, the Council of Australian Governments endorsed the implementation of the National Principles for Child Safe Organisations<sup>3</sup> as part of its response to the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations. The national principles provide a nationally consistent approach to creating organisational cultures that foster child safety and wellbeing across all sectors in Australia.

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<sup>1</sup> <https://education.nt.gov.au/policies/health-safety>

<sup>2</sup> <https://education.nt.gov.au/policies/conduct>

<sup>3</sup> <https://childsafe.humanrights.gov.au/national-principles/about-national-principles>

### 3.1. When to report

A report must be made as soon as possible once a belief has been formed, on reasonable grounds, that a child:

- has suffered, or is likely to suffer, harm or exploitation
- aged less than 14 years, has been or is likely to be, a victim of a sexual offence
- aged less than 14 years, is, or is likely to be, sexually active even if that child's parent is aware of the situation
- over the age of 16 years and in a special care relationship has been, or is likely to be, a victim of an offence according to the *Criminal Code Act 1983*
- is exposed to domestic and family violence
- has been, or is likely to be, a victim of criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague.

A belief, on reasonable grounds, may be based on:

- disclosure by a child
- allegations by a third party such as a report by one child in relation to another child
- observations of physical indicators such as injuries or fear
- observations of age-inappropriate behaviours such as sexualised behaviour or talk, as explained in the Sexual behaviour in children guidelines
- delays in emotional or mental development
- chronic non-school attendance.

If in doubt as to whether a mandatory report should be made or to whom it should be submitted, advice is available from the TFHC's Child Protection Hotline 24 hours a day, 7 days a week on 1800 700 250.

Refer to TFHC's resource Mandatory reporting scenarios<sup>4</sup> to consider situations where a mandatory report should be lodged, and what other family support services are available such as Territory FACES.<sup>5</sup>

### 3.2. Who makes the report

The adult who has formed the belief that a child may have been, or is at risk of being, harmed or exploited must make the report. This is a legal requirement and ensures that the most accurate and reliable information is reported.

All reports are confidential. A reporter's identity will not be disclosed, confirmed or denied. The reporter's identity will not be included in documents prepared for court, except where the court orders the information to be provided.

Section 27 of the Act protects a person making a report from civil or criminal liability if they have done so in good faith.

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<sup>4</sup> <https://tfhc.nt.gov.au/children-and-families/care-services/get-help-reporting-a-concern>

<sup>5</sup> <https://tfhc.nt.gov.au/children-and-families/territory-faces>

Employees who experience stress or anxiety as a result of making a report can internally access professional counselling services and support through the Employee Assistance Program.<sup>6</sup>

### 3.3. How to make a report

If the concerns are for a child at immediate risk or it is an emergency, call police on 000.

If the child is not at immediate risk or it is not an emergency, there are two ways to report:

1. submit an online report on the CARE Services portal<sup>7</sup>
2. call TFHC's Child Protection Hotline on 1800 700 250.

First time users of the CARE Services portal will need to create an account and log in each time they lodge a report. There are three situations when the online portal cannot be used and should be lodged through the reporting line, when:

1. the name of the child is not known
2. the concerns are for an unborn child
3. concerns are for children from different families, a separate report must be lodged for each family group.

Make a report to police by calling 131 444 or at the local police station if the following are involved:

- domestic, family or sexual violence
- criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague.

As per the *Education and Care Services (National Uniform Legislation) Act 2011*, if the mandatory report involves a child enrolled in an early childhood education program and the incident occurred on the program site, the incident must also be reported to Quality Education and Care Northern Territory (QECNT)<sup>8</sup> through the National Quality Agenda IT System.<sup>9</sup>

QECNT can also be contacted on 08 8999 3561 or [qualityecnt.det@education.nt.gov.au](mailto:qualityecnt.det@education.nt.gov.au).

### 3.4. Information to be provided when making a report

The person making the report will be asked to provide the following information to the best of their ability.

- Identifying information:
  - reporter's details
  - child's details
  - parent's details
  - extended family or support network details for the child.

