

# GUIDELINES

## MANDATORY REPORTING OF HARM AND EXPLOITATION OF CHILDREN

Responsibility of: School Support Services  
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Target Audience: Staff, Parents and community

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This document should be read in conjunction with [Sexual Behaviour in Children guidelines](#).

### 1. INTRODUCTION

[Section 26 of the Care and Protection of Children Act](#) sets out the reporting obligations prescribed for all adults to safeguard the wellbeing of children in the Northern Territory (NT). These reporting obligations are commonly referred to as 'mandatory reporting'.

These guidelines articulate the reporting obligations of the department, its employees and all other personnel who work or volunteer within department school settings.

These guidelines apply not only to schools but also to corporate divisions and regional offices, particularly those whose core business involves student contact.

### 2. DEFINITIONS

**Child** is defined in the [Care and Protection of Children Act](#) as:

- (a) a person less than 18 years of age; or
- (b) a person apparently less than 18 years of age if the person's age cannot be proved.

**Child abuse** can take many forms. Adults may harm children through actions towards the child both in a verbal or physical way. They may also harm children through the neglect of their care. Rarely does a child experience only one form of abuse.

**Child sexual abuse** is when someone involves a child in any sexual activity or sexual threat. It involves an abuse of an unequal power relationship between the child and the adult and is a betrayal of the child's trust. Coercion (physical and emotional), and exploitation of the dependency and immaturity of a child, is intrinsic to child sexual abuse.

**Corporate staff** includes any employee of the Department of Education who are based at a regional or central office and whose role requires them to have contact with children.

**Exploitation:** [Section 16 of the Care and Protection of Children Act](#) states:

- (1) Exploitation of a child includes sexual and any other forms of exploitation of the child.
- (2) Without limiting subsection (1), sexual exploitation of a child includes:
  - (a) sexual abuse of the child
  - (b) involving the child as a participant or spectator in any of the following:
    - (i) an act of a sexual nature
    - (ii) prostitution
    - (iii) a pornographic performance.

**Harm** is defined in [section 15 of the Care and Protection of Children Act](#) as:

- (1) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on:
  - (a) the physical, psychological or emotional wellbeing of the child; or
  - (b) the physical, psychological or emotional development of the child.
- (2) Without limiting subsection (1), harm can be caused by the following:
  - (a) physical, psychological or emotional abuse or neglect of the child
  - (b) sexual abuse or other exploitation of the child
  - (c) exposure of the child to physical violence.

*Example: A child witnessing violence between the child's parents at home.*

**Health practitioner** includes Aboriginal health worker, chiropractor, dentist, dental hygienist, dental specialist, dental therapist, medical practitioner, midwife, registered and enrolled nurse, occupational therapist, optometrist, osteopath, pharmacist, physiotherapist, and psychologist. A person is *only* a registered health practitioner if they are registered as a practitioner under the [Health Practitioners Act](#). Simply holding qualifications that would enable a person to be registered or enrolled as a practitioner does not of itself make a person a registered health practitioner.

**Reasonable grounds** are generally based on information that a person, with their training or knowledge, believes to be reliable and accurate.

**School setting**, for the purpose of these guidelines, refers to early childhood programs such as Families as First Teachers and preschools, primary, middle and secondary schools and colleges, out-of-school-hours care services, off-campus vocational education and training, extra-curricular activities such as excursions, camps and interstate trips, and sporting activities.

**School-based staff** refers to all adults including teachers, administration personnel, health practitioners, volunteers and school council employees.

**Sexual offence** is defined in [section 3 of the Sexual Offences \(Evidence and Procedure\) Act](#) as 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** is referred to in [section 128 of the Northern Territory Criminal Code Act](#). Special care relationships exist when an adult has a personal, care-giving, instructional or supervisory role with a child. This could include: step-parent, guardian, foster parent, school teacher, person providing religious education, employer, sport or musical tuition, correctional services officer and health professional.

### 3. ROLES AND RESPONSIBILITIES

**Executive Directors\*** will ensure all staff under their management, whose employment involves contact with students, undertake the mandatory reporting training in accordance with these guidelines.

**Regional Directors\*** will:

- ensure that all school-based staff under their management undertake mandatory reporting training in accordance with these guidelines
- ensure that all corporate staff under their management, whose employment involves contact with students, undertake mandatory reporting training in accordance with these guidelines
- ensure that, where an incident occurs in a school within their region, school-based staff have met the reporting obligations.

