




<b>Policy Category:</b> WHS and Wellbeing	
<b>Number of pages:</b>	<b>Appendices:</b>
<b>Version:</b> 1.5	<b>Status:</b> DRAFT
<b>Reviewed by:</b> Principal	<b>Endorsed by:</b> Board
<b>Approved by:</b> Board, via Chair	<b>Date:</b> 10/10/24
<b>Signature:</b> 	
<b>Recommended frequency of review:</b> 1 year for new policies, and then at least every 3 years unless otherwise approved by the Executive Team. Next review: 2027	
<b>Related Legislation and Documents:</b> Mandatory Reporting of Harm and Exploitation of Children Department of Education: Mandatory Reporting of Harm Exploitation Children Guidelines <i>Care and Protection of Children Act 2007</i> (NT) – promotes the wellbeing and protection of children from harm and exploitation to maximise their opportunities to develop to their full potential. <i>Education and Care Services (National Uniform Legislation) Act 2011</i> (NT) –sets a national standard for children’s education and care across Australia. <i>Domestic and Family Violence Act 2007</i> (NT) – provides for the protection of persons in a domestic relationship against violence. <i>Criminal Code Act 1983</i> (NT) – the Act establishes a code of criminal law. <i>Sexual Offences (Evidence and Procedure) Act 1983</i> (NT) - the Act relates to evidence and procedure in the examination of witnesses and the trial of persons in respect of sexual offences. Territory Families, Professional Reporters Guide: Reporting Child Harm or Exploitation - the guide assists police, teachers and health practitioners to meet the mandatory reporting obligations under the Care and Protection of Children Act. Protective Practices Guidelines (Teacher Registration Board of the NT). National Principles for Child Safe Organisations	
<b>Published to:</b>	
<b>Additional Information:</b>	

**Document history:**

<b>Version</b>	<b>Date</b>	<b>Nature of Amendment</b>
1.1	2006	Screening of School Based Personnel – Guideline Improper conduct of a sexual nature against a student by any person associated with MSSA – Guideline
1.2	2010	Child Protection Policy and Guideline
1.3	2014	Adopted TASS document base and new legislation
1.4	2021	Significant policy and guideline revision, based on DoE and Mandatory Reporting guidelines

1.5	10.10.24	Updated to reflect the language and recommendations of the <i>National Principles for Child Safe Organisations</i> , drawing also on changes to the Department of Education’s Child Safety Policy.
-----	----------	--

**CHILD PROTECTION**

DEFINITIONS AND ABBREVIATIONS ..... 3

PURPOSE ..... - 5 -

SCOPE ..... - 5 -

POLICY STATEMENT ..... - 5 -

ROLES AND RESPONSIBILITIES ..... - 5 -

When to report ..... - 7 -

Who makes the report..... - 8 -

How to report ..... - 8 -

Information to be provided when making a report..... - 8 -

How to respond when a child discloses..... - 9 -

Mandatory reporting training..... - 9 -

Attachments ..... - 10 -

## DEFINITIONS AND ABBREVIATIONS

**MSSA:** Milkwood Steiner School Association

**FACES:** Families and Children Enquiry and Support

**NT:** Northern Territory

**TRM:** Territory Records Management

**24/7:** 24 hours, seven days a week

**PROMIS:** Police Real-time Online Management System

**NAPCAN:** National Association for Prevention of Child Abuse and Neglect

**A child in need of care and protection** refers to a child:

- that has suffered, or is likely to suffer, harm or exploitation because of an act or omission of their parent or carer
- whose parents are deceased or not willing and able to care for the child
- that has been abandoned and no family member is willing and able to care for the child
- not under the control of any person and is engaged in conduct that caused or is likely to cause harm to the child or other persons<sup>1</sup>.

**Child** refers to a person younger than 18 years of age or a person apparently younger than 18 years of age if the person's age cannot be proven<sup>2</sup>.

**Child exposure to domestic family violence** refers to a child living in an environment where they are exposed to domestic family violence that places the child at risk of experiencing physical and sexual abuse and significant disruption to their psychosocial wellbeing<sup>3</sup>.

