



**ACT**  
Government  
Community Services

# KEEPING CHILDREN AND YOUNG PEOPLE SAFE

A SHARED COMMUNITY RESPONSIBILITY

A guide to reporting child abuse and neglect in the ACT

September 2019





#### ACKNOWLEDGEMENT OF COUNTRY

The ACT Government acknowledges the traditional custodians of the Canberra region, the Ngunnawal people. We acknowledge and respect their continuing culture and contribution they make to the life of this city and its surrounding region.

# THE PURPOSE OF THIS GUIDE

**The purpose of this guide is to provide you with information about reporting concerns of child abuse or neglect that occurs within a family to Child and Youth Protection Services (CYPS).**

Specifically, this guide will tell you about:

- > the role of CYPS in responding to child abuse and neglect that happens within families
- > the important role and responsibilities of mandated reporters and the broader community
- > what should and should not be reported to CYPS
- > how to report concerns of child abuse or neglect to CYPS
- > what happens after a report is made
- > other forms of support for children and families
- > how to respond to a child who tells you they have been abused.

By providing this information we aim to help you understand how the child protection system works in the ACT, and the important roles we **all** play in identifying and appropriately acting on suspicions of abuse and neglect so we can best work together for the benefit of Canberra's children and families.

## **Important:**

If you believe the child is in **immediate** danger or in a life-threatening situation, please contact the **Police** immediately by calling 000.



## CHILDREN AND YOUNG PEOPLE

In reading this guide, the terms 'child' and 'children' also refer to 'young person' and 'young people'. Concerns of child abuse or neglect can be reported to CYPS regarding any child under 18 years old who usually lives in the ACT.

## ACCESSIBILITY

The ACT Government is committed to making its information, services, events and venues accessible to as many people as possible.

If you have difficulty reading a standard printed document and would like to receive this publication in another format, such as large print or audio, please call 13 34 27.

If English is not your first language and you require a translating and interpreting service, please call 13 14 50 or 1300 575 847.

If you are deaf or have a hearing or speech impairment and require assistance, please contact the National Relay Service. For TTY or voice call use 13 36 77. For Speak & Listen use 1300 555 727. For Internet relay use <https://internet-relay.nrscall.gov.au>. For more information visit [www.relayservice.gov.au](http://www.relayservice.gov.au).

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# MESSAGE FROM THE DIRECTOR-GENERAL

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**We live in a great community where every child deserves to grow up in a safe and loving environment. For some children sadly, this is not the case. Child abuse and neglect are serious and complex problems that can occur in the lives of children. There is no simple explanation for why child abuse or neglect happens, rather, many factors can converge to increase a child's risk of being harmed.**

The ACT Government is committed to keeping children safe and Child and Youth Protection Services (CYPS) is the agency we have tasked with this important role. However, CYPS **cannot** do this alone. Keeping the children in our community safe is a **shared responsibility**.

**Anyone** in our community, whether a teacher, doctor, minister of religion, childcare worker, relative, friend or neighbour, can play a significant role in preventing child abuse and neglect, and therefore make an enormous difference in a child's life.

By paying attention to the warning signs of abuse and neglect, **early engagement** with families who may be struggling can prevent serious harm from occurring and ensure the needs of these children are put first.

In the ACT, we are fortunate to have access to a range of valuable services that specialise in supporting families in need. These services, together with CYPS, provide multiple avenues for children and their families to get the **right kind of help** they need.

I thank the community and our mandated reporters who on a daily basis put the best interests of our children first. By working together, I am confident we can support all children to have the opportunity to **grow up strong, safe and connected**.

**Rebecca Cross**

Director-General

Community Services Directorate

# KEEPING CHILDREN SAFE: A SHARED RESPONSIBILITY

Child abuse, neglect and family violence are serious and complex problems that can occur in the lives of children.

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While CYPS is the ACT government agency responsible for child protection, it relies on members of the community for early identification of those at risk, or likely to be at risk.

**All adults** in our community have a responsibility to report to **CYPS** if they believe or suspect a child may be at risk of abuse or neglect. This includes an unborn child if they may be at risk after they are born.

In addition, **all adults** in our community must report to the **Police** if they believe child **sexual** abuse has occurred.

The consequences of abuse and neglect, and family violence, can be difficult to detect, and a child's behaviour can be the symptom of any number of things happening in their life – abuse or neglect may or may not be one of them. It is important then that any person considering making a report of suspected child abuse or neglect has a **reason** for their belief or suspicion before doing so.

