

REPORTING HARM OF CHILDREN AND YOUNG PEOPLE PROCEDURE

Department of Human Services (DHS)

Please note this procedure is mandatory and staff are required to adhere to the content.

Summary

Outlines the reporting, protecting and responding requirements where a DHS worker, both mandatory reporters and those who are not, has a reasonable suspicion a child or young person may be at risk of harm.

Table 1 – Document Details

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Applies to	All DHS workers
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Table 2 – Revision Record

Date	Version	Revision description
December 2020	1.0	Procedure implemented.
May 2022	1.1	Rebranded and reviewed to reflect update to <i>Criminal Law Consolidation Act 1935</i> via new <i>Statutes Amendment (Child Sexual Abuse) Act 2021</i> .
March 2025	2.0	Feedback from Child Safe Environments team, Inclusion Policy & Reform, Remote & Regional Service Development and Aboriginal Practice & Partnerships Directorates included, (Safer Family Services and Youth Justice also consulted), and document renamed from Notification of Risk of Harm Procedure.

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1. Title

Reporting Harm of Children and Young People Procedure

2. Purpose

This procedure provides guidance on how to report and respond to a reasonable suspicion a child or young person is being harmed or is at risk of harm to ensure DHS complies with its legal responsibilities under the [Children and Young People \(Safety\) Act 2017](#), the [Child Safety \(Prohibited Persons\) Act 2016](#) and the [Criminal Law Consolidation Act 1935](#).

3. Context

DHS strives to celebrate and improve the lives of people of all ages, cultures, disabilities, ethnicities, faiths, gender identities, sex characteristics and sexual orientations. We are committed to making our services and workplaces safe and inclusive for all people and ensuring the full diversity of the communities we serve are represented in the strategies we lead.

DHS works with children and young people across a range of services and is a key partner agency in the South Australian Government's Child and Family Support System. DHS, its workers and all members of the community have a shared responsibility to support the care and protection of children and young people. For DHS workers who provide services directly to children and young people, this includes involvement with children, young people and families who are in situations of risk. As part of their service provision, DHS workers are required to manage the risk of harm, facilitate a safe environment, and reduce the likelihood the child, young person or family will end up in the statutory system.

Under legislation, DHS workers are obligated to report all allegations and suspicions of risk of harm, including sexual abuse, to children and young people they become aware of during their employment or engagement. A Child Abuse Report Line (CARL) notification can be made by any member of the public where there is reasonable suspicion a child or young person has been or is at risk of harm.

4. Scope

This procedure applies to all DHS staff, agency personnel, consultants, contractors, students on placement and volunteers (collectively referred to as workers) working with children and young people, including ministers of religion or people who undertake duties of a religious or spiritual vocation.

5. Closing the Gap Impact Statement

DHS acknowledges the severe negative impact of colonisation, racism and child protection policies on Aboriginal children, young people, and communities. DHS is committed to supporting self-determination for Aboriginal children, young people, families, and communities because it is unacceptable for their outcomes to be any different to those for children and young people generally.

DHS is committed to the outcomes outlined in the National Agreement on Closing the Gap, including that families and households are safe (socio-economic outcome 13) and children are not over-represented in out of home care (socio-economic outcome 12). DHS is implementing the priority reforms, including the transformative work such as the Anti-Racism Strategy. Cultural considerations are paramount at the time of responding to the child/young person and when planning intervention and assessment of concerns. DHS applies the Aboriginal and Torres Strait Islander Child Placement Principle¹, the Aboriginal and Torres Strait Islander Youth Justice Principle² and observes self-determination where a reasonable suspicion of risk of harm to a child or young person is identified.

