



ACT
Government

ACT Health

Child Concern Reporting Policy

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Policy Statement

The ACT Health Directorate (ACTHD) believes that child safety is everyone's business and therefore considers its responsibility to protect children from abuse and neglect to be extremely important. For the purposes of this policy, the terms 'child' and 'children' refer to children and young people under the age of 18 years.

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) recommended that child concern reporting policies and processes within institutions be strengthened. This resulted in changes to the *Children and Young People Act 2008* and the *Crimes Act 1900* regarding mandated and voluntary reporters.

Dealing with child abuse can be complex, stressful and traumatic for staff and may bring up both personal and professional issues. ACTHD staff can seek counselling through the [Employee Assistance Program](#).

Purpose

This policy is designed to ensure that all ACTHD staff are aware of their obligations in relation to making Child Concern Reports both in their professional and personal capacities.

This policy should be read in conjunction with the ACTHD Child Concern Reporting Procedure and Community Services Directorate's (CSD) [Keeping Children and Young People Safe Guide](#).

Scope

This policy applies to all ACTHD staff, including those employed on a permanent, temporary or casual basis as well as contractors, students and volunteers.

This policy is not to be used for allegations of abuse towards children by an ACTHD staff member, unless the staff member is the parent/carer suspected of perpetrating child abuse. Please see the information on the Reportable Conduct Scheme on the [ACTHD intranet](#) for more information on this topic. The Reportable Conduct Scheme is additional to and does not replace other reporting obligations under the *Children and Young People Act 2008* or the *Crimes Act 1900*.

Requirements

All Adults– *Crimes Act 1900*

From 1 September 2019, as per changes to the *Crimes Act 1900*, anyone aged 18 years and over who reasonably believes (that is, thinks it is likely) that a sexual offence has been committed against a child is legally required to report this to ACT Policing. If a person has a reasonable belief and does not report this to ACT Policing, they can be charged under the Failure to Report offence.

The Failure to Report offence only applies in cases where abuse is believed to have already occurred, and not when there is potential risk of future abuse.

Further information including what is considered a sexual offence in the ACT, and the few exceptions to this requirement, is available within the [‘All Adults Must Report Child Sexual Abuse’ factsheet](#).

Mandated Reporters – *Children and Young People Act 2008*

Some people are considered mandated reporters because of their occupation or other qualifying criteria. Mandated reporters are legally required under the *Children and Young People Act 2008* to make a Child Concern Report to Child and Youth Protection Services (CYPS) if they have a reasonable belief that a child has experienced, or is experiencing, or is at significant risk of experiencing sexual abuse or physical abuse within the family context, and they form this belief through the course of their employment, whether paid or unpaid.

Mandated reporters who report to CYPS do not also need to report to ACT Policing, as ACT Policing will receive this information from CYPS where necessary.

You are a mandated reporter if you are:

- a doctor;
- a dentist;
- a nurse;
- an enrolled nurse;
- a midwife;
- a psychologist;
- a teacher at a school;
- 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*;
- a police officer;
- a person employed to counsel children or young people at a school;
- a person caring for a child at a childcare centre;
- a person coordinating or monitoring home-based care for a family day care scheme proprietor;
- a public servant who, in the course of employment as a public servant, works with, or provides services personally to, children and young people or families;

- the public advocate;
- an official visitor;
- a minister of religion, religious leader or member of the clergy of a church or religious denomination; or
- 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.

If you have concerns about a child but are unsure if you should make a Child Concern Report, you can contact the CYPS Mandated Reporters intake line on 1300 556 728.

Voluntary Reporters – *Children and Young People Act 2008*

All adults in the community have a legal capacity to make a voluntary Child Concern Report to CYPS if they have reason to believe or suspect that a child:

- has been, is being abused or is at significant risk of;
- abuse (physical, sexual or emotional) or neglect within the family context, including through exposure to family violence. This applies to all ACTHD staff and includes disclosures from colleagues.

Mandated reporters can also choose to make a voluntary report concerning risk to a child or an unborn baby, or suspected neglect or emotional abuse of a child (that is, information obtained through the course of their work, but not included under the criteria of mandated reporting).

Mandated reporters can also choose to make a voluntary report about any information they have obtained outside the course of their work.

Where there are concerns about abuse or neglect outside of the family context, i.e. abuse perpetrated by someone outside of the child's family/domestic household, a report should be made to ACT Policing.

What happens if I make a Child Concern Report?

As per the Keeping Children and Young People Safe Guide, "when CYPS receives a Child Concern Report, they are legally required to find out more about the child's situation to determine if they may be 'in need of care and protection'. To do this, a 'Child Concern Report Risk Assessment' is carried out to analyse the child's exposure to risk and their potential needs. At this point, the focus is whether the reported behaviour meets the criteria of abuse or neglect as required by the *Children and Young People Act 2008*". Reporters may be contacted for further information following a report being submitted.