**Criminal offence** refers to an act that is harmful to individuals, property or the community as determined by *Criminal Code Act 1983* (NT)<sup>4</sup>.

**Domestic and family violence** refers to a pattern of behaviour aimed at controlling a partner or family member through fear, for example using behaviour that is violent and threatening, and placing at risk their immediate and longer-term safety and wellbeing<sup>5</sup>.

**Emotional harm** refers to inappropriate verbal or symbolic acts and/or a pattern of failure over time to provide a child with adequate non-physical nurturing and emotional availability. Such acts of commission or omission are likely to damage a child's self-esteem or social competence<sup>6</sup>.

**Exploitation** refers to any form of child exploitation as well as sexual exploitation, which includes sexual abuse, and involves a child as a participant or spectator in any act of a sexual nature, including prostitution or pornographic performance<sup>7</sup>.

**Extra familial harm** refers to the harm or exploitation of a child by people who are not part of the child's household and the harm is not a result of something their parents did, or failed to do<sup>8</sup>.

1 <https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=26&zoom=auto,88,538>

2 <https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=18&zoom=auto,88,706>

3 <https://aifs.gov.au/cfca/publications/childrens-exposure-domestic-and-family-violence>

4 <https://legislation.nt.gov.au/en/Legislation/CRIMINAL-CODE-ACT-1983>

5 [https://territoryfamilies.nt.gov.au/\\_\\_data/assets/pdf\\_file/0006/464775/Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf](https://territoryfamilies.nt.gov.au/__data/assets/pdf_file/0006/464775/Domestic,-Family-and-Sexual-Violence-Reduction-Framework.pdf)

6 [https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1)

7 <https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=24&zoom=auto,88,365>

8 [https://territoryfamilies.nt.gov.au/\\_\\_data/assets/pdf\\_file/0005/666815/Professional-Reporters-Guide.pdf](https://territoryfamilies.nt.gov.au/__data/assets/pdf_file/0005/666815/Professional-Reporters-Guide.pdf)

**Harm** refers to significant detrimental effect that is caused by an act, omission or circumstance on the physical, psychological or emotional wellbeing or development of a child<sup>9</sup>.

**Health practitioner** refers to Aboriginal health workers, chiropractors, dentists, dental hygienists, dental specialists, dental therapists, medical practitioners, midwives, registered and enrolled nurses, occupational therapists, optometrists, osteopaths, pharmacists, physiotherapists and psychologists. A person is only a registered health practitioner if they are registered as a practitioner under the *Health Practitioners Act 2004* (NT)<sup>10</sup>.

**Mandatory reporting** refers to a legal requirement to report a belief that a child may have been or is at risk of being harmed or exploited<sup>11</sup>.

**Neglect** refers to isolated incidents and/or a pattern of failure over time on the part of a parent or other family member to provide for the development and wellbeing of the child<sup>12</sup>.

**Parent** refers to a child's father, mother or any other person who has parental responsibility for that child, including a person who is regarded as a parent of the child under Aboriginal customary law or Aboriginal tradition.

**Physical harm** refers to the intentional use of physical force that results in, or has a high likelihood of resulting in, harm to the child's health, survival, development or dignity. This includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating<sup>13</sup>.

**Reasonable grounds** refers to information that a person, with their training or knowledge, believes to be reliable and accurate.

**Sexual harm** refers to the involvement of a child in sexual activity that they do not fully comprehend, are unable to give informed consent to, for which they are not developmentally prepared, or else that violates the laws or social taboos of society. Children can be sexually abused by adults and/or other children who are, by virtue of their age or stage of development, in a position of responsibility, trust or power over the victim<sup>14</sup>.

**Sexual offence** refers to an indictable offence involving sexual intercourse or penetration, a sexual relationship, sexual abuse, indecent touching or indecent assault, any other indecent act directed against a person or committed in the presence of a child, making, collecting, exhibiting or displaying an indecent object or indecent material, sexual servitude or any other form of sexual exploitation or an attempt to commit an act of procuring or any other act preparatory to the commission of the above<sup>15</sup>.