6. Definitions

Table 3 – Definitions

Term	Meaning
Adult (legal definition)	A person who is not a child. <u>s64 Criminal Law Consolidation Act 1935</u>
At risk (legal definition)	Refer to <u>s18 Children and Young People (Safety) Act 2017</u> for the full definition, which includes: <ul style="list-style-type: none"> • the child or young person has suffered harm; • there is a likelihood the child or young person will suffer harm; • there is a likelihood the child or young person will be removed from the state for an unlawful act or procedure to be undertaken; • the parents or guardian of the child or young person are unable or unwilling to care for them; • the child or young person is of compulsory school age but has been persistently absent from school without satisfactory explanation of the absence; and • the child or young person is of no fixed address.
Child Abuse Report Line (CARL)	Operated by the Department for Child Protection (DCP), this is a 24-hour service for all notifications of child abuse, harm and risk of harm, which can be made by calling 13 14 78 or via the <u>online reporting system</u> .
Child or young person (legal definition)	A person who is under 18 years of age. <u>s16(1) Children and Young People (Safety) Act 2017</u>
Guardian (legal definition)	The guardian or guardians of the child or young person pursuant to an order of the Court under the Act. <u>s16 Children and Young People (Safety) Act 2017</u>

¹ Section 12 of the *Children and Young People (Safety) Act 2017*

² Section 3 of the *Youth Justice Administration Regulations 2016*

Harm (legal definition)	Physical harm or psychological harm (whether caused by an act or omission), including such harm caused by sexual, physical, mental or emotional abuse or neglect. <u>s17 Children and Young People (Safety) Act 2017</u>
Institution (legal definition)	A private or public entity that operates facilities or provides services to children who are in the care, or under the supervision or control, of the institution and includes medical and religious institutions and any services or functions provided by persons as part of the duties of a medical practitioner or of a religious or spiritual vocation; or an entity of a class prescribed by the regulations. <u>s64 Criminal Law Consolidation Act 1935</u> In the context of this policy, institution refers to DHS.
Mandated reporter	Workers who are legally required to report reasonable suspicion of risk of harm to a child or young person, including prescribed health practitioners, social workers, and staff of, or volunteers in, an organisation that provides health, welfare, education, sporting or recreational, childcare, residential services wholly or partly for children and young people, and who provide services directly to children and young people or hold a management position which includes direct responsibility for, or direct supervision of, the provision of services to children and young people. <u>s30 (3) Children and Young People (Safety) Act 2017</u> In the context of DHS, mandated reporters are workers who provide services to children and young people and those who hold a management position with responsibility for, or supervision of, the provision of those services to children and young people.
Mandatory reporting	The general term applied to the process of reporting reasonable suspicion of risk of harm to a child or young person by mandatory reporters.
Misconduct	A breach of a disciplinary provision of the <u>Code of Ethics for the South Australian Public Sector</u> (Code of Ethics) while in employment as a public sector employee or other misconduct while in employment as a public sector employee. <u>Part 1 s3 Public Sector Act 2009</u>
Parent (legal definition)	includes— a) a step-parent of the child or young person; and b) a person who stands in loco parentis to the child or young person; <u>s16 Children and Young People (Safety) Act 2017</u>
Prescribed person (legal definition)	An adult who is an employee of an institution. <u>s64 Criminal Law Consolidation Act 1935</u>

Reasonable suspicion	Must be based on facts, for example, disclosure of harm or risk of harm, including sexual abuse, from a child/young person.
Sexual abuse (legal definition)	of a child includes any unlawful conduct of a sexual nature committed, or in relation, to a child. s64 Criminal Law Consolidation Act 1935
Workers	All DHS staff, agency staff, consultants, contractors, students on placement and volunteers.

7. Procedure Detail – Children and Young People as Clients and Consumers of DHS Services

7.1 Address imminent danger

Imminent danger is when a child or young person is at immediate risk of harm to themselves or others and failure to act could result in death or serious injury without statutory intervention.

DHS workers must first address any imminent danger to a child, young person and/or their family and other workers. For immediate medical or police intervention, call emergency services on 000. All other reports must be made to the South Australian Police (SAPOL) on 131 444.

DHS workers must seek additional support from their manager/supervisor or police intervention if they are concerned for their own safety.