To ensure the protection of children, CYPS relies on information provided by:

- > **mandated reporters** – certain professionals who are **required by law** to report **child** physical and sexual abuse to CYPS.
- > **ALL adults in the ACT** – anyone in the community may **voluntarily** report any type of suspected **child** abuse or neglect to **CYPS**.

As keeping children in our community is a shared responsibility, this guide aims to help you make **informed decisions** when you are concerned about a child's situation. It will help you determine if you should:

- > **suggest a support service** relevant to the child's and family's needs
- > **contact CYPS** and involve the child protection system
- > **contact the Police** about child sexual abuse.

## THE ROLE OF CHILD AND YOUTH PROTECTION SERVICES

CYPS is responsible for investigating the wellbeing of Canberra's children who **may** be at risk of abuse or neglect by a **family member** or **guardian**.

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Police are responsible for investigating allegations of child abuse or neglect **outside** the family environment. CYPS is part of the Community Services Directorate.

CYPS receives, records and responds to all allegations of child abuse, neglect and family violence that occur **within a family**. Such allegations are recorded in a **Child Concern Report** that can be made by anyone in the community.

CYPS relies on its community partners – including schools, health professionals and services, childcare

providers and all those who work with families – to help **identify early**, families who *may* be in need of support and children who *may* be at risk. In doing so, it is possible to provide appropriate responses to reduce the level of risk to the children involved.

The *Children and Young People Act 2008* provides CYPS with the legal framework to carry out its responsibility to receive and respond to Child Concern Reports. This Act is available at:

- > [www.legislation.act.gov.au/a/2008-19](http://www.legislation.act.gov.au/a/2008-19)

CYPS is also required to work in a way consistent with the *Human Rights Act 2004* and the *Crimes Act 1900*, and you can access these at:

- > [www.legislation.act.gov.au/a/2004-5](http://www.legislation.act.gov.au/a/2004-5) (*Human Rights Act*)
- > [www.legislation.act.gov.au/a/1900-40](http://www.legislation.act.gov.au/a/1900-40) (*Crimes Act*)

More broadly, CYPS works with a number of services and programs in the community sector, other ACT Government directorates, the Police and the courts to help children and their families get the right kind of help they need at the right time.

Everyone involved in the protection and care of children must always have the **best interests of the child** at the centre of their decisions. With this in mind, CYPS makes no prejudgement of any child or family.



While CYPS is responsible for investigating child abuse or neglect that occurs **within a family**, reporting of child abuse or neglect outside the family environment must not be ignored. Such allegations should be reported to the Police who have the appropriate authority to investigate.

## THE ROLE OF THE COMMUNITY

The ongoing wellbeing of children in our community is a shared responsibility, and laws exist to help everyone understand and play their part.

### MANDATORY AND VOLUNTARY REPORTING UNDER THE CHILDREN AND YOUNG PEOPLE ACT 2008

Under the *Children and Young People Act 2008* there are two types of reporting: voluntary and mandatory reporting.

**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.

Voluntary reporting also includes a report of an **unborn** child if it is believed or suspected this child may be at risk after birth. This is called prenatal reporting.

**Everyone** in the community is a voluntary reporter. As a voluntary reporter, you should always provide CYPS with the basis for your belief or suspicion honestly and without recklessness. Knowingly providing false or misleading information is an offence under the *Children and Young People Act 2008* and you can be charged. A maximum penalty of 50 penalty units, six months imprisonment or both apply to this offence.

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

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

Mandated reporters are **also** voluntary reporters and as such can choose to report any other form of abuse or neglect to CYPS, however they are not obliged to do so under mandatory reporting laws.

There are also certain situations where mandated reporters are **not required** to make a report. These are when they believe the:

- > **same** information has **already been provided** to the Police or CYPS by another person
- > abuse was by another **child**
- > the reasons for the reporter's belief do not arise from information obtained because of, or during the course of, their work (paid or unpaid).

When making a report as a mandated reporter, you are required to provide CYPS with the basis of your belief honestly and without recklessness. 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* and you can be charged. A maximum penalty of 50 penalty units, six months imprisonment or both apply to this offence.

## WHO ARE MANDATED REPORTERS?

Mandated reporters are groups of professionals who, because of their work, have unique access and expertise to identify possible abuse or neglect of a child more readily than the general community. These groups are **mandated** under law to report to CYPS their concerns regarding potential physical and sexual abuse when they come across it through the course of their work. For ministers of religion, this obligation exists even if they obtained the information during a religious confession.