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<sup>6</sup> <https://ntgcentral.nt.gov.au/my-job/health-safety-and-wellbeing/counselling-employees>

<sup>7</sup> <https://careservices.nt.gov.au/web/portal/pages/home>

<sup>8</sup> <https://education.nt.gov.au/committees,-regulators-and-advisory-groups/quality-education-and-care-nt>

<sup>9</sup> <https://www.acecqa.gov.au/resources/national-quality-agenda-it-system>

- Information about:
  - what has happened to the child
  - when it occurred
  - where the incident happened
  - who was there
  - who is potentially responsible for the harm
  - what challenges the family may be experiencing
  - any professional services involved with the child or family
  - what has been working well for the child or family.
- Type of harm:
  - neglect
  - emotional
  - physical
  - sexual
  - cumulative.
- The person making the report should keep a record of:
  - their CARE Services portal log in information
  - the date and time the report was made
  - the reference number provided by TFHC and police.

TFHC will use the information provided, and any existing information about the family and their own enquiries to assess whether the child requires care and protection.

### 3.5. How to respond when a child discloses

A person may form the belief that a child may have been, or is at risk of being, harmed or exploited based on disclosure by the child. In such instances, the following response is recommended.

1. Actively listen to what the child is saying, allow them to speak with minimal interruption, and reassure them.
2. Once they have finished, ask open ended questions in order to obtain as much information as possible to make a report. This should be done in a manner that does not place any unnecessary pressure on the child.
3. In language that is appropriate to the child's age and stage of development, let the child know that their confidentiality cannot be maintained and that a report to the relevant authority must be made. Some examples are given below:
  - Younger children: "Thank you for trusting and sharing this with me. I believe you. This is very serious, and my job is to talk to someone who is going to help you. We want you to be safe. You are not alone".
  - Older children: "Thank you for trusting and sharing this with me. I believe you. This is very serious. I am required to report this to someone who specialises in this area. We want you to be safe. You are not alone".

4. In every case, reassure the child that disclosing the matter was the right thing to do and that reporting the matter will help stop or prevent the harm or exploitation.
5. Do not undertake an investigation, including questioning other children or adults. The allegation will be investigated by TFHC, police or both.

### 3.6. Mandatory reporting training

Mandatory reporting training can be delivered either through the training presentation or the department's online mandatory reporting of harm and exploitation of children training. Employees are required to complete mandatory reporting training within one week of commencing employment and renew their training at the start of Semester 1 each year.

The training presentation<sup>10</sup> is available to assist principals and directors deliver mandatory reporting training. Principals and directors can organise for an appropriate person to deliver the training to employees on their behalf. Appropriate people may include:

- school counsellors
- school psychologists
- relevant TFHC employees
- National Association for Prevention of Child Abuse and Neglect employees.

The department's online mandatory reporting of harm and exploitation of children training is available through MyLearning.<sup>11</sup>

Principals and directors can decide which method of delivery, or a combination of both, suits their school or workplace.

The Making a mandatory report information booklet is an additional resource staff can use. It includes:

- steps on making a mandatory report
- implicit guidance on scenarios regularly reported by schools
- support contacts and links for staff and families.

The Making a mandatory report information booklet guide can be accessed from the Policy and Advisory Library,<sup>12</sup> internal access only.

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<sup>10</sup> <https://education.nt.gov.au/policies/health-safety>

<sup>11</sup> <https://mylearning.nt.gov.au/>

<sup>12</sup> <https://elearn.ntschoools.net/policies/4260>

## 4. Roles and responsibilities

### 4.1. Department employees and volunteers

Department employees and volunteers are responsible for:

- making a report if they believe on reasonable grounds that a child:
  - has suffered or is likely to suffer harm or exploitation
  - aged less than 14 years, has been, or is likely to be, a victim of a sexual offence
  - aged less than 14 years, is, or is likely to be, sexually active even if that child's parent is aware of the situation
  - over the age of 16 years and in a special care relationship, has been, or is likely to be, a victim of an offence according to the *Criminal Code Act 1983*
  - is exposed to domestic and family violence
  - has been, or is likely to be, a victim of criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague.
- informing their principal or director and manager when a mandatory report has been made
- understanding and supporting the National Principles for Child Safe Organisations, in particular:
  - complying with obligations of information sharing and record keeping
  - recognising the signs of harm and facilitating child-friendly ways for children to communicate and raise concerns
  - participating in continual education and training to develop knowledge, skills and awareness to keep students safe.
- undertaking mandatory reporting training at the start of the year or within one week of commencement if they work directly with students and signing the attendance acknowledgement.