**Special care relationship** refers to an adult that has a personal, care-giving, instructional or supervisory role with a child. This could include a step-parent, guardian, foster parent, school teacher, religious educator, employer, sport or musical tutor, correctional services officer or health professional<sup>16</sup>

<sup>9</sup> <https://legislation.nt.gov.au/en/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=24&zoom=auto,88,681>

<sup>10</sup> <https://legislation.nt.gov.au/Legislation/HEALTH-PRACTITIONERS-ACT-2004>

<sup>11</sup> <https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=29&zoom=auto,88,556>

<sup>12</sup> [https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1)

<sup>13</sup> [https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1)

<sup>14</sup> [https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365\\_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1](https://apps.who.int/iris/bitstream/handle/10665/43499/9241594365_eng.pdf;jsessionid=856E8E637CAAB4FB8DE1ABB4501A7D0E?sequence=1)

<sup>15</sup> <https://legislation.nt.gov.au/Legislation/SEXUAL-OFFENCES-EVIDENCE-AND-PROCEDURE-ACT-1983#page=3&zoom=auto,88,414>

<sup>16</sup> <https://legislation.nt.gov.au/Legislation/CRIMINAL-CODE-ACT-1983#page=146&zoom=auto,88,707>

## **PURPOSE**

The purpose of this policy is to ensure that every adult working or volunteering at Milkwood Steiner School understands their mandatory report of child abuse or domestic violence obligations, knows how to make a report and is supported to do so.

Every person in the NT is required to make a report if they reasonably believe that a child may have been, or is at risk of being, harmed or exploited. Section 26 of the *Care and Protection of Children Act 2007* (NT)<sup>17</sup> sets out the reporting obligations to safeguard the wellbeing of children in the NT. These reporting obligations are commonly referred to as 'mandatory reporting'.

## **SCOPE**

This document applies to all areas of the school, including the Milkwood Steiner School Association Board (the Board), staff, students, Playgroup, After School Care, families, carers and friends of MSSA, volunteers and visitors to the school.

This policy applies in all interactions while in school or off site, including school related functions such as excursions, camps, social events, conferences and online interactions.

Territory Families has responsibility for investigating allegations that a child may have been, or is at risk of being, harmed or exploited as the result of an act or omission of their parent or carer.

In some cases, a child may be harmed or exploited by people who are not part of their household and the harm is not a result of something their parents did, or failed to do. In these circumstances, Territory Families does not have a statutory child protection role. All allegations relating to criminal or sexual offences are investigated by the police<sup>18</sup>.

Child harm or exploitation can be prevented and there are early intervention support services that can assist. Staff can seek information about early intervention support services from Territory Families and Children Enquiry and Support (FACES)<sup>19</sup> by calling 1800 999 900.

## **POLICY STATEMENT**

The school's culture and values hold that childhood is sacred, and the rights of the child are paramount. The protection of children is a priority for MSSA at all times.

## **ROLES AND RESPONSIBILITIES**

---

<sup>17</sup> <https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007>

<sup>18</sup> [https://territoryfamilies.nt.gov.au/\\_data/assets/pdf\\_file/0005/666815/Professional-Reporters-Guide.pdf](https://territoryfamilies.nt.gov.au/_data/assets/pdf_file/0005/666815/Professional-Reporters-Guide.pdf)

<sup>19</sup> <https://territoryfamilies.nt.gov.au/children-and-families/territory-faces>