Mandated reporters can also **choose** to make a voluntary report concerning risk to an unborn baby, or suspected neglect or emotional abuse of a child.

You are a mandated reporter if you are a:

- > minister of religion
- > doctor
- > dentist
- > nurse (including an enrolled nurse)
- > midwife
- > psychologist
- > police officer
- > teacher (including a paid teacher's assistant or aide)
- > school counsellor

- > person authorised to inspect education programs, materials or records used for home education
- > childcare centre worker that cares for a child (including a paid childcare assistant or aide)
- > person coordinating or monitoring home-based care for a family day care scheme provider
- > public servant whose work provides services personally to children or families
- > public advocate
- > official visitor (a specific position in child protection appointed by the Minister)
- > person who, in the course of their employment has contact with or provides services to children and their families and is prescribed by regulation.



### Remember:

**Anyone** can report concerns of child abuse or neglect to CYPS. If you believe a child has been, is being or is at risk of being abused or neglected don't stay silent. See 'What should be reported to CYPS: recognising child abuse and neglect' for tips to identify possible abuse and neglect.





## REPORTING CHILD SEXUAL ABUSE UNDER THE *CRIMES ACT 1900*

From 1 September 2019, failing to report **child sexual abuse** to the Police is a criminal offence under the *Crimes Act 1900*. The 'Failure to Report' offence **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.

The intent of this law is to improve the way adults proactively report child abuse to authorities. It responds to recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse that made several recommendations about reporting laws.

### HOW TO REPORT CHILD SEXUAL ABUSE

If there is an **immediate risk of harm**, call 000 to make your report.

For all **other** circumstances, call ACT Policing on **131 444** to make your report.

If you are a **mandated reporter** and your concerns are about a child **under** 18 years old, you **only** need to report the information to CYPS who will then inform the Police – you do **not** need to additionally report to the Police. However, if you are reporting concerns relating to a person now **over** 18 years old (that is, the abuse occurred in the past when the person was a child), then go directly to the Police to make your report.

For information on how to make a report to CYPS, go to 'How to make a report'.

## FAILURE TO PROTECT

Where there is substantial risk sexual abuse **will be** committed in the future, the *Crimes Act 1900* requires people in authority to **protect** the 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.

Relevant institutions include:

- > schools
- > religious organisations
- > hospitals
- > childcare centres
- > out of home care providers (and carers)
- > sports clubs
- > youth organisations.



# WHAT SHOULD BE REPORTED TO CYPS: RECOGNISING CHILD ABUSE AND NEGLECT

Each year, CYPS receives approximately **16,000 Child Concern Reports** about the safety or wellbeing of children in our community.

Many of these reports relate to children and families who could have been better served by reporters offering to help them access services relevant to their needs, such as parenting or behavioural programs, counselling, or dealing with isolation or other home issues.

The majority of reports made to CYPS do not lead to an appraisal, a more detailed investigation of the concerns reported. Early assessment of these reports by CYPS often leads to referrals to other services. As a reporter, you are able to make referrals to other agencies to provide support to families who are unlikely to receive a service from CYPS. Many families will find this less distressing than being reported to CYPS. If you are unsure what services are available, contact OneLink at 1800 176 468 or [www.onelink.org.au](http://www.onelink.org.au).

When making a Child Concern Report to CYPS, it is important you have clear reasons and information to support your belief or suspicion that abuse or neglect is occurring or has occurred. The more detailed your information, the better CYPS is able to review and assess the situation. Think about the circumstances and context of the child and family. See 'Supporting families: other ways you can help'.

CYPS can receive reports relating to:

- > physical abuse
- > sexual abuse
- > emotional abuse
- > family violence
- > neglect.

A child can suffer one or more of these. Each kind of abuse has a range of possible warning signs, or indicators, though just one sign on its own may not suggest abuse is happening.

While the term 'parent' is generally used in this guide when referring to an alleged abuser, it is important to understand CYPS is to be notified of alleged abuse by **any** person who has **parental responsibility** for the child – that is a **parent, guardian or carer**.

## WHAT IS PHYSICAL ABUSE?

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 hitting, shaking, burning, excessive physical discipline, attempted suffocation.