In addition to the above, employees who are employed as health practitioners have the added responsibility for:

- making a report if they believe, on reasonable grounds, that:
  - a child aged at least 14 years, but less than 16 years, has been, or is likely to be, a victim of a sexual offence
  - the difference in age between the child and alleged sexual offender is more than 2 years.

### 4.2. Principals, managers and directors

Principals, managers and directors are responsible for:

- informing their line management when they become aware a mandatory report has been made
- ensuring school employees, corporate employees and volunteers under their management who work directly with students undertake mandatory reporting training at the start of Semester 1 every year



- ensuring that employees under their management who do not undertake training at the start of Semester 1 will complete the training at their earliest convenience; for new employees this must be within one week of commencement
- ensuring employees under their management who are employed as health practitioners understand their reporting obligations under section 26 of the Act
- conducting or organising the delivery of mandatory reporting training to employees by an appropriate person
- ensuring training participants complete the attendance declaration form and it is saved in Territory Records Manager (TRM)
- schools must send to their attendance declaration form to their School Operations regional team to save in TRM.

### 4.3. Senior Director Education

Senior Director Education is responsible for:

- ensuring school employees, corporate employees and volunteers under their management who work directly with students undertake mandatory reporting training at the start of Semester 1 every year
- ensuring that employees who do not undertake training at the start of Semester 1, complete the training at their earliest convenience - for new employees this must be within one week of commencement
- confirming that mandatory reporting obligations have been met when an incident occurs in a school.

### 4.4. Senior Directors and Executive Directors

Senior Directors and Executive Directors are responsible for:

- ensuring relevant employees and volunteers under their management who work directly with students undertake mandatory reporting training at the start of Semester 1 every year
- ensuring that employees who do not undertake training at the start of Semester 1, complete the training at their earliest convenience - for new employees this must be within one week of commencement
- ensuring the attendance declaration form has been completed and saved into TRM.

## 5. Definitions

| Term                                 | Definition   |
|--------------------------------------|--|
| Child                                | Child, as determined by the Act, refers to a person younger than 18 years of age or a person apparently younger than 18 years of age if the person's age cannot be proven.   |
| Child in need of care and protection | A child in need of care and protection as determined by the Act as a child: <ul style="list-style-type: none"> <li>• who has suffered, or is likely to suffer, harm or exploitation because of an act or omission of their parent</li> </ul> |

| Term                | Definition  |
|---------------------|---|
|                     | <ul style="list-style-type: none"> <li>• whose parents are deceased or not willing and able to care for the child</li> <li>• who has been abandoned and no family member is willing and able to care for the child</li> <li>• not under the control of any person and is engaged in conduct that caused or is likely to cause harm to the child or other persons.</li> </ul>  |
| Criminal offence    | Criminal offence refers to an act that is harmful to individuals, property or the community as determined by the Criminal Code Act 1983.  |
| Domestic violence   | <p>Domestic violence, as determined by the Domestic and Family Violence Act 2007, refers to conduct committed by a person against someone with whom the person is in a domestic relationships including:</p> <ul style="list-style-type: none"> <li>• causing harm such as a sexual or other assault</li> <li>• damaging property including injury or death of an animal</li> <li>• intimidation</li> <li>• stalking</li> <li>• economic abuse</li> <li>• attempting or threatening to commit conduct of any of the above.</li> </ul>   |
| Emotional abuse     | Emotional abuse refers to a parent’s inappropriate verbal or symbolic acts towards a child or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child’s self-esteem or social competence.   |
| Exploitation        | Exploitation, as determined by the Act, refers to any form of child exploitation as well as sexual exploitation, which includes sexual abuse of a child, and involves a child as a participant or spectator in any act of a sexual nature, including prostitution or pornographic performance.  |
| Harm                | Harm as determined by the Act, refers to significant detrimental effect that is caused by an act, omission or circumstance on the physical, psychological or emotional wellbeing or development of a child.   |
| Health practitioner | Health practitioner refers to registered Aboriginal and Torres Strait Islander health practitioners, chiropractors, dental practitioners, medical practitioners, midwives, nurses, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists, psychologists, podiatrists, paramedicine practitioners, Chinese medicine practitioners and medical radiation practitioners. A person is only a registered health practitioner if they are registered as a practitioner under the <i>Health Practitioner Regulation (National Uniform Legislation) Act 2010</i> . |
| Mandatory reporting | Mandatory reporting, as determined by the Act refers to reporting a belief that a child may have been or is at risk of being harmed or exploited.   |
| Neglect             | Neglect refers to isolated incidents or a pattern of failure over time on the part of a parent or other family member to provide for the development and wellbeing of a child.  |
| Parent              | Parent, as determined by the Act, refers to a child’s father, mother or any other person who has parental responsibility for that child, including a person who is regarded as a parent of the child under Aboriginal customary law or  |