7.2 Report a suspicion of harm or risk of harm

All DHS workers have a legal obligation to report child sexual abuse by another worker to the police and to protect a child from sexual abuse by another worker under s64(a) and s65 of the [Criminal Law Consolidation Act 1935](#). Failure to meet these obligations may be considered a criminal offence.

DHS workers who have a reasonable suspicion of harm or risk of harm must notify CARL on 13 14 78, or lodge an e-CARL, as soon as practicable, referring to DCP's [preparing to make a report resource](#) where required. If the harm or risk of harm is serious, an e-CARL notification is not appropriate, and a phone call is required.

DHS workers must inform their manager/supervisor they have made a CARL notification, as well as the details provided, as soon as practicable after the report is made.

Where the child or young person is Aboriginal, DHS Aboriginal cultural consultants within the program or service must be consulted to ensure consideration and understanding of Aboriginal people's family kinship structures. In the absence of DHS Aboriginal cultural consultants, advice may be sought from DHS Aboriginal cultural consultants employed to support the delivery of other programs and services through negotiation with their manager.

7.3 Record details

Most DHS workers working with children and young people have direct access to the child protection case management database Connected Client and Case Management System (C3MS). DHS workers with access to C3MS must record the details of the notification for the relevant child/ren and if the child, young person, or family have been advised the notification has been made.

DHS workers without access to C3MS must provide their manager/supervisor with the details who will record the notification on their behalf. Contact must also be made with the department's Incident Management Unit to discuss if the situation requires a record to be created in [Gov Safety](#). A record will not be required in all circumstances and the Incident Management Unit will provide advice on a case-by-case basis.

7.4 Respond to the child or young person

The nature of the worker's role in DHS and what service relationship exists with the child or young person will depend on the level of service response required. The process for providing a response is to be decided by each business unit in accordance with their processes and procedures. Existing relationship with DHS, history of the child, young person or family and risk factors will be considered when determining the appropriate response. Further information about how to respond can be found in DCP's [responding to a child about harm resource](#) or by contacting our Safer Family Services Directorate.

DHS workers must discuss the situation and response options with their manager/supervisor. Decisions regarding the appropriate response action/s will be made in conjunction with the worker's manager/supervisor.

Response activities undertaken by DHS workers form part of their business-as-usual duties and must be instigated by the result of the assessment undertaken by DCP when the CARL notification and/or police report is made.

DHS workers will consult with DHS Aboriginal cultural consultants within the program or service for advice on the appropriate options for responding to Aboriginal children and young people to promote cultural safety. DHS workers will also endeavour to identify the family connections and kinship groups of the child or young person for whom the report is being made. In the absence of DHS Aboriginal cultural consultants, advice may be sought from DHS Aboriginal cultural consultants employed to support the delivery of other programs and services through negotiation with their manager.

Management will determine appropriate action based on a review of the information in accordance with the department's [Critical Client Incident Policy](#), the associated [Procedure](#) and any applicable business unit/divisional procedures.

At all times, the risk of harm to the child and young person, or other children and young people who may be at risk, must be considered when determining the most appropriate action to take.

7.5 Offer support

Alleged victims of harm, and those who are at risk of harm, must be referred to appropriate professional counselling and support that is culturally appropriate. Following a report, continue to provide a service to the child or young person and their family and monitor their circumstances.

DHS workers who have made the CARL notification should also be reminded by their manager/supervisor they can access the department's [Employee Assistance Program](#).

7.6 Arrange medical assessment

Children and young people who are in the care of DHS, such as at the Kurlana Tapa Youth Justice Centre, should have arrangements made for the provision of medical assessment and treatment. DHS workers must seek guidance from their immediate supervisor if they are unsure of the relevant arrangements they must undertake.

DHS workers must engage with the appropriate Aboriginal staff for advice on the most appropriate service to refer Aboriginal children and young people to for medical assessment and treatment.

7.7 Notify parents/guardians

It may be appropriate for the parent/guardian to be notified of the allegation while protecting the identity of the reporter.