Some indicators of possible physical abuse may include but are not limited to:

- > seeming to be accident prone – broken bones, dislocations, or unexplained bruises or injuries
- > bruising or marks that show the shape of an object
- > multiple scars of different sizes or ages
- > explanation for injury seems unlikely or is inconsistent with the injury type
- > not wanting to go home, or somewhere else
- > flinching when approached by adults
- > frozen watchfulness
- > family use of different doctors or delay in seeking treatment
- > parents absent, or undisturbed by the injury when the child presents for treatment
- > reluctance to give information or mention previous injuries
- > children provided with alcohol or non-prescribed drugs.

## WHAT IS SEXUAL ABUSE?

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.

Sexual abuse is difficult to detect because it is often surrounded by secrecy. Children are threatened or coerced into remaining silent and are frightened of what might happen if they tell someone about what has happened. Children who do tell someone often deny the abuse later on because of fear or because of how the person they told reacted. There may be no physical signs to indicate sexual abuse. Instead, signs are likely to be emotional or behavioural.

Some indicators of possible sexual abuse may include but are not limited to:

- > direct or indirect disclosures
- > inappropriate sexual knowledge or behaviour for their age and development
- > sudden and unexplained changes in mood or behaviour
- > anxious unwillingness to remove clothes – such as for sport events
- > difficulty sleeping, nightmares or sudden unexplained fears
- > not wanting to go home, or somewhere else
- > self-destructive behaviour, such as eating disorders, substance abuse,
- > self-mutilation, suicide attempts
- > suicidal thoughts
- > pain, bleeding or swelling in genital or anal area
- > having a sexually transmitted disease or is pregnant.

## WHAT IS EMOTIONAL ABUSE?

Emotional abuse is when a child repeatedly experiences events that cause **significant** harm to their wellbeing or development. Constant yelling, belittling, ignoring and ridiculing are some examples.

Emotional abuse also occurs when a child has been, or is being exposed to family violence and that exposure has, is, or would cause them significant harm (see 'Family violence').

Emotional abuse can be difficult to recognise as the signs are usually behavioural rather than physical. It is also possible that emotional abuse is a sign other forms of abuse are occurring in the child's life.

In recognising emotional abuse, it is important to consider the behaviour of the child's parents or carers as there can be many reasons why a child may be struggling emotionally that are not related to any form of abuse or neglect.

Some indicators of possible emotional abuse may include but are not limited to:

- > extremes of behaviour – very aggressive to very passive
- > developmental delays
- > abnormal attachments with parents – trying too hard to please or failure to connect
- > scapegoating
- > low self-esteem and confidence, or fearful of doing something wrong
- > frozen watchfulness or often anxious or distressed
- > being withdrawn or having difficulty relating to others
- > feels worthless, unloved or unwanted.

## WHAT IS FAMILY VIOLENCE?

Family violence often includes multiple forms of abuse, such as physical, sexual and emotional. Emotional abuse is connected to family violence when a child has been, or is being exposed to the violence and that exposure has, is or would cause them significant harm. This exposure includes:

- > seeing the violence
- > hearing the violence
- > seeing the consequences of family violence such as property damage, injuries to those involved including the emotional impact on the victim, or Police visiting the home.

Indicators of possible exposure to family violence include many of those described for other forms of abuse and neglect. Other examples include but are not limited to:

- > hypervigilance – overly aware of their surroundings due to anxiety or extreme fear
- > concentration problems
- > clinginess
- > defiant behaviour and rebelliousness
- > withdrawal, loss of interest in social activities, depression
- > distrust of adults.

## WHAT IS NEGLECT?

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 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 harm. Neglect can have serious, detrimental effects on the child's social, psychological, educational and physical development.

Evidence of neglect is built-up over time and can cover different aspects of parenting. Some indicators of possible neglect may include but are not limited to:

- > malnutrition, frequent hunger or stealing food
- > inappropriate clothing for weather conditions (particularly in winter)
- > frequent illness, sores that don't seem to heal, medical problems that don't seem to be addressed
- > children frequently appearing lethargic, disinterested, detached, unresponsive with no underlying medical issue
- > poor hygiene (body odour, matted hair or dirty skin)
- > children not meeting developmental milestones when there is no underlying medical issue
- > comments that nobody is at home or that they do things by themselves
- > being left unsupervised for long periods of time
- > being left with adults who are intoxicated or violent
- > frequent absence or being late to school
- > children thriving away from their home environment.



In forming your belief that abuse or neglect may be happening, remember to consider the **context** of the behaviour or information you have seen, as a single indicator *may not* imply abuse or neglect. Often there are multiple signs that abuse or neglect is happening.

If you are unsure whether what you are seeing is abuse or neglect, contact CYPS to discuss your concerns. CYPS staff will advise you if your concerns are consistent with the legal definitions of abuse and/or neglect. See 'Contacts' for details.