**DoE guidelines: *Mandatory Reporting of Harm and Exploitation of Children***Error! Reference source not found.

**Principals / Managers will:**

- comply with the these guidelines
- conduct mandatory reporting training for all school staff:
  - at the commencement of each semester
  - within one week of any new staff member's commencement date
- provide a Principal Declaration and Mandatory Reporting attendance sheet to the Regional Director by the end of week three of each semester.
- ensure that any incidents are appropriately reported to the Department of Children and Families or the NT Police.

**Teachers** are responsible for meeting their mandatory reporting obligations under [section 26 of the Care and Protection of Children Act](#).

**Health practitioners** are responsible for meeting their mandatory reporting obligations under [section 26 of the Care and Protection of Children Act](#).

*\* Executive Director School Support Services and Director Senior Years assume the Regional Director role for schools that they directly line manage.*

## 4. GUIDELINES/PROCEDURES

### 4.1 Reporting obligations

Departmental staff must report to the Department of Children and Families where they reasonably believe that:

- a child under 18 years has suffered or is likely to suffer harm or exploitation (physical, emotional, psychological or sexual)
- sexual activity where the adult has a 'special care relationship' with the child
- any sexual activity of anyone under 14 years of age.

On advice from Department of Children and Families, you may also be required to report to NT Police. Every person who works in a school setting **must** comply with these mandatory reporting requirements.

Health practitioners have additional reporting obligations as detailed in the *Protocols for Health Practitioners Reporting Child Sexual Abuse*. Any departmental officer who is also a registered health practitioner must comply with all additional reporting requirements.

An excerpt of [section 26 of the Care and Protection of Children Act](#) is attached ([Appendix A](#) refers) for further information.

### 4.2 Additional obligations for principals and departmental managers

[Section 30 of the Care and Protection of Children Act](#) ([Appendix B](#)) requires school principals and departmental managers to ensure that all persons providing services to children under their control are aware of the reporting obligations. This includes anyone who:

- operates a child-related service
- is an approved provider of an education and care service operated under the [Education and Care Services National Law \(NT\)](#)
- is in charge of a school or any other educational institution
- engages another person in child-related employment
- engages another person to perform work as a health practitioner or work of a kind prescribed by regulation.

Principals and departmental managers, in both regional and corporate divisions, must conduct mandatory reporting training for all staff whose employment requires them to work within school settings or have

## DoE guidelines: *Mandatory Reporting of Harm and Exploitation of Children*<sup>Error! Reference source not found.</sup>

contact with children under the care of the department. This includes staff based in office settings who visit schools as part of their employment.

Health practitioners as defined above, have additional reporting requirements as outlined in *Protocols for Health Practitioners Reporting Child Sexual Abuse* and must be briefed accordingly by their professional supervisors and/or managers.

The department provides all principals and departmental managers with training materials to enable training delivery for all staff working in school settings prior to the start of each semester and on an ongoing basis with new staff (see section 4.4).

### 4.3 Reporting procedures

#### 4.3.1 What to report

A person must make a report if they believe on reasonable grounds that the safety, health, psychological or emotional wellbeing of a child is at risk. A person does not have to be absolutely sure or have proof to believe on reasonable grounds that a child is at risk. A person's 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
- observation of age-inappropriate behaviours, including sexualised behaviour or talk (refer to the [Sexual Behaviour in Children guidelines](#))
- delays in emotional or mental development
- chronic non-school attendance.

[Reporting Child Abuse and Neglect: Information for Professionals](#) provides a guide to mandatory reporting obligations to assist departmental employees to make a decision about the need to report.

To avoid jeopardising any subsequent investigation, it is important that the person to whom the child makes a disclosure does not undertake any investigation or unnecessarily question the child. All investigations will be conducted by child protection officers from the Department of Children and Families and/or NT Police.

If a person is in any doubt or has concerns as to whether they should make a mandatory report, they should call the 24-hour [Child Protection Hotline on 1800 700 250](#) for advice and guidance.

#### 4.3.2 When to report

A report must be made as soon as possible after forming a belief that a child is at risk of harm or exploitation. Failure to do so may constitute an offence under [section 26 of the Care and Protection of Children Act](#).

It is the person who has formed a belief who must make a report. This is their obligation under the law and ensures that the most accurate and reliable information is being reported.

