

Child Protection and Mandatory Reporting Policy

March 2024

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1 Purpose and Applicability

This policy describes how the Women's Housing Company (WHC) identifies and responds to concerns regarding the welfare, safety and wellbeing of children and young people.

The policy applies to all WHC staff and contractors, Support Provider partners, applicants, tenants, household members, as well as clients of the WHC homelessness support services in the community.

The [Customer Service Charter](#) and [Customer Rights and Responsibilities](#) guide the interactions between the WHC, applicants and tenants.

2 References

2.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- Children and Young Persons (Care and Protection) Act 1998 and Regulation 2022
- NSW Residential Tenancies Act (2010) and Regulation (2019)
- Housing Act 2001
- Community Housing Providers (Adoption of National Law) Act 2012

2.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are available on the WHC website:

- Customer Service Charter
- Customer Rights and Responsibilities

2.3 Definitions

A **child**¹ is defined as a person aged between 0 and 15 years of age and a **young person** is defined as a person aged 16 or 17 years of age.

A child or young person is at **risk of significant harm (ROSH)** if the circumstances that are causing concern for the safety, welfare or wellbeing of the child or young person are present to a **significant** extent, which is sufficiently serious to warrant a response by a statutory authority, irrespective of a family's consent.

Mandatory reporting is the legislative requirement for selected classes of people to report suspected child abuse and neglect to government authorities.

¹ *Children and Young Persons (Care and Protection) Act 1998*

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The **Mandatory Reporting Guide (MRG)**² is a structured decision-making tool to assist mandatory reporters to decide whether to report their concerns of possible abuse or neglect of a child or young person to the Child Protection Helpline.

There are many different forms of **child abuse**: including neglect, sexual, physical and emotional abuse.

Neglect is when a parent or caregiver cannot regularly give a child the basic things needed for his or her growth and development, such as food, clothing, hygiene, shelter, medical and dental care, adequate supervision, education or enough parenting and care.

Sexual abuse is when someone involves a child or young person in a sexual activity by using their power over them or taking advantage of their trust. Often children or young people are bribed or threatened physically and psychologically to make them participate in the activity. Sexual abuse is a crime.

Physical abuse is a non-accidental injury or pattern of injuries to a child or young person caused by a parent, caregiver or any other person. It includes, but is not limited to, injuries which are caused by excessive discipline, severe beatings or shakings, cigarette burns, attempted strangulation and female genital mutilation. Injuries include bruising, lacerations or welts, burns, fractures or dislocation of joints. The application of any unreasonable physical force to a child is a crime in NSW. For example, hitting a child or young person around the head or neck, or using a stick, belt or other object to discipline or punish a child or young person (in a manner that is not trivial or negligible) may be considered a crime.

Emotional abuse or psychological harm can occur where the behaviour of the parent or caregiver damages the confidence and self-esteem of the child or young person, resulting in serious emotional disturbance or psychological trauma. Although it is possible for one-off incidents to cause serious harm, in general it is the frequency, persistence and duration of the parental or carer behaviour that is instrumental in defining the consequences for the child or young person. This can include a range of behaviours such as excessive criticism, withholding affection, exposure to domestic violence, intimidation or threatening behaviour.

The following terms are used in this document, with specific meaning:

- “may” is an acceptable action or requirement but not mandatory
- “must” or “shall” or “will” designates a mandatory requirement or action

² <https://reporter.childstory.nsw.gov.au/s/mrg>

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3 Policy Statement

Children and young people have a right to be safe in their own homes and in the community, and to live without violence and abuse. Child abuse and neglect is a crime, yet it continues to be an issue in Australia.

The WHC recognises that child abuse can lead to significant trauma for survivors and we aim to minimise the impact of this through our service delivery approach.

As a provider of housing and homelessness services, WHC staff and contractors have contact with vulnerable women, children and young people, including in their home.

The WHC is committed to identifying and responding early to protect children and young people from harm.

4 Mandatory Reporting

Under the *Children and Young Persons (Care and Protection) Act 1998*, employees and contractors of the WHC are classified as mandatory reporters. If during the course of our work, any staff member or contractor that has a reasonable suspicion that a child (aged 0-15 years old) is at risk of significant harm, they are legally obliged to report these concerns to the NSW Department of Communities and Justice (DCJ). This includes the children in the care of a tenant, their guests/visitors and housing applicants or clients.

This legislation also allows for the exchange of information, without consent, between 'prescribed bodies' (which includes the WHC) to aid the protection of children and young people. This means that in relation to child protection matters, relevant information must be shared without the consent of a parent, guardian, individual or family, in order to keep children safe.

While not mandatory under legislation, WHC staff and contractors with concerns about the safety, welfare or wellbeing of an unborn child or a young person aged 16-17 years old, will be required to report these matters to DCJ in order to comply with this WHC policy.

5 Supporting Children, Young People and their Families

The WHC will consider the safety, welfare and wellbeing of children and young people when making housing management and homelessness services decisions.

When risk of significant harm concerns do not meet the statutory reporting threshold to warrant reporting to DCJ, the WHC will work to support children, young people and their families through active referral to support services that meet their needs.

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If a family chooses not to engage with support services, the WHC will remind the family of the services available and monitor any ongoing concerns through regular contact with the family.

6 Organisational Capability

The WHC is committed to building our skills, capacity and practice to identify and respond to risk factors and indicators of child abuse and neglect.

The WHC will support and resource our staff across all aspects of community housing and homelessness service provision to recognise risk factors and signs of child abuse and neglect.

Staff will be trained to utilise the NSW Mandatory Reporter Guide (MRG) to determine whether a report to the Child Protection Helpline is needed and to identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside of the statutory child protection system.

Staff and contractors will be encouraged and supported to report any suspected cases of risk of significant harm to DCJ, and to work with government and other agencies to ensure the safety, welfare and wellbeing of all children and young people living in WHC properties and supported by WHC homelessness support services in the community.

7 Complaints and Appeals

Any person who has a complaint about how the Child Protection and Mandatory Reporting Policy has been administered, or applicants or tenants who wish to appeal a decision, should refer to the **WHC Compliments, Complaints and Appeals Policy**.

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