| Term                      | Definition   |
|---------------------------|--|
|                           | Aboriginal tradition. The definition of a parent does not include a person standing in place of the parent on a temporary basis.   |
| Physical harm             | Physical harm refers to the intentional use of physical force that results in, or has a high likelihood of resulting in, harm to a child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating.   |
| Reasonable grounds        | Reasonable grounds refer to information that a person, with their training or knowledge, believes to be reliable and accurate.   |
| Sexual harm               | Sexual harm refers to the involvement of a child in sexual activity that they do not fully comprehend, to which they are unable to give informed consent, for which they are not developmentally prepared or else that violates the laws or social taboos of society. Children can be sexually abused by adults or other children who are, by virtue of their age or stage of development, in a position of responsibility, trust or power over the victim.  |
| Sexual offence            | Sexual offence, as determined by the <i>Sexual Offences (Evidence and Procedure) Act 1983</i> , refers to an indictable offence involving sexual intercourse or penetration; a sexual relationship; sexual abuse; indecent touching or indecent assault; any other indecent act directed against a person or committed in the presence of a child; making, collecting, exhibiting or displaying an indecent object or indecent material; sexual servitude; or any other form of sexual exploitation or an attempt to commit an act of procuring or any other act preparatory to the commission of the above. |
| Special care relationship | Special care relationship refers to an adult that has a personal, caregiving, instructional or supervisory role with a child. This could include a stepparent, guardian, foster parent, schoolteacher, religious educator, employer, sport or musical tutor, correctional services officer or health professional.   |

## 6. Related legislation and policy

### 6.1. Legislation

- *Care and Protection of Children Act 2007* - <https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=26&zoom=auto,88,538>
- *Education and Care Services (National Uniform Legislation) Act 2011* - <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>
- *Domestic and Family Violence Act 2007* - <https://legislation.nt.gov.au/Legislation/DOMESTIC-AND-FAMILY-VIOLENCE-ACT-2007>
- *Criminal Code Act 1983* - <https://legislation.nt.gov.au/en/Legislation/CRIMINAL-CODE-ACT-1983>
- *Sexual Offences (Evidence and Procedure) Act 1983* - <https://legislation.nt.gov.au/Legislation/SEXUAL-OFFENCES-EVIDENCE-AND-PROCEDURE-ACT-1983>

- *Health Practitioner Regulation (National Uniform Legislation) Act 2010* - <https://legislation.nt.gov.au/Legislation/HEALTH-PRACTITIONER-REGULATION-NATIONAL-UNIFORM-LEGISLATION-ACT-2010>

