

Child Safe Standards and Regulation

Child Protection Reporting



Who is this factsheet for?

This factsheet includes information about the Child Safe Standards (the Standards) and child protection reporting laws in the ACT, including risk of significant harm and child sexual abuse. It is designed to help organisations and leaders understand their regulatory requirements in relation to child safety, including how the Standards and reporting work together to help keep children and young people safe. All adults in the ACT community have a responsibility to keep children and young people safe, and to report any suspicions of significant harm.

The below information is not intended to be comprehensive, and organisations should seek legal advice to understand requirements specific to their organisation.

About the Child Safe Standards

The Standards are a set of ten interrelated principles that focus on changing institutional culture to support children and young people to *feel safe* and *be safe*.

The Standards are designed to assist organisations to improve practices to better protect and promote the rights, safety, and wellbeing of children and young people. The preamble requires organisations to apply the Standards in a manner that is culturally safe and inclusive for all children and young people.

Implementation of the Standards is mandatory for all organisations that provide services for children and young people, including organisations that have requirements under other ACT child safety legislation, such as the Reportable Conduct Scheme. To learn more about the Standards, visit ACTChildSafe.act.gov.au

Recognising child abuse and harm

A child or young person may be at risk of significant harm when there is any detrimental effect of a significant nature on their safety, welfare, or wellbeing. This might be because of a one-off incident or a pattern or combination of events.

Significant harm might be caused by one or more of the following:

- sexual abuse, grooming, or exploitation
- physical or emotional abuse
- basic physical, emotional, developmental, or psychological needs not being met
- exposure to family violence.



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



Voluntary and mandatory reporting

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

Voluntary reporting allows any person who is concerned about a child or unborn child to provide information to Children, Youth, and Families (CYF) if they believe or suspect a child is at risk of significant harm. Voluntary reporting also includes a report of an unborn child if it is believed or suspected this child may be at risk after birth. Everyone in the community is a voluntary reporter. When making a report to CYF, voluntary reporters must provide the basis for the belief or suspicion with honesty and without recklessness.

Mandatory reporting is a legal requirement for certain professionals to provide information to CYF if, through the course of their work (paid or unpaid), they believe on reasonable grounds a child:

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

Mandated reporters are also voluntary reporters and can choose to provide information about any other suspected risk of significant harm to CYF, however they are not obliged to do so under mandatory reporting laws.

Mandated reporters are not required to make a report when they believe the same information has already been provided to the Police or CYF by another person, the abuse was perpetrated by another child, or the reasons for the reporter's belief do not arise from information obtained because, or during the course, of their work.

Anyone can provide information about a risk of significant harm to a child or young person. If you or anyone in your organisation believe a child has been abused, or is at risk of significant harm, **don't stay silent**. For more information on recognising child abuse, see [Report risk of significant harm](#).

Protection for reporters

Voluntary and Mandatory reporters are protected under law. A reporter's identity will not be shared with any other person, unless there are exceptional circumstances. Reporters cannot be held legally or professionally liable if they have acted honestly and reasonably. However, under the *Children and Young People Act 2008*, it is an offence to knowingly providing false or misleading information.



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



Who is a mandated reporter?

Mandated reporters are groups of professionals who, because of their work, have unique access and expertise to identify the possible risk of significant harm to a child. These groups are mandated under law to report to CYF any 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 provide information to CYF concerning risk to an unborn baby, or suspected risk of significant harm to a child.



You are a mandated reporter if you are a/an:

- minister of religion
- doctor
- dentist
- midwife
- nurse (including an enrolled nurse)
- psychologist
- police officer
- teacher at a school
- person authorised to inspect education programs, materials, or records used for home education
- school counsellor
- childcare centre worker that cares for a child
- person who, in the course of their employment, has contact with or provides services to children and their families and is prescribed by regulation.
- educator
- education and care service provider
- 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
- Aboriginal and Torres Strait Islander Children and Young People Commissioner

How to report risk of significant harm

To report child abuse or risk of significant harm that is **occurring in a child's home or family** environment:

- Call 1300 556 729
- [Report risk of significant harm online](#)



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



When making a report of risk of significant harm to CYF, include as much information as possible, including the child or young person's name, age, address, parents or caregivers, and contact details, the reasons for the suspicions of risk of significant harm and any other relevant information. For more information, see [Keeping children and young people safe: A shared community responsibility](#).

Significant harm that is **occurring in organisations** or in the **broader community** should be reported to ACT Policing. Organisations include schools, early childhood education, healthcare services, emergency services, out of home care and residential services, religious bodies, clubs, associations, or other recreation activities.

In some instances, child abuse perpetrated by staff or volunteers in organisation's must also be reported to the ACT Ombudsman. For more information, see [Child Safe Standards and Reportable Conduct Factsheet](#).

Reporting child sexual abuse

Child sexual abuse should be reported to ACT Policing. Failure to report child sexual abuse is a criminal offence under the *Crimes Act 1900*. The **failure to report** offence applies to all adults in the ACT who must report to ACT Policing if they have a reasonable belief a sexual offence has been committed against a child. This aims to improve the way adults proactively report child sexual abuse.

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 a report of sexual abuse has already been made to CYF, it does not need to be reported to Police.

