

Mandatory Reporters Guide

A guide to reporting Child Abuse, Harm and Exploitation
in the Northern Territory

Contents

1. Purpose.....	3
2. Keeping Children Safe.....	3
3. Support	3
4. Cultural Considerations and Mandatory Reporting.....	4
5. When should I make a Mandatory Report?.....	5
6. What information do I need to make a Mandatory Report?	6
7. What is not a Mandatory Report?	8
8. How do I make a Mandatory Report?.....	8
9. What happens after I have made a Mandatory Report?	9
10. Frequently Asked Questions	9
11. Key Provisions of the Care and Protection of Children Act 2007	11

1. Purpose

This guide is designed to provide you with the information you require to meet the mandatory reporting obligations under the Care and Protection of Children Act 2007 in the Northern Territory (NT). Everyone plays a vital role in protecting children from child abuse, harm and exploitation.

This guide will tell you about:

- The role of Territory Families, Housing and Communities (TFHC) in responding to child abuse, harm and exploitation that occurs for children
- The important role and responsibilities of mandatory reporters and the community
- What should be reported to TFHC
- How to report concerns of child abuse, harm and exploitation to TFHC
- What happens after a report is made
- Other forms of support for children, families and professionals

By providing this information we aim to help you understand how the child protection system works in the NT; and the important roles we all play in identifying and appropriately acting on reasonable belief of abuse, harm and exploitation; and how we can best work together for the benefit of children and families in the Northern Territory.

2. Keeping Children Safe

Child abuse, harm and exploitation are serious and complex issues that can occur in a child's life. TFHC is the Government agency responsible for addressing Child Protection concerns in the Northern Territory. However TFHC rely on community members to identify whether children have been harmed or are likely to be at risk of harm. It is important for community members to have a good understanding of what abuse, harm and exploitation is and what indicators to look out for.

TFHC is responsible for investigating matters regarding children who may be at risk of harm or exploitation by a family member, caregiver or guardian or when due to the action/inaction of one of these responsible adults, the child has been harmed or is at risk of harm. Police are responsible for investigating allegations of child harm or neglect outside the family environment.

Abuse, harm and exploitation affects children and young people across all sectors of society. You may become aware of children at risk of harm or exploitation and they may not have a support network, adequate resources or have become isolated due to domestic violence, mental illness or other challenges.

3. Support

Before the need for a statutory child protection intervention you may decide to discuss your concerns with the family. Often times, offering other forms of support is more appropriate and often the family is open to voluntary support.

Depending on your knowledge of and relationships with the family, there are different ways to respond such as; talk to the family about your worries and discuss options for support, including offering referrals to appropriate support services, provide resources to the family, or as simple as engaging in a conversation to check in on the family and provide emotional support to help them through a difficult time.

If you have an ongoing relationship with the family or are in a position to check back, you are encouraged to check in to see whether they have accessed services or resolved the need on their own.

If you are not sure what services could help the family, there are services that you can contact or access to assist you with finding supports in your area, as per below:

3.1. NT Community

Is an online directory for support services throughout the Northern Territory, including support services from government and non-government organisations.

You can access NT Community via the website: <https://www.ntcommunity.org.au/>

3.2. Family and Children's Enquiries and Support (FACES)

You can contact Territory FACES for information about referrals to external services and agencies.

FACES helps individuals, families, parents and carers identify and address a range of family and parenting needs by connecting them with services, resources and supports in their local area.

The family can contact FACES direct. Every family is different, so FACES provides advice specific to the individual family's situation and will talk with the family to work out what assistance is needed.

FACES can refer to services that can support:

- Building parents' capacity to deal with the everyday challenges of parenting such as tantrums, behaviour support, homework, skipping school and conflict;
- Helping parents with children who have challenges or special needs;
- Building stronger family relationships;
- Home support;
- Budgeting and managing money; and
- Housing, health-care or access to other community or government services.