Remember CYPS only has authority to act on suspected child abuse and neglect that occurs within a **family** context. Abuse that occurs outside the family environment is to be reported to the Police.

## WHAT ABOUT OTHER TYPES OF ABUSE?

### SELF-HARM

Self-harm is a complex matter. It happens when a child deliberately hurts their body and is often done in secret as their way of coping with difficult emotions or stressful events. Types of self-harm include cutting, burning or punching the body, or picking skin or sores.

Self-harm *can* be reported to CYPS on a **voluntary** basis if the child is a danger to themselves or others **and** there is no parent **willing and able** to protect the child from harm.

In these situations, CYPS may respond by working with community partners to provide a support service to the child and family, rather than conduct an appraisal. The aim is to uncover why the child is self-harming and to help them change their behaviour. See 'How can CYPS act on a report'.

## DANGER TO SELF OR OTHERS

Each year, CYPS receives a large number of reports relating to children who may be engaging in risk-taking behaviour that poses a risk to themselves and the broader community. This can include unsafe sexual practices, drug and alcohol abuse or driving a car unlicensed.

While such concerns *can* be reported to CYPS on a **voluntary** basis, it is often better for other

**support services** to be used first – including speaking with the child and their parents and suggesting relevant support programs.

Reports made to CYPS may result in a support service being provided to the child and family, rather than an appraisal being conducted. See ‘How can CYPS act on a report’. If you know the family, you may be better placed to discuss your concerns with them than a Child and Youth Protection worker they do not know.

# RESPONDING TO A CHILD WHO DISCLOSES ABUSE OR NEGLECT

If a child tells you they have been abused or neglected it is a clear message they want the abuse to **stop**. It is important you take their cry for help seriously as it took a lot of courage for them to tell you in the first place.

It is important you **remain calm** and in control of your feelings – you may feel a sense of outrage, disgust, sadness, anger and sometimes, disbelief. You need to set your emotions aside to reassure and support the child.

Talking about abuse and neglect is difficult. When talking with children, be mindful of their potential distress and confusion. Questioning can be confusing or even intimidating for a child who may feel they have done something wrong, or that by letting others know their parents may get in trouble. Avoid **specific questioning**. Instead, broadly invite the child to talk about how they are going, is anything bothering them, how are they feeling, and so on. Leading a child through specific questioning can jeopardise information that may have otherwise been useful evidence in a court process. Seeking information from children about abuse and neglect is the role of the Police and CYPS.

## WHAT TO DO

- > Listen carefully to what the child is saying.
- > Control your verbal and facial expressions.
- > Tell them you believe them.
- > Reassure them that they have done the right thing by telling you.
- > Acknowledge it is hard to talk sometimes.
- > Reassure them that they are not to blame.

- > Tell them what you will do next – let them know you want to protect them and will need to tell someone else who will be able to help.
- > If you cannot answer a question they have, tell them you don’t know but will talk with the right people to get them help.
- > Let them know you are there for them and they can trust you.
- > Make written notes about what the child told you and contact CYPS.

## WHAT NOT TO DO

- > Express anger about the alleged abuser – they may be an adult the child loves.
- > Confront the alleged abuser.
- > Make promises you cannot keep – such as promising you will not tell anyone.
- > Pressure the child for information or quiz them for details beyond what they freely want to say.

**Remember:** The child is likely to be distressed. Your role is to **support** and **listen** to them and to get them the help they need.

# WHAT SHOULD NOT BE REPORTED TO CYPS

Many of the reports CYPS receives and assesses do not meet the criteria for an appraisal (further investigation) to occur. CYPS will only become involved if the parents or carers are responsible for the abuse or neglect, or if they are not providing adequate care and protection for the child once the allegation becomes known.

Some examples of situations where a Child Concern Report is unlikely to proceed to an appraisal include:

- > normal sexualised child play
- > children who are self-harming
- > 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.

Often in these situations, offering other forms of support is more appropriate. This can be a formal support service, such as counselling, or as simple as a caring conversation with the child and/or their parents. See 'Supporting families: other ways you can help'.

# BEFORE MAKING A REPORT

Sometimes a child's circumstances can have a negative effect on their wellbeing, however this does not necessarily mean the child is being abused or neglected. Before making a report to CYPS, consider if involving the child protection system is the most appropriate response, or if perhaps there is a better solution for you to ensure the child and family is okay.