In the event that you are concerned about a child’s well-being, but this does not meet the criteria for abuse or neglect, it may be appropriate to refer the family to support services. If the family are Aboriginal and/or Torres Strait Islander or from a culturally and linguistically diverse background, consider referral to a culturally appropriate support or advocacy service.

OneLink is supported by the ACT Government to provide information and connections for support services in the ACT, including services for families and young people, and services for people who are homeless or at risk of homelessness. Referrals to OneLink require consent. More information is available at <https://www.onelink.org.au/>.

Protection for reporters

Under the Children and Young People Act 2008, if you make a report honestly and without recklessness, no civil or criminal liability is incurred. Your identity as a reporter is considered sensitive information and is legally protected from being disclosed, along with information which would allow your identity to be ‘worked out’ (e.g. detail which relates to your role with the family or a specific relationship). Under very rare circumstances a Magistrate in the Children’s Court may rule that disclosing the source of a report is relevant to a legal process.

Where appropriate, you may want to consider having a conversation about the concerns with the person you are making the child concern report about – for example, if you have a working relationship with that person. Disclosing that you have made a report and telling them your concerns could preserve the relationship and may help them to recognise that they may need support. However, this is not mandatory.

Records Management

Records relating to Child Concern Reports are the responsibility of CYPS. All ACTHD staff creating or altering health records must comply with the *Health Records (Privacy and Access) Act 1997*.

Evaluation

Outcome Measures	Method	Responsibility
ACTHD staff are made aware of their child concern reporting obligations.	ACTHD staff will be notified of the Policy and Procedure via a Director-General all-staff email.	Health Policy and Strategy Branch

References and Related Documents

References

- [All Adults Must Report Child Sexual Abuse factsheet](#)
- [Employee Assistance Program](#)
- [Keeping Children and Young People Safe Guide](#)

Legislation

- [Children and Young People Act 2008](#)
- [Crimes Act 1900](#)
- [Health Records \(Privacy and Access\) Act 1997](#)

Supporting Documents

- ACTHD Child Concern Reporting Procedure
- [ACTHD Reporting Child Sexual Abuse or Child Concerns information sheet](#)
- [Keeping Children and Young People Safe online training](#)

Definitions

Term	Definition
Abuse	<p>Physical abuse is the non-accidental and/or threat of injury. An injury can be caused by a single act or repeated acts. Examples include hitting, shaking, burning, excessive physical discipline, attempted suffocation.</p> <p>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, exploitation, exposure to adult sexual activity and exposure to or involvement in sexual imagery.</p> <p>Emotional abuse (including psychological abuse) is that which has caused or is causing significant harm to the child's wellbeing or development. Some examples include constant yelling, belittling, ignoring, ridiculing as well as being exposed to family violence (including seeing, hearing or seeing the consequences of violence).¹</p> <p>Cumulative harm may be caused by the accumulation of a single recurring adverse circumstance – for example, repeated exposure to family violence</p>

¹ Community Services Directorate. (2019). *Keeping Children and Young People Safe: A shared community responsibility*. Retrieved from <https://www.communityservices.act.gov.au/ocys/keeping-children-and-young-people-safe>.

within the home, or by continued exposure to multiple traumatic events such as neglect, physical abuse and emotional abuse.²

Child	For the purposes of this policy, the terms 'child' and 'children' refer to children and young people under the age of 18 years.
Neglect	<p>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.</p> <p>Neglect can be episodic and related to a particular event in a family's life, or it can be persistent where the parent repeatedly fails to meet their child's needs and protect them from harm¹.</p>
Reasonable belief	<p>A reasonable belief is a view that another reasonable person would form based on the same available information.</p> <p>If you are unsure whether what you are seeing is abuse or neglect, contact CYPS to discuss your concerns.</p>

Please note: These definitions are not exhaustive. More information about types of abuse and neglect and additional guidance can be found on the [Community Services Directorate website](#).

Version Control

Version	Date	Comments
1.0	July 2021	Supersedes DGD13-037 (Child Protection Policy).

Disclaimer: *This document has been developed by the ACT Health Directorate specifically for its own use. Use of this document and any reliance on the information contained therein by any third party is at his or her own risk and the ACT Health Directorate assumes no responsibility whatsoever.*

² Community Services Directorate. (2019). [Working with families affected by cumulative harm or neglect](https://www.communityservices.act.gov.au/_data/assets/pdf_file/0003/1559901/Cumulative-harm-or-neglect-guide.pdf). Retrieved from https://www.communityservices.act.gov.au/_data/assets/pdf_file/0003/1559901/Cumulative-harm-or-neglect-guide.pdf.