FACES will let you know if your concern is more likely to require a child protection report. If that is the case you will be transferred to the Child Protection Hotline (Central Intake) instead.

You can contact Territory FACES on 1800 999 900 between the hours of 8:00am to 8:00pm Monday to Friday – excluding weekends and public holidays.

Families can use this service as often as they need – there is no limit and it is free.

4. Cultural Considerations and Mandatory Reporting

Defining Culture

Culture is at the core of human behaviour – what we do, how we do it, why we do it and the ideas that go with that behaviour. It plays a major role in how we are socialised, how we socialise our children and in child rearing beliefs and practices. It is through our cultures that we interpret and give meaning to the social life around us. Culture is not static or homogenous. It is complex, it constantly changes, and it is interpreted and practiced differently by men and women, by young and old and between and within families.

Territory families and children are from culturally and linguistically diverse backgrounds. Among Aboriginal people in the Territory there are distinct regional linguistic and cultural similarities and differences. Distinct cultural, linguistic and social differences also exist as a result of Aboriginal peoples different contact histories and personal life experience.

NT Aboriginal communities are commonly grouped into three categories – urban, rural and remote. There is also a cohort of Torres Strait Islander families living within the NT, which have their own sets of beliefs, customs and lore. While broad similarities exist between these communities, there is not one culture. There are as many cultures as there are language groups.

Aboriginal Culture

Aboriginal culture is diverse, distinct and complex. Cultural norms, values, beliefs and communication styles vary across the Territory. There are however, common threads that run through the present circumstances and history of Aboriginal people in the NT.

All cultures and societies have particular values and beliefs, which enable a sense of identity and meaning. Aboriginal peoples' values and beliefs are based on an understanding of the world that embodies the spiritual aspects and emphasises the individual's relationship to country.

Culture and Mandatory Reporting

Culture influences parenting and caregiving practices, it is important that mandatory reporters maintain a focus on whether the practices they are concerned about give them grounds to suspect a child/young person is at risk of harm.

Behaviours that are suspected of causing risk of harm should not be minimised or dismissed on cultural grounds. Mandatory Reporters must focus on the impact of the behaviour on the child/young person and ask "is this behaviour going to harm or place the child at significant risk of harm?"

A mandatory reporter should not report behaviours/practices that are influenced by culture simply because they are different or unfamiliar.

5. When should I make a Mandatory Report?

You have information to suggest that the child/young person:

- Has suffered, is suffering or is at risk of suffering significant harm
- May not have a parent /caregiver able and willing to protect the child from harm
- You have formed a reasonable belief that child may be in need of protection

What is Harm?

Harm to a child can take many forms. Parents, carers, other adults may harm a child by their verbal or physical actions or inactions, or by neglecting the child's basic needs. Harm is often a repeated pattern of negative and harmful interactions, and not always a 'one-off' incident.

Sections 15 and 16 of the Care and Protection of Children Act 2007 provide the basis for a determination of harm or exploitation. There are many indicators of harm and exploitation. Each indicator needs to be considered in the context of the child's overall situation.

What is a Parent/Caregiver Able and Willing?

- Able: May be willing to protect the child but not have the capacity to do so.
- Not willing: May have the capacity to protect the child but chooses not to.

What is a Reasonable Belief?

You have information that a child has been harmed or is at significant risk of harm because of what the child has said or done, if the child has disclosed abuse, what they said happened and who they disclosed to

and when, a description of any behaviours/interactions with the child that are of concern, including frequency and severity of behaviours and whether the child has any injury, or medical needs.

The following checklist will help you decide whether you should make a report to the Department of Territory Families, Housing and Communities:



I have formed a reasonable belief that a child/ren has been, is being or is at significant risk of being harmed and/or exploited



I am clear on what basis I have formed this belief



My understanding of harm and exploitation is consistent with the definitions in the Mandatory Reporters Guide



I believe the harm and/or exploitation is occurring within the family



I do not believe this harm has been reported to the Department of Territory Families, Housing and Communities



I have enough information that will enable Territory Families, Housing and Communities to identify the child/ren that my report relates to.