## 6.2. Policy and resources

- Mandatory reporting of harm and exploitation of children PowerPoint training presentation [https://education.nt.gov.au/policies/health-safety#mandatory\\_reporting](https://education.nt.gov.au/policies/health-safety#mandatory_reporting)
- Mandatory reporting of harm and exploitation of children training declaration template – directors, managers or principals - [https://education.nt.gov.au/policies/health-safety#mandatory\\_reporting](https://education.nt.gov.au/policies/health-safety#mandatory_reporting)
- Making a mandatory report information booklet - <https://elearn.ntschoools.net/policies/4260> (staff access only)
- Allegations of sexual misconduct policy and Reporting of alleged misconduct of a teacher fact sheet - [https://education.nt.gov.au/policies/conduct#reporting\\_of\\_alleged\\_misconduct\\_teacher](https://education.nt.gov.au/policies/conduct#reporting_of_alleged_misconduct_teacher)
- Sexual behaviour in children guidelines - [https://education.nt.gov.au/policies/health-safety#sexual\\_behaviour](https://education.nt.gov.au/policies/health-safety#sexual_behaviour)
- Traffic lights – Sexual behaviours in children and young people (staff access only) - <https://elearn.ntschoools.net/policies/4260>
- Teacher Registration Board of the Northern Territory's Protective practices guidelines – <https://www.trb.nt.gov.au/professional-responsibilities/teaching-practice/protective-practice-guidelines>
- TFHC CARE Services reporting portal – <https://careservices.nt.gov.au/web/portal/pages/home>
- TFHC resources including Mandatory reporters guide, Mandatory reporting scenarios, and Recognising child abuse harm and exploitation are available – <https://tfhc.nt.gov.au/children-and-families/care-services/get-help-reporting-a-concern>
- Working with children clearance notice policy and fact sheet – [https://education.nt.gov.au/policies/conduct#working\\_with\\_children\\_clearance](https://education.nt.gov.au/policies/conduct#working_with_children_clearance)

## 6.3. Further references

- Children's exposure to domestic and family violence – <https://aifs.gov.au/resources/policy-and-practice-papers/childrens-exposure-domestic-and-family-violence>
- Domestic, Family and Sexual Violence reduction Framework 2018-2028 – <https://tfhc.nt.gov.au/domestic,-family-and-sexual-violence-reduction/domestic-and-family-violence-reduction-strategy#:~:text=The%20Domestic%2C%20Family%20and%20Sexual%20Violence%20Reduction%20Framework,family%20violence%20strategy%20%E2%80%93%20Safety%20is%20Everyone%E2%80%99s%20Right.>
- What is child abuse and neglect? – <https://aifs.gov.au/resources/policy-and-practice-papers/what-child-abuse-and-neglect#:~:text=In%20all%20Australian%20jurisdictions%2C%20emotional,court%20for%20a%20child%27s%20protection>

Mandatory reporting of harm and exploitation of children – guidelines and procedures

| Acronyms        | Full form   |
|-----------------|---|
| NT              | Northern Territory  |
| Territory FACES | Families and Children Enquiry and Support                 |
| TRM             | Territory Records Management                              |
| TFHC            | Department of Territory Families, Housing and Communities |
| QECNT           | Quality Education and Care Northern Territory             |
| TRM             | Territory Records Manager                                 |

|                        |   |
|------------------------|---|
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| <b>Contact details</b> | Student Wellbeing and Inclusion Programs and Services<br><a href="mailto:swipolicy.doe@education.nt.gov.au">swipolicy.doe@education.nt.gov.au</a> |
| <b>Approved by</b>     | Chief Executive   |
| <b>Date approved</b>   | 14 December 2023  |
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| Version | Date          | Author  | Changes made  |
|---------|---------------|---|---|
| 1.1     | December 2019 | Student Wellbeing and Inclusion                       | Updated: template<br>Added: business need and scope sections<br>Added: reference to Child Safe Standards.<br>Added: definitions of additional terms to improve understanding<br>Edited: content, including roles and responsible for clarity and flow of information<br>Removed: content that was duplicated under various sections of the document |
| 1.2     | December 2021 | Student Wellbeing and Inclusion                       | Updated: templates to reflect online training<br>Added: information in the mandatory reporting training section<br>Edited: name of organisation to The Department of Territory Families, Housing and Communities (TFHC)   |
| 1.3     | October 2022  | Student Wellbeing and Inclusion Programs and Services | 50:D22:80594<br>Administrative amendments to align roles and responsibilities to the structural alignment in effect from 1 July 2022,   |

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| Version | Date          | Author  | Changes made   |
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|         |               |   | including NTG template and minor formatting.   |
| 1.4     | November 2023 | Student Wellbeing and Inclusion Programs and Services | Updated: reporting obligations wording, Mandatory reporting training required once per year, inclusion of TFHC online CARE Services Portal, remove references to Professional Learning database, added responsibility for principals to send attendance sheets to School Operations, updated training requirements |