Before making a report to CYPS, it is good to:

- > **Speak with the child:** If you know the child, have a gentle conversation with them. Let them know you are worried there may be something wrong. By simply offering to listen, you can help the child open up about any issues they may be having.
- > **Speak with the parents:** Depending on the situation, speaking with the parents about your concerns may be the best first step. You could work with the parents to resolve any issues – whether this is you being actively involved, connecting them with other services or just letting them know you are there if they want help. Engaging with parents in a positive and supportive way can help build trust and expand their support network. However, if after raising your concerns with the parents you believe abuse or neglect may be happening, it is **very important** that you **do not** conduct your own investigation or interfere with a future CYPS processes. Instead, record the parents' responses to your questions for future reference. Observations, comments and parent responses can be included as part of your Child Concern Report to CYPS.
- > **Consider available support services:** There are many support services that specialise in providing help to parents and their children. See 'Supporting families: other ways you can help'.

## FACTORS THAT INCREASE VULNERABILITY TO ABUSE AND NEGLECT

Abuse and neglect are complex and typically involve many connected factors. A child's exposure, or risk of exposure, to these factors increases their vulnerability to abuse and neglect. Such factors include:

- > history of previous abuse or neglect of the child
- > abuse or neglect of a sibling
- > family history of violence
- > social or geographic isolation of the child or family, including lack of access to extended family
- > physical or mental health issues, or developmental disability, of the parent affecting their ability to care for the child
- > alcohol or drug abuse by the parent affecting their ability to care for the child
- > significant difficulties by the parent in managing the child's behaviour
- > unrealistic expectations by the parent of age appropriate behaviour in the child.



### Important:

If you believe the child is in **immediate** danger or in a life-threatening situation, contact the **Police** immediately by calling 000.

# CHECKLIST

The following checklist will help you decide if you should make a report to CYPS or the Police.

- ✓ I have formed a **reasonable** belief a child is being, has been, or is at significant risk of being abused or neglected.
- ✓ I am clear on what basis I have formed this belief.
- ✓ My **definition** of abuse or neglect is consistent with the definition provided in this guide.
- ✓ I am responding to a behaviour (for example sexualised behaviour) that may have many causes, or a **pattern of behaviours** that point to abuse or neglect.
- ✓ I believe the abuse or neglect is occurring **within the family**.
- ✓ This particular abuse or neglect has to my knowledge **not yet been reported** to CYPS or the Police by another person.
- ✓ I have **sufficient information** that will enable CYPS or the Police to identify the child my report relates to.

When making a report you should also be prepared to share what you know about:

- > the child's behaviour inside and outside their home
- > the child's siblings
- > the child's parents or carers.





# HOW TO MAKE A REPORT

If you believe a child is in **immediate** danger or in a life-threatening situation, please contact the **Police** immediately by calling 000.



If you are worried about the safety or wellbeing of a child and have seen some of the signs mentioned in this guide, use the **online portal** from the Access Canberra or Community Services Directorate websites to make your Child Concern Report. You can access the portal at:

- > <https://form.act.gov.au/smartforms/csd/child-concern-report>

If you are reporting child sexual abuse (as a non-mandated reporter), you can do this by:

- > calling **ACT Police** on 131 444.

Regardless of what type of abuse or neglect you are reporting, or if you are reporting to CYPS or the Police, when making your report you will be asked to provide information about:

- > the child – including name, age, background
- > the family – including general details of the parents and other significant people living in the home
- > the reason for your concern – including what happened and where, who was involved, what led to the incident, any visible injuries, the impact on the child, who you believe to be responsible
- > relevant circumstances – such as drug or alcohol misuse, mental health, financial issues, past trauma, unemployment, court matters
- > your details and connection to the child – your information will remain strictly confidential, CYPS (or the Police) may just need to contact you if more information is needed.

Be as detailed as possible. The information you provide is central to the decision-making process. The more information you can provide helps to make a timely and informed assessment of what further action should be taken and for the child, and family, to receive the necessary help as soon as possible.

If you are **unsure** of what you are seeing is abuse or neglect, contact CYPS to discuss your concerns. CYPS staff will advise you if your concerns are consistent with the legal definitions of abuse and/or neglect. See 'Contacts'.

If you do not have access to a computer, you can also call CYPS to make your report.

## PROTECTION OF REPORTERS

When you make a Child Concern Report to CYPS, the *Children and Young People Act 2008* provides you with certain protections. This includes protection of your identity and protection from prosecution.