6. What information do I need to make a Mandatory Report?

The detail and quality of the information provided to TFHC by a reporter is critical to the quality of the decision making that follows.

For Central Intake to accurately assess your report you must provide information about the child, and their family and a clear description of your concerns. You must provide as much information as possible – including any efforts you have made to support the child or family up to this point. This will streamline the assessment of your report and enable a faster response for a child at risk.

Central Intake will use all the information you provide, combined with our own inquiries and existing information about the family, to assess the child/ren’s safety and wellbeing.

Information you have about the parent’s strengths, competencies, skills, extended family and supports—including factors that may enhance safety, reduce concerns and minimise the risks for their children—will assist us to improve the child/ren’s safety in the current situation.

Important to know

- You do not need permission from parents or caregivers to make a report;
- You do not need to tell parents or caregivers that a report is being made;
- You can tell the parent that you have made a mandatory report or that you intend to make one; and
- Under section 27 of the Care and Protection of Children Act 2007, if you make a report in good faith, you are not civilly or criminally liable, or in breach of any profession code of conduct, for making the report and disclosing any information in the report.

You will be asked numerous questions about a child, their family, their current circumstances and the concerns that led you to make a mandatory report, here are some basic details that you may be asked to provide when making a mandatory report, these differ depending on whether you are completing an online report or have contacted the Child Protection Hotline:

IDENTIFYING INFORMATION	CURRENT SITUATION
<ul style="list-style-type: none"> • Child/ren’s name/s • Dates of birth – or approximate age • Parent/caregiver name/s • Address of child, parents/caregivers – if known • Details of other household members. 	<ul style="list-style-type: none"> • Do you know the name of the person you believe is responsible for abusing the child? Is this a parent/caregiver? • Current location of the child/ren and parent/caregivers • When and where did the incident occur? • Have you spoken with anyone in the family about the worries and if so, what was their response?
DESCRIPTION OF HARM / WORRIES	STRENGTHS AND SAFETY
<ul style="list-style-type: none"> • What have you seen or heard that is making you worried for the child? • How has the child been hurt or frightened? • What is the pattern of these worries from the first time you became concerned for the child/ren to the most recent incident? • What are the things that are making life harder and more challenging for the child/ren and their family? • Details of the history of abuse (when you first become concerned) • Reasons for believing the injury or behaviour is the result of abuse or exploitation. 	<ul style="list-style-type: none"> • Are there any services working with the child/ren or parent/caregivers? If so, what support is being provided? • Who would the parents/caregivers say are the people around them that help and support them? • What are the times you know of when the worries have happened and someone has done something to make sure the child is safe and ok?

7. What is not a Mandatory Report?

Many of the reports the Department of Territory Families, Housing and Communities receive and assess do not meet the criteria of a mandatory report and/or meet the definitions of harm/exploitation.

Some examples of situations where a Child Protection notification will not proceed to an investigation include:

- age appropriate sexualised behaviour
- children who have been fighting in the playground
- children who are upset after a break-up with a boy or girlfriend, or verbal fight with a friend or parent
- children who are upset because their parents are separating or getting a divorce
- children who exhibit occasional risk taking behaviour when there are parents willing and able to protect them
- low-level non-attendance at school or disruptive behaviour in a classroom
- the type of food provided by a parent for their child's school lunch

If you are unsure whether your concerns for a child constitute a Mandatory Report, you can refer to the Resources: Recognising Child Abuse or Exploitation and Mandatory Reporting Scenarios for assistance. You can also contact TFHC directly for advice.

8. How do I make a Mandatory Report?

If a child or anyone else needs immediate assistance from the Ambulance Service or Police - Call 000 before you make a mandatory report.