DHS workers must follow relevant statutory authorities' (DCP/SAPOL) advice and seek management guidance on the appropriate notification to the alleged victim's parents/guardians of the allegations as soon as practicable.

Notification to the parent/guardian should occur unless:

- the parent/guardian is the subject of the allegation or notification;
- there is a court order in place;
- there are existing investigations underway; and/or
- there would be a risk of harm to the child or young person by doing so.

DHS acknowledges the kinship systems that exist within Aboriginal communities and are committed to ensuring these arrangements are respected when undertaking parental/guardian notifications so the appropriate cultural decision-makers are included.

7.8 Consider cultural impact

For the purposes of this procedure, cultural considerations include Aboriginal culture and Culturally and Linguistically Diverse (CALD) communities.

Cultural considerations are paramount at the time of responding to the child/young person and when planning intervention and assessment of the concerns. They must not influence whether a notification is made. A CARL notification must be made if there is any suspicion of risk or harm to a child or young person.

DHS workers will observe self-determination to confirm a CARL notification is being made on a real risk, consult DHS Aboriginal cultural consultants and refer to the [SNAICC Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle](#) for further guidance.

8. Procedure Detail – Worker as Alleged Perpetrator

8.1 Cease interaction

Where a DHS worker suspects or becomes aware of a risk of harm to a child or young person by another DHS worker, the first action is to immediately cease any contact between the alleged perpetrator and the child/young person. If the child or young person is a client of DHS, actions taken must be followed in conjunction with [Procedure Detail – Children and Young People as Clients](#) above.

8.2 Report a suspicion of risk or harm by another worker

DHS workers who have a reasonable suspicion a child or young person has been or is at risk of harm from another worker must make a CARL notification on 13 14 78, or via email to lodge an e-CARL, referring to the DCP's [preparing to make a report resource](#) where required.

DHS workers must also inform their manager/supervisor and the department's Incident Management Unit of the notification/report as such behaviour may also be considered a breach of the [Children and Young People \(Safety\) Act 2017](#), the [Criminal Law Consolidation Act 1935](#) and the [Code of Ethics](#), and may result in disciplinary action, fines and imprisonment. If the suspicion relates to the DHS worker's manager/supervisor, concerns must be escalated to the next level of management. DHS workers may also seek support from their HR Business Partner.

The identity of the reporter and report must be kept confidential by any additional DHS workers who become involved in the investigation.

8.3 Manage misconduct

Managers/supervisors should refer to the department's [Incident Management Unit Procedure](#) and seek guidance from the Incident Management Unit or their HR Business Partner to ascertain the correct way to handle the situation. This may include further investigation, clarification, and disciplinary actions.

8.4 Manage records

All records must be managed in accordance with the General Disposal Schedule issued under the [State Records Act 1997](#).

8.5 Offer support

The alleged perpetrator should be referred to the department's [Employee Assistance Program](#) while the allegations made against them are being investigated.

DHS workers who have made the notification should also be referred to the department's [Employee Assistance Program](#).

9. Roles and Responsibilities

Table 4 – Roles and Responsibilities

Role	Authority/Accountability
Chief Executive	<ul style="list-style-type: none"> Complying with s145 of the Children and Young People (Safety) Act 2017 in respect of Chief Executive functions. Promoting the shared responsibility of supporting the care and protection of children and young people to all DHS workers.
Interim Executive Director, People and Culture	<ul style="list-style-type: none"> Ensuring policies and procedures regarding child safe environments and mandatory reporting are in place and communicated across DHS. Ensuring such policies and procedures are reviewed on a regular basis with active involvement from children, young people and families where required in the process.
Director, People and Partnerships	<ul style="list-style-type: none"> Ensuring all DHS workers are aware of the requirement to report any reasonable suspicion of risk or harm to a child or young person. Making decisions regarding appropriate sanctions and/or disciplinary actions with respect to misconduct.
Executive Directors and Directors	<ul style="list-style-type: none"> Monitoring that this procedure is followed for reporting any reasonable suspicion of risk or harm to a child or young person. Ensuring risk assessments are undertaken to identify and mitigate risks to child safety. Ensuring all DHS workers are aware of their obligation to report any reasonable suspicion of risk or harm to a child or young person.
Managers and Supervisors	<ul style="list-style-type: none"> Ensuring this procedure is followed for reporting any reasonable suspicion of risk or harm to a child or young person. Ensuring DHS workers are aware of their obligations and comply with this procedure and the department's associated Safeguarding Children and Young People Policy. Supporting DHS workers to determine the need for making a report. Ensuring DHS workers are trained in the reporting and recording systems for their area. Ensuring DHS workers are aware of and implement the Aboriginal and Torres Strait Islander Child Placement Principle to maintain the connection of Aboriginal and Torres Strait Islander children and young people with their family and culture and enable Aboriginal and Torres Strait Islander people to participate in the care and protection of their children and young people.