### PROTECTION OF YOUR IDENTITY

When you make a report, your identity is protected under law from being disclosed to any other person, except in certain exceptional circumstances. This applies to both voluntary and mandated reporters.

Information that identifies people who have made a Child Concern Report to CYPS and the contents of the reports and subsequent investigations are exempt from release under the *Freedom of Information Act 1989*.

### PROTECTION FROM PROSECUTION

When you make a report, you are required to be honest and to act without recklessness. If after investigating your allegations CYPS determines the child is **not** at risk, you cannot be held legally or professionally liable if you have acted honestly and reasonably. However, it is an offence to knowingly make a false or misleading report.

# AFTER A REPORT IS MADE

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## HOW CAN CYPS ACT ON A REPORT?

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*.

Where the assessment indicates there is a **reasonable** suspicion of abuse or neglect, CYPS then considers whether there is a parent both **willing and able** to protect the child. To establish this, CYPS reviews information it already has about the parents and contacts other parties for relevant information – such as schools, doctors and even you, asking for your experience and opinion of the parents.

After conducting the assessment CYPS will determine if:

- > a more detailed investigation should happen – this is an appraisal
- > a support response is more appropriate
- > no action is needed.

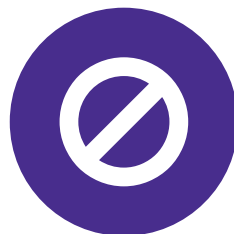
An **appraisal** is broader than an 'investigation' of the report. An appraisal looks at the circumstances of the child and usually the child, parents and other important figures in the child's life are interviewed. CYPS visits the child's home and information is typically shared with a range of agencies. This process helps CYPS decide whether further involvement is necessary. Critical decisions are usually made in consultation with the child, family and other agencies.

A **support response** is typically used when CYPS determines the child is **not** at risk of abuse or neglect but believes the child or family would benefit from some form of help. This may include assistance by CYPS with a specific issue, such as a housing or parenting problem, or referrals to a support program run by another agency. Involvement with a support response is voluntary – families do not have to accept the support.

If CYPS determines the child is **not at risk** of abuse or neglect and **no** specific issues exist requiring support, CYPS closes the report and takes no further action.

If you would like more information about how CYPS can act on a Child Concern Report, please see the 'Working together for kids' guide *Child Concern Reports* available from the Community Services Directorate website at:

- > [www.communityservices.act.gov.au/workingtogetherforkids](http://www.communityservices.act.gov.au/workingtogetherforkids)



## WILL I BE INFORMED OF THE OUTCOME OR CONTINUE TO BE INVOLVED?

Once CYPS has conducted the initial assessment of a Child Concern Report and decided what should happen next (see 'How can CYPS act on a report?'), you may be contacted and told about the action taken. CYPS is not required by law to advise you of the outcome. However, if you work with the family you may be contacted as part of any follow-up by CYPS. Mandated reporters may also receive a letter from CYPS stating the outcome of the report.

If CYPS becomes involved with ongoing work with the family, you may be contacted under the information sharing provisions of the *Children and Young People Act 2008*. You may also be invited to a 'Case Conference' (a form of meeting) to discuss ways of helping the child and family.

## THE SPECIAL ROLE OF SCHOOLS

A significant proportion of Child Concern Reports are made by school staff. Children spend a lot of time in school and often form important relationships with their teachers and other staff members. School staff have insights into child development and observe changes in a child's presentation that may not be apparent to others. Schools are also well placed to provide children with a safe and supportive environment. For these reasons, schools can be an important place and source of information for CYPS during the appraisal process.

The *Children and Young People Act 2008* allows CYPS to privately interview or visually examine a child at school for the purpose of an appraisal. This tends to happen when a parent is likely to be responsible for the alleged abuse or neglect and CYPS wants to interview the child **without** their parents being present. Parents will often be informed about the appraisal before the interview occurs, however the Act also allows CYPS to interview children without parents first being notified or agreeing under specific, legally defined circumstances. In these situations, parents will be informed by CYPS as soon as possible after the interview.

Typically, a parent **will not** be told in advance about an interview if the person alleged to be responsible for the abuse or neglect lives in the same home as the child. Also, if CYPS has reason to believe the child may be put at greater risk by interviewing them at home, another setting, such as a school, will be used.

In situations where interviews are to be conducted at a school, CYPS will let the school know when the parents will be informed. Telling a parent about an interview too early may increase risk to the child and can make appraising the circumstances more difficult. School staff should **only** discuss appraisals with parents when CYPS has given permission for this to happen.

