

## CHILD SAFE ENVIRONMENTS

*Your legal responsibilities as a mandated notifier: in your role  
as a volunteer*

### **Mandatory Notification Training Resource- In a nutshell**

The Catholic Archdiocese of Adelaide is committed to the safety and wellbeing of children and young people. As part of this commitment we have a duty to ensure that all clergy, religious, employees and volunteers are aware of their legal obligations as mandated notifiers and are equipped with the resources they need to fulfil this responsibility.

The following information defines risk, harm, and abuse-related trauma, and what to do to ensure the safety of children and young people who are experiencing, or are at risk of harm, abuse and neglect in their homes or in the parish environment.

**General Definitions:** in accordance with the *Children and Young People (Safety) Act 2017*

***Anyone under the age of 18 is classified as a 'child or young person'***

**'At Risk'** A child or young person is considered to be at risk if the child or young person has suffered harm, is likely to suffer harm, or is likely to be removed from the State for the purpose of an unlawful medical procedure, to be married or to take part in an illegal activity. A child or young person will be taken to be at risk if their parent or guardian are unable or unwilling to care for them, or if the child or young person is persistently absent from school without explanation, homeless or at no fixed address.

**Harm** Physical harm or psychological harm, whether caused by an act or omission, includes such harm caused by sexual, physical, mental or emotional abuse or neglect.

***Following are types of abuse-related trauma:***

**Sexual Abuse:** Any sexual activity or behaviour that is imposed on a child or young person by someone else. Sexual abuse occurs when someone in a position of power uses that power to involve the child or young person in sexual activity.

**Grooming:** When a person tries to form a bond or a friendship with a child, to gain their trust and create opportunities to start, maintain and hide their sexual abuse of a victim.

**Physical Harm:** The child has suffered or is at risk of suffering physical trauma or inflicted injury due to the actions of their caregiver. An injury is considered 'inflicted' if it was alleged to be caused wilfully or as a result of punishment.



**Psychological/Emotional Harm:** The child's social, emotional, or cognitive development is impaired or seriously at risk as a direct result of persistent caregiver behaviour or attitude towards the child, whereby the child's self-esteem and social competence are undermined or eroded over time. This includes the witnessing of domestic and family violence, hearing it or being exposed to the consequences of emotions post violence.

**Neglect:** Neglect is characterised by serious, ongoing failure to provide for a child's basic needs, to the extent that the child is not receiving the care and supervision necessary to protect them from harm, has suffered serious physical injury or illness, or there is risk of serious harm to the child's wellbeing and development.

Abuse-related trauma can occur though someone **doing** something hurtful or by someone **not doing** something to provide for or protect a child.

### What does the Law say?

Under the Children and Young People (Safety) Act, 2017 (Chapter 5, parts 30 and 31), it is a legal requirement for clergy, religious, employees and volunteers in the Catholic Church in South Australia to report all suspected cases of when a child has been harmed and/or is at risk of harm to the Department of Child Protection through the Child Abuse Report Line (CARL) on 131478.

This legal requirement means that you must make a report if you suspect that a child or young person is at risk of harm or has been harmed, abused or neglected, and you form a suspicion because:

- a child/young person tells you he or she has been harmed;
- your own observation of a particular child/young person's behaviour and/or injuries, or your knowledge of children/young people generally leads you to suspect that abuse is occurring;
- a child/young person tells you he or she knows someone who has been harmed or abused (a child/young person could possibly be referring to himself or herself); or
- someone else (perhaps a relative, friend, neighbour or sibling of the child/young person) who is in a position to provide reliable information, tells you.

Where you form this suspicion on reasonable grounds, your legal obligation is to phone the:

**Child Abuse Report Line (CARL) on 13 14 78**

Harm and risk of harm and/or neglect can be prevented. Identification and reporting may be the beginning of the intervention and prevention process. Protecting children and helping their families can reduce the future risk of harm, abuse or neglect.



## **What can I do if I am concerned?**

### **Responding:**

If a child or young person discloses that they have been harmed/abused, you should do the following:

- Listen with care and support the child
- Take time and allow them to tell their story in their own way
- Do not investigate or ask leading questions
- Let them know what will happen next, whose job it is to help
- Record what they have said (as soon as possible and using the 'Safeguarding Record Form')

### **Reporting:**

If you are noticing signs that make you think a child or young person may be at risk of, or is being harmed or neglected, you are obliged to report your concerns to the Child Abuse Report Line CARL 13 14 78 or to SA Police 000 if the child is in immediate danger.

After notification is made, you can discuss your concerns with a Parish Priest, another trusted parish member and/or contact the Child Protection Unit (CPU) on ph. 8210 8159 for professional support and guidance.

You should also record your concerns as soon as practical using the 'Safeguarding Record Form' available from your Parish Office and the Catholic Archdiocese of Adelaide website. This ensures that your observations and actions are documented.