#### 4.3.3 How to report

A report is made by contacting the Department of Children and Families [Child Protection Hotline](#) on **1800 700 250**. This is a 24-hour service.

Where a child's safety is at immediate risk, reports can also be made directly to the NT Police on **000** or **131 444**.

The following information will be requested when making a report:

**DoE guidelines: *Mandatory Reporting of Harm and Exploitation of Children***Error! Reference source not found.

- the child's name, age, address and present location
- the nature of the suspected abuse or neglect
- what has been heard or observed
- information about any immediate danger to the child
- any other information that may help, e.g. whether any other agencies are involved with the family.

A staff member making a report should keep a record of the details of the report including:

- date and time they made the report
- reference (Intake) number provided by the Child Protection Hotline or PROMIS number provided by NT police
- details of the report.

A *Record of Mandatory Report Form* (Attachment A) will assist staff to record the report.

#### **4.3.4 Children enrolled in early childhood programs**

If the matter involves a child enrolled in an early childhood education program, the matter must also be reported to Quality Education and Care Northern Territory (QECNT) as required by the [Education and Care Services \(National Uniform Legislation Act\)](#).

QECNT must be contacted via email at [qualityecnt.DET@nt.gov.au](mailto:qualityecnt.DET@nt.gov.au) or phone (08) 8999 3561.

#### **4.3.5 Allegations of sexual misconduct against a student by a staff member**

If a report relates to an allegation of sexual misconduct against a student by a staff member, the principal/manager (or, in their absence, the site leader) must be informed immediately. The [Student Wellbeing - Allegations of Sexual Misconduct policy and guidelines](#) provide information in relation to the management of such an allegation.

#### **4.3.6 Protection and support for notifiers**

Under [Section 27 of the Care and Protection of Children Act](#), a person making a report and providing information in good faith is not civilly or criminally liable. This only applies to the making of a report and does not protect a person who discloses inappropriately to another person. The appropriate degree of confidentiality must be maintained by employees at all times.

For confidentiality reasons, a notifier will not usually be advised of the outcome of their notification except where the notifier is a relevant professional such as a teacher or health practitioner. If the relevant authorities contact a notifier seeking further information and evidence, a notifier must always comply with the request.

Staff members are encouraged to notify their principal/manager when they have made a report in relation to a student. This will enable the principal/manager to provide any required support to the staff member and develop appropriate student support plans (refer to [iSupport](#) for further information).

Support for a person making a report is also available through the department under the [Employee Assistance Program](#).

### **4.4 Mandatory reporting training**

Principals and other relevant departmental managers must ensure that all personnel, including voluntary staff in their school or workplace are aware of the mandatory reporting requirements set out in [section 26 of the Care and Protection of Children Act](#).

Principals and departmental managers, in both regional and corporate divisions, must conduct mandatory reporting training for all staff, including voluntary staff **at the commencement of each semester**. A departmental presentation and training materials are available for use (Attachment B refers).

Where a person is employed in a school as a health practitioner, their Professional Supervisor must ensure that the person is aware of their reporting obligations under both [section 26\(1\) and 26\(2\) of the Care and Protection of Children Act](#).

Principals and departmental managers must also ensure that all staff who commence during a semester receive the mandatory reporting training within the first week of commencing duties at the school. Principals and departmental managers must record staff attendance at the Mandatory Reporting Training sessions each semester (Attachment C refers). All staff commencing during the course of a semester must sign and date the register on the day that they receive the training.

Principals and departmental managers must file the original of the *Mandatory Reporting Training Form* for audit purposes, and provide a copy to the relevant Regional Director (Attachment C refers) by the third week of each semester.

## 5. RELATED LEGISLATION AND POLICY

Department of Education	<ul style="list-style-type: none"><li>• <a href="#">Sexual Behaviour in Children guidelines</a></li></ul>
Northern Territory	<ul style="list-style-type: none"><li>• <a href="#">Northern Territory Care and Protection of Children Act</a></li><li>• <a href="#">Northern Territory Criminal Code Act</a></li><li>• <a href="#">Education and Care Services (National Uniform Legislation) Act</a></li><li>• <a href="#">Education and Care Services National Law (NT)</a></li><li>• <a href="#">Sexual Offences (Evidence and Procedure) Act</a></li><li>• <a href="#">Health Practitioners Act</a></li></ul>