There are three ways you can report your concerns for a child/young person to Territory Families, Housing and Communities, via phone on the Child Protection Hotline, the Mandatory Online Reporting Tool or Police.

Child Protection Hotline

You can call the Child Protection Hotline on 1800 700 250 - 24 hours per day, 7 days per week.

We can call you back

During periods of high service demand we encourage you to use the Call Return Service. You will keep your place in the queue and we will return your call. Press the * key during the voice announcements to leave your name and contact details, and when you will be available for us to call you back.

Don't wait for a call back if a child is in immediate danger, call 000.

Mandatory Online Reporting Tool

You can report a child protection concern online using the Mandatory Online Reporting Tool at careservices.nt.gov.au. You can only make a report online if the report is about a child or children within the same household. If the report is about a number of children in different households you will need to call the Child Protection Hotline.

Don't use the online Mandatory Online Reporting Tool if a child is in immediate danger, call 000.

Police

If a child/young person is in immediate danger please contact Police via 000.



IMPORTANT
If you believe a child or anyone else is in immediate danger please contact Police on 000

9. What happens after I have made a Mandatory Report?

An Assessment is conducted

Central Intake records all the information you provide and reviews information that may already be on file—including the outcome of previous investigations or assessments related to the child and their siblings and any other relevant case history. Central Intake also contacts other people, including professionals who may know the child or family (e.g. local clinic or the local school) to gather more information.

Central Intake determines if there is a history of prior reports, and contacts in other jurisdictions if there is reason to believe that a child may have a history of statutory child protection involvement interstate. Previous concerns that have not reached the threshold for investigation are reviewed for indications of cumulative harm. For example, the Northern Territory Police will be contacted to obtain the history of their involvement with the family whenever a report relates to domestic and family violence, serious physical assault or allegations of sexual abuse.

Central Intake then makes a decision about whether the report 'screens in' for a Child Protection Investigation. If it does, the investigation is allocated to the TFHC Office in the area where the child is currently located.

10. Frequently Asked Questions

I don't know if I have enough information to report, but I have a bad feeling that a child may be harmed?

If you are in any doubt about whether you should make a report, first review the Recognising Harm and Exploitation section in this guide and if required, contact Central Intake to discuss your concerns. Central Intake can help you to decide if your concern requires a mandatory report. You may be advised to contact FACES to discuss other supports that may be available to the family.

Will I be liable if I make a report but no harm is found?

Reports are confidential (with some exceptions, e.g. orders of the court). Anyone who makes a report in good faith is protected from liability or breach of a professional code of conduct.

How will I know if a child has been harmed or exploited, or is at risk?

The Professional Reporters Guide has been developed to help you meet your mandatory reporting obligations and to recognise when a child has been, or is likely to be, harmed or exploited, including any concerns you may have about harm or exploitation of a child who is currently in care.

There are four types of harm referred to in this guide: Physical Harm, Emotional Harm, Neglect, and Sexual Exploitation. We also talk about Cumulative Harm, which is not a harm type by itself but, as the name implies, is a term used for harm caused by a succession of harm events over time. Common indicators of harm and exploitation are outlined in the section Recognising Harm and Exploitation.

Will the family be told who made the report?

All reports are confidential. TFHC will not:

- disclose a reporter's identity;
- confirm or deny a reporter's identity; or
- include reporter's names in documents prepared for the court, except if the Court orders TFHC to provide this information.

On occasion, a report may result in the parent/carer being able to establish who made a report, for example only one person witnessed an event that was reported. TFHC does not confirm correct assumptions about reporter identity and makes efforts to refocus the parent/carer away from discussing reporter identity.

Section 27 of the Care and Protection of Children Act 2007 protects a reporter from civil or criminal liability or breach of your particular code of professional conduct, and limits the circumstances in which the contents of the report can be released as part of court proceedings.

Can I get feedback about my report?