Failure to protect

Where there is substantial risk sexual abuse will be committed in the future, the *Crimes Act 1900* requires any person in authority in a 'relevant institution' to take any necessary steps to prevent the sexual abuse from occurring. Relevant institutions include schools, religious organisations, hospitals, childcare centres, out of home care, sports clubs, and youth organisations.

Implementation of the Child Safe Standards can support people in authority in organisations to ensure that risk of sexual abuse is identified, reported, and acted on.



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



Child protection reporting and the Child Safe Standards

The Child Safe Standards and reporting of significant harm complement each other to protect children and young people. Organisations and individuals have a responsibility to recognise and respond where there are concerns about the safety or wellbeing of a child or young person. Implementation of the Child Safe Standards can strengthen an organisation's ability to meet legislative reporting requirements, including voluntary and mandatory reporting and reporting of child sexual abuse.

Child Safe Standard 3: Safe families and communities

Families and communities play an important role in building and maintaining child safe environments. Building strong, trusted partnerships with families helps organisations ensure that children and young people feel safe, connected, and supported.

Organisations should ensure they are communicating with families about children's rights, safety, and wellbeing, and supporting families to keep their children and young people safe at home, in the community, and in organisations.



Actions to support Standard 3

- Engage in open communication with families and communities about child safe practices and their role in keeping children and young people safe.
- Actively encourage families and community members to ask questions and provide feedback about child safe practices.
- Provide staff with appropriate information and training to understand different cultures and the role of unconscious bias in identifying risk of significant harm.
- Promote and connect families with community organisations, local Elders, and support services to build trusted and supportive networks.

Child Safe Standard 6: Child safe complaints

Organisations must have processes to identify and respond to concerns about child abuse or risk of significant harm, regardless of where harm is occurring. This includes ensuring that there are processes in place to respond to complaints and concerns, and that staff, children and young people, and their families know how to raise concerns. It is also about ensuring that staff are aware of mandatory reporting obligations.



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



Actions to support Standard 6

- Ensure there are multiple ways to report concerns about child safety and include information about how to raise concerns on your organisation's website.
- Document and communicate your process for handling child safety concerns.
- Listen respectfully when children, young people, families, and carers share concerns, ideas, or feedback. Take these seriously and act on them.
- Support staff to recognise and respond to concerns, including completion of voluntary and mandatory reporting processes (where applicable).
- Review and action all concerns, complaints, and allegations and keep appropriate records.

Child Safe Standard 7: Staff capability and training

Organisations should ensure they are providing education to their employees about how to recognise significant harm, and legislative reporting obligations. This includes ensuring that staff and volunteers are equipped with the knowledge, skills, and awareness to keep children and young people safe. It also includes providing training and information about voluntary and mandatory reporting requirements.



Actions to support Standard 7

- Provide child safety information during induction, including voluntary and mandatory reporting legislative requirements.
- Provide formal child safety training to all staff and volunteers, including types of child abuse and harm, and the organisation's child safe practices.
- Support staff and volunteers to recognise the signs that a child or young person may not feel safe, even when they have not said anything directly.
- Ensure that front line staff and volunteers have completed training on how to respond to abuse and neglect, including responding to disclosures by a child.

Child Safe Standard 10: Child safe policies and procedures

Organisations must have policies and procedures in place to identify and respond to child abuse and risk of significant harm. This includes documenting how they are safe for children and young people, procedures for recognising and reporting of child abuse, and processes that support mandatory reporting.



ACT
Government

Child Safe Standards and Regulation

Child Protection Reporting



Actions to support Standard 10

- Provide copies of key policies and procedures to staff, volunteers, and families.
- Document your procedures for recognising and reporting of significant harm.
- Create simplified child-friendly versions of key policies and procedures for children and young people, including how to speak up if they are feeling unsafe.
- Review and communicate your policies frequently, to ensure they are up to date, relevant, and easily understood.

Compliance and monitoring

The ACT Children and Young People Commissioner is leading implementation of the Standards and works with existing regulators, including CYF, to monitor progress. The *Human Rights Commission Act 2005* establishes the HRC as an independent service that can deal with complaints about discrimination, human rights, services for children and young people, health services, and disability services. Organisations that provide services for children and young people may be subject to a complaint if a service is not being provided appropriately or provided inconsistently with relevant standards, including the Child Safe Standards.

Children, Youth, and Families sits within the Health and Community Services Directorate of the ACT Government and is responsible for investigating the wellbeing of children and young people who may be at risk of significant harm by a family member or guardian. When a report is made, an assessment is conducted to decide what happens next, including whether a Child Concern Report or a Child Protection Report will be made. Organisations and individuals who have completed a voluntary or mandatory report may be contacted for more information, advised about any action that is taken or invited to work with CYF in providing support. CYF is not required by law to advise voluntary or mandatory reporters about outcomes of reports.

Find out more

To learn more about the Standards, visit ACTChildSafe.act.gov.au

For information about child abuse reporting, visit [**Reporting child abuse: the law – ACT Government**](#).

Training is available for people who work or volunteer for an ACT organisation providing services to children and young people. Visit [Training to respond to child abuse and neglect – ACT Government](#).



ACT
Government