Incident Management Unit	<ul style="list-style-type: none"> Investigating breaches of this procedure and the associated Safeguarding Children and Young People Policy. Ensuring all investigative processes are conducted in a culturally safe manner with a child focus and trauma-informed approach, seeking advice from cultural authorities within or available to DHS.
HR Business Partners	<ul style="list-style-type: none"> Supporting DHS workers to understand their obligations in respect of this procedure and the associated Safeguarding Children and Young People Policy.
Mandated reporters	<ul style="list-style-type: none"> Understanding their obligations as mandated reporters. Following this procedure to report any reasonable suspicion of risk of harm to a child or young person.
All DHS workers	<ul style="list-style-type: none"> Understanding the requirement to protect a child from sexual abuse and the consequences of failing to do so. Reporting any reasonable suspicion of risk of harm to a child or young person, including suspected sexual abuse, in accordance with this procedure.

10. Monitoring, evaluating and review

This procedure will be reviewed on an as needs basis, or every three years, whichever is the earlier. The Manager, Policy and Governance will be responsible for initiating the review, that includes reviewing cultural safety and consulting DHS Aboriginal cultural consultants, and for lodging a completed compliance statement with the DHS Child Safe Environments program once the review is finished.

11. Non-compliance

Non-compliance by individual mandatory reporters with the [Children and Young People \(Safety\) Act 2017](#) by failing to make a CARL notification may face a maximum penalty of \$10,000 and may be in breach of the [Code of Ethics](#). Failure to report suspected child sexual abuse by another worker or failure to protect a child from sexual abuse by another worker is a criminal offence as outlined in s64(a) and s65 of the [Criminal Law Consolidation Act 1935](#), with a maximum penalty of imprisonment for three years or 15 years respectively.

12. Reference Documents

12.1 Directive documents

- [Children and Young People \(Safety\) Act 2017](#)
- [Child Safety \(Prohibited Persons\) Act 2016](#)
- [Criminal Law Consolidation Act 1935](#)
- [Statutes Amendment \(Child Sexual Abuse\) Act 2021](#)
- [State Records Act 1997](#)
- [Wellbeing and Safety Act 2012](#)
- [Youth Justice Administration Act 2016](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [Critical Client Incident Policy](#)

- [Safeguarding Children and Young People Policy](#)



12.2 Supporting documents

- [Critical Client Incident Reporting Procedure](#)
- [Human Resource Delegations](#)
- [Incident Management Unit Procedure](#)
- [Information Sharing Guidelines](#)
- [Managing Incidents in the Workplace Procedure](#)

12.3 Related documents and resources

- [Mandated reporters and their role](#) (DCP)
- [Indicators of harm or risk to children and young people](#) (DCP)
- [Responding to a child or young person about harm](#) (DCP)
- [Report suspected harm of children and young people](#) (DCP)
- [Preparing to make a report or notify of suspected harm to children and young people](#) (DCP)
- [What not to report or notify as suspected harm to children and young people](#) (DCP)
- [National Principles for Child Safe Organisations](#)
- [SNAICC Understanding and Applying the Aboriginal and Torres Strait Islander Child Placement Principle](#)

13. Approval

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