Yes - Territory Families, Housing and Communities can let you know:

- Whether or not the report has proceeded to an investigation (screened in or out), and the response time assigned for the activity to commence;
- The Territory Families, Housing and Communities Office that is responsible for the investigation; and
- Whether information in the report has been referred to the Northern Territory Police.

Can I directly refer a family to Territory FACES?

Yes. If you are worried about a family you are working with, you can help them get the support they need. One of the best ways you can help someone is by starting a meaningful conversation with them. FACES can support you to talk about your concerns and explore options and solutions.

What happens if my report does not proceed to investigation?

A mandatory report may not result in a child protection investigation. Central Intake will assess the information you have provided in addition to any other information obtained, and may then decide that an investigation is not required and the report 'screens out'.

If a report screens out it means that the concern has not reached the statutory threshold for a child protection investigation. The information you have provided is recorded and will be referred to if there is another report in the future. Your report may help identify a pattern of cumulative harm, or the concerns may have escalated over time and a child protection investigation is then needed.

If you are reporting a concern and it appears that a criminal offence has been committed by a family or non-family member, TFHC will inform the Northern Territory Police. The Police may launch their own investigation into what has occurred.

For concerns that do not reach a child protection threshold the family may still need some extra support. Central Intake will provide you with information about family support services that are available. You can also contact Territory FACES or encourage the family to contact FACES directly at any time.

How do I make a complaint?

If you are concerned about the outcome of your report you should contact Central Intake in the first instance to talk to a Team Leader or Manager about your concerns and to hear why the assessment decision was made. You may be able to provide more information to assist with a review of the decision.

If you still disagree you can make a formal complaint to: Territory Families, Housing and Communities Complaints and Investigations Unit.

PO Box 37037
WINNELLIE NT 0820

Phone: 1800 750 167

Email: tf.complaints@nt.gov.au

OR

Office of the Children's
Commissioner
Northern Territory

Phone: 1800 259 256

11. Key Provisions of the Care and Protection of Children Act 2007

Abuse, Harm and Exploitation

The terms 'abuse, harm and exploitation' are used throughout this guide and are based on the legislative definitions in the Care and Protection of Children Act 2007.

Abuse is the action or inaction of the parent or caregiver. Harm is the impact of this action or inaction on the child.

Harm is defined in section 15 of the Act as a significant detrimental effect caused by any act, omission or circumstance on the physical, psychological or emotional wellbeing or development of a child. Harm can be caused by physical, psychological or emotional abuse or neglect, sexual abuse, other exploitation, or exposure of the child to physical violence. More information about harm and how to identify indicators of harm are provided in the Recognising Harm and Exploitation section of this booklet.

Exploitation is defined in section 16 of the Act. Exploitation means sexual exploitation—which includes sexual abuse, and involving the child as a participant or spectator in an act of a sexual nature, prostitution or a pornographic performance. Exploitation also includes any other forms of exploitation of the child.

A child is in need of care and protection (Section 20 of the Act) if the child has suffered, or is likely to suffer, harm or exploitation.

- TFHC is responsible for investigating allegations of abuse, harm and exploitation when it is suspected that the child's parents or caregivers caused the harm or failed to protect the child from harm.
- The child may have been abandoned by their parent.
- The parents may be unable or unwilling to care for their child, and there is no one else in the family who can look after the child.
- In other situations a child may not be under anyone's control, and is harming themselves or other people as a result.

Extra familial harm

In some cases, a child may be harmed or exploited by people who are not part of their household. In these circumstances, TFHC would need to know what action or protective factors the child's parent or caregivers have taken to protect the child from the person of concern. All allegations of harm or exploitation resulting from criminal acts are referred to the Northern Territory Police.

Section 84(a) investigations – Harm to a child in care of the CEO of Territory Families, Housing and Communities

If there are concerns that a child who is in the care of the CEO has suffered, or is likely to suffer, harm or exploitation, Territory Families, Housing and Communities will investigate under the specific powers in section 84(a) of the Act to ensure that the child is safe.