### **Supporting:**

Sometimes support for the family of the child or young person is the best way to ensure their safety and wellbeing. It's good to know about community services which are available to assist children, young people, and their families so you can pass on information or refer if necessary. There is a list of some resources and organisations who can offer support to those in need at the end of the document.

The Catholic Archdiocese of Adelaide has a responsibility to ensure child-safe environments where children and young people feel respected, safe and protected.



## FREQUENTLY ASKED QUESTIONS

### LEGAL RESPONSIBILITY OF MANDATED NOTIFIERS

#### **Do I have to notify if the harmed child/young person discloses to me in confidence?**

Notification is mandatory under the *Children and Young People (Safety) Act 2017* and is not regarded as a breach of professional etiquette, ethics or conduct. You are not helping the child/young person if you agree not to tell anyone.

Mandatory notification overrides professional etiquette, ethics, or conduct.

Notification does not provide grounds for civil action if the report is made in good faith. Good faith simply means an honest belief by the notifier that the child/young person was at risk of being harmed, was harmed/abused or that the substance of the notification, which may be only a suspicion, is based on reasonable grounds. Good faith does not mean that you are personally required to believe, beyond doubt, that the harm/abuse or neglect has occurred.

#### **What if I have a strong relationship with this child and the family?**

When you make a report you may feel torn between your legal responsibility to report and your own belief that reporting may jeopardise the opportunity to maintain or develop a satisfactory working relationship with the family. The child/young person's safety is paramount, and therefore it is essential that all suspicions of risk of harm, harm, abuse and neglect be reported. If the suspected harm or neglect is not reported, the child may remain at risk and may ultimately be at risk of permanent harm or even possible death.

In effect, by not notifying, you become a part of the abuse because you are:

- Colluding with the abuser by maintaining the secret
- Protecting the abuser and not the child/young person
- Breaching the law which requires you to report

#### **Can I ask for feedback on what happened after I notified?**

Feedback is given on a 'need to know' basis for mandated notifiers.

If you have an extensive relationship with the child, or children, and their family, the degree of information you receive will be greater compared with an individual who has minimal contact with the family. During an investigation, the family is entitled to the same level of confidentiality as would be expected with any other situation.



### **Do I need to tell the family or child that I have made a notification?**

As a notifier, you are not obliged to inform a child, their family or carers that you have made a notification about the child/ren. The person making the notification must be guided by the Department for Child Protection and/or SA Police if information is to be shared.

Sharing such information may place the child/ren at risk of further harm and they may not feel as though they can speak. It is also important to consider the impact upon a child or family if they are informed of a notification where the Department of Child Protection decides at the time that the notification does not warrant any statutory intervention.

### **Do I need to consult with a supervisor before notifying?**

If you are unsure, it may be beneficial to discuss your concerns with a supervisor or person in authority. However, you do not need permission to make a notification. You may wish to contact the Archdiocesan Child Protection Unit for guidance and support Ph: 8210 8159.

### **What happens if I do not notify?**

Failure to report is an offence under the *Children and Young People (Safety) Act, 2017*, and currently carries a maximum penalty of \$10,000. It is the individual who is fined, not the organisation that employs them.

New legislation to improve child sexual abuse protection was introduced in June 2022 with the new *Statutes Amendment (Child Sexual Abuse) Act 2021*. This includes the addition of broader failure to report and new failure to protect offences:

- **Failure to report** provisions (section 64) require that a 'prescribed person' must report to the police if they know of, or suspect, that another person (while employed within an institution or providing out of home care) has sexually abused a child. The maximum penalty is 3 years imprisonment for failure to do so.
- **Failure to protect** provisions (section 65) require that a 'prescribed person' in a position of authority must not fail to protect a child where they know there is substantial risk that another person (employed by an institution or providing out of home care) will sexually abuse a child. The maximum penalty is 15 years imprisonment for negligently failing to remove or reduce risk to the child.

(Adapted from the Department of Human Services, Safe Environments for Children and Young People. Through their eyes – Mandatory Notification Information Booklet).



**IMPORTANT TELEPHONE NUMBERS**

**Reporting or Discussing Concerns**

**Child Abuse Report Line: 13 14 78**

**SAPOL (emergency): 000**

**Archdiocesan Child Protection Unit: (08) 8210 8159**

**Professional Standards Office: (08) 8210 8275**

**Support for Children and Families**

**Centacare Catholic Family Services: (08) 8215 6700**

*Individual and family support services*

**St Vincent de Paul: (08) 8112 8700**

*Financial counselling, emergency food assistance, housing and homeless support*

**Kids Helpline: 1800 55 1800**

*Free 24/7 counselling line for 5-25 year olds*

**Beyond Blue: 1300 224 636**

*Mental Health information and advice*

**Blue Knot Foundation: 1300 657 380**

*Support for adult survivors of childhood trauma*

**Lifeline: 13 11 14**

*24 hour crisis support and suicide prevention service*

**1800 Respect: 1800 737 732**

*National sexual assault, domestic violence counselling service*