Any interview can be stressful for a child. To reassure and support them, it can be helpful to have a trusted and familiar adult with the child during the interview. This can be a teacher or other staff member. In arranging an interview with a school, CYPS will discuss having a support person available for the child.

# SUPPORTING FAMILIES: OTHER WAYS YOU CAN HELP

There are many ways you can provide help and support to children and families you are worried about.

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## ONELINK

OneLink provides easy access to support services in the ACT. It can give you advice about the types of support available and how to access them. OneLink staff will talk with you about what support you think may be helpful for the child or family and help link you with the best services that will meet their needs. OneLink can connect you with services including:

- > child, youth and family services
- > tenancy support
- > support for people who are homeless
- > legal services
- > financial counselling
- > mental health services
- > and many other support services.

OneLink is a free service. It is a good place to start when you are unsure of where to go. Children and families can also access OneLink directly. You can find out more about OneLink at:

- > [www.onelink.org.au](http://www.onelink.org.au)

## CHILD AND FAMILY CENTRES

Child and Family Centres are an excellent place for families to start if they need parenting advice and guidance. Parents can talk with trained professionals free of charge about a range of issues, including:

- > general parenting
- > adjusting to being a parent
- > family relationship issues
- > child behaviour.

Child and Family Centres aim to positively influence the lives of children by building the capacity and resilience of families to best support their children. You can find more information about Canberra's Child and Family Centres at:

- > [www.communityservices.act.gov.au/ocyfs/childandfamilycentres](http://www.communityservices.act.gov.au/ocyfs/childandfamilycentres)

### Important:

If you have significant reason to believe a child is being abused or neglected, you should go directly to CYPS and make a Child Concern Report.



# REPORTABLE CONDUCT SCHEME: HOLDING EMPLOYEES ACCOUNTABLE

The Reportable Conduct Scheme oversees how organisations prevent and respond to allegations of child abuse and misconduct.

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The scheme focuses on the **behaviour of employees**. It does **not** focus on child protection matters that occur within a family (unless the parent is also a teacher, doctor, childcare worker or any other profession covered under the scheme).

Under the scheme, certain organisations that work with children are required to report to the ACT Ombudsman any reportable conduct involving an employee – this can also include certain volunteers and contractors. Reportable conduct includes allegations, offences or convictions relating to child abuse or misconduct, including:

- > ill-treatment of a child (including emotional abuse and inappropriate use of force or physical restraint)
- > neglect
- > psychological harm
- > misconduct of a sexual nature
- > sexual or physical offences and convictions where a child is a victim or is present
- > inappropriate discipline or offences relating to protecting children from harm in accordance with the *Education and Care Services National Law (ACT) Act 2011*.

The following organisations are covered by the scheme and required to report to the ACT Ombudsman:

- > all ACT Government directorates
- > health service providers
- > out of home care, kinship and foster care providers
- > residential care organisations
- > government and non-government schools
- > childcare services
- > education and care service providers, such as after school care
- > religious bodies.

The Reportable Conduct Scheme does **not** interfere with reporting obligations to CYPS or the Police. If child abuse or neglect within a family is suspected, organisations will report to CYPS. If criminal conduct is suspected, organisations will report to the Police in the first instance.

Further information about the Reportable Conduct Scheme is available on the ACT Ombudsman's website at:

- > [www.ombudsman.act.gov.au/  
reportable-conduct-scheme](http://www.ombudsman.act.gov.au/reportable-conduct-scheme)

# CONTACTS

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If you believe a child is in **immediate** danger or in a life-threatening situation, please contact the **Police** immediately by calling 000.



## CHILD AND YOUTH PROTECTION SERVICES

To make a Child Concern Report use the online portal at:

- > <https://form.act.gov.au/smartforms/csd/child-concern-report>

You can also make a report using the contact details below:

- > General public 24-hour line – 1300 556 729
- > Mandated reporters 24-hour line – 1300 556 728
- > [childprotection@act.gov.au](mailto:childprotection@act.gov.au)
- > [www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services](http://www.communityservices.act.gov.au/ocyfs/children/child-and-youth-protection-services)

## ONELINK

- > 1800 176 468
- > [info@onelink.org.au](mailto:info@onelink.org.au)
- > [www.onelink.org.au](http://www.onelink.org.au)

## CHILD AND FAMILY CENTRES

- > West Belconnen – 6205 2904
- > Gungahlin – 6207 0120
- > Tuggeranong – 6207 8228