Reporting Obligations

Unlike most other jurisdictions where mandatory reporting is limited to professionals or specific types of harm, in the Northern Territory reporting child abuse, harm or exploitation is compulsory for everyone. This means that every person in the Northern Territory (including people under 18) must make a report to Territory Families or the Northern Territory Police if they have formed a belief, on reasonable grounds that a child is being harmed or exploited or is likely to be in the future.

Section 26 (1) of the Care and Protection of Children Act 2007 defines the reporting obligations that apply to every person in the Northern Territory. It is an offence not to make a report.

In general terms, section 26 means that everyone must make a report to Territory Families, Housing and Communities or a Northern Territory Police officer as soon as possible when they have formed a belief, on reasonable grounds that a child has suffered or is likely to suffer harm or exploitation.

Under section 128 of the Criminal Code Act, a report must also be made if a child aged less than 14 years of age has been or is likely to be a victim of a sexual offence. This section also relates to children who are 16 or 17 years old under special care. Examples of when a child is under the special care of another person include when the offender is a step-parent, guardian or foster parent, the child's teacher, is providing religious or sports instruction, a work supervisor or the child's health care provider.

Additional Reporting Obligations for Health Practitioners

In addition to the reporting obligations that are applicable to every person in the Northern Territory, Health Practitioners have additional responsibilities in section 26(2) of the Care and Protection of Children Act (2007).

If you are a Health Practitioner you must make a report to TFHC or the Police when you believe on reasonable grounds that a young person who is 14 or 15 years of age has been, or is likely to be a victim of a sexual offence, and the difference in age between the child and alleged sexual offender is more than 2 years. You must make a report when you know that a young person 14 or 15 years old is sexually involved with someone, and the age difference is more than 2 years.

It is an offence if a Health Practitioner does not make a report in these circumstances.

Information you must provide

Section 26 of the Act outlines the information that must be provided when making a report.

In summary, you must provide any information or facts that led you to form a belief that a child has been harmed or exploited or is likely to be harmed or exploited.

A commonly understood explanation of the concept of 'forming a belief on reasonable grounds' may be formed on the basis of things you have personally witnessed. It may be information that has been disclosed to you by a child or a parent. You may have been provided with information from a reliable source. A Health Practitioner may have formed a belief of harm or exploitation based on medical evidence or clinical assessments.

In forming a 'reasonable belief' you are not bound by any rules or evidence or the requirement to prove that your concerns are true. However if your belief is simply based on a hunch, broad assumptions or a guess, we encourage you to seek further information before you make a report.

Information Sharing

If you are a professional working with children you are an 'information sharing authority' under Part 5.1A of the Care and Protection of Children Act (2007). The underlying principle of Part 5.1A, and the enabling Information Sharing Framework in Division 2 of the same part, makes it clear that any rules about protecting confidentiality and privacy of individuals should not prevent the sharing of information for the purpose of ensuring the safety and wellbeing of children. Detailed guidance about the Information Sharing Framework is available online [here](#).

The framework enables all professionals to exchange information about a specific child and their family that directly or indirectly relates to the safety and wellbeing of the child. The ability to share information under this framework is powerful and flexible. Exchanging information between information sharing authorities is not a breach of privacy. It is important to note that a child's carers are also information sharing authorities under the Act.

Information Sharing Authorities (ISAs) are defined in Section 293C of the Care and Protection of Children Act (2007). ISAs are encouraged to review their information sharing practices and where necessary,

strategize with TFHC to develop streamlined information sharing mechanisms to maximise effective and timely information sharing.

You may be able to address vulnerabilities before they escalate by sharing information about the family with other information sharing authorities. Working with a family to provide the support and develop the skills they need to provide better care will reduce the potential for harm.