**MSSA staff, board and volunteers** are responsible for:

- implementing a child safe culture that regularly reinforces attitudes and behaviours that value children and shows a commitment to child safety and wellbeing, including cultural safety
- identifying and mitigating risks to the safety and wellbeing of children in online environments and where necessary, informing the principal and relevant parents of issues and concerns
- identifying and mitigating risks to the safety and wellbeing of children in physical environments and where necessary, informing the principal of issues and concerns
- giving the safeguarding of children a higher weight when considering a child's right to privacy, access to information, social connections and learning opportunities during risk identification and mitigation. Seeking advice from the Principal if there is uncertainty if a risk should be addressed due to relevant children's rights
- completing an appropriate induction upon commencement of employment or service
- seeking approval from the Principal, for activities in which staff, volunteers or visitors to the school are engaging with children in ways that are not usual day-to-day practice or described in MSSA policies. Examples include but are not limited to teachers making home or hospital visits to children, work experience or guest teaching.
- making a Mandatory Report if they believe on reasonable grounds that a child:
  - has suffered or is likely to suffer harm or exploitation
  - aged less than 14 years has been, or is likely to be, a victim of a sexual offence
  - aged less than 14 years is, or is likely to be, sexually active even if that child's parent is aware of the situation
  - over the age of 16 years and in a special care relationship has been, or is likely to be, a victim of an offence according to the Criminal Code Act
  - is exposed to domestic and family violence
  - has been, or is likely to be, a victim of criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague
- informing their principal or director/manager when a mandatory report has been made
- understanding and supporting the National Principles for Child Safe Organisations, in particular:
  - complying with obligations of information sharing and record keeping
  - recognising the signs of harm and facilitating child-friendly ways for children to communicate and raise concerns
  - participating in continual education and training to develop knowledge, skills and awareness to keep students safe<sup>20</sup>
- undertaking mandatory reporting training at the start of each semester (and signing the attendance acknowledgement) if they work directly with students.
  - keeping a record of date and time the report was made
  - keeping a reference number provided by Territory Families and police.

**In addition to the above, staff who are employed as health practitioners** have the added responsibility for making a report if they believe, on reasonable grounds, that a child aged at least 14 years (but less than 16 years) has been, or is likely to be, a victim of a sexual offence and that the difference in age between the child and alleged sexual offender is more than two years.

**The Principal** is responsible for:

- implementing a child safe culture that regularly reinforces attitudes and behaviours that value children and shows a commitment to child safety and wellbeing, including cultural safety

---

<sup>20</sup> [https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National\\_Principles\\_for\\_Child\\_Safe\\_Organisations2019.pdf](https://childsafe.humanrights.gov.au/sites/default/files/2019-02/National_Principles_for_Child_Safe_Organisations2019.pdf)

- ensuring appropriate induction upon commencement of employment or service
- providing opportunities for children to participate in decisions that affect them. Take consultations seriously by listening to what children have to say, respect their views where practicable and incorporate these views into practices
- approving activities in which staff, volunteers or visitors to the school are engaging with children in ways that are not usual day-to-day practice or described in MSSA policies. Examples include but are not limited to teachers making home or hospital visits to children, work experience or guest teaching.
- informing the MSSA Board when they become aware a mandatory report has been made
- filing a record of date and time the report was made
- filing a reference number provided by Territory Families and police.
- ensuring staff who work directly with students undertake mandatory reporting training at the start of each semester
- ensuring that staff who do not undertake training at the start of each semester, complete the training at their earliest convenience (for new staff this must be within one week of commencement)
- ensuring staff who are employed as health practitioners understand their reporting obligations under section 26 of the Care and Protection of Children Act
- conducting or organising the delivery of mandatory reporting training to staff by an appropriate person
- ensuring training participants complete the attendance acknowledgement form.
- confirming that mandatory reporting obligations have been met when an incident occurs in a school.

Families and MSSA members are responsible for:

- adhering to the Mandatory reporting of harm and exploitation of children guidelines where there is a reasonable belief that a child may have been, or is at risk of being, harmed
- discussing child safety and wellbeing issues and concerns with their child's teacher or the Principal

## Guidelines

The following guidelines explain the process for mandatory reporting of harm or exploitation of a child.

### When to report

A report must be made as soon as possible once a belief has been formed, on reasonable grounds, that a child:

- has suffered, or is likely to suffer, harm or exploitation
- aged less than 14 years has been or is likely to be a victim of a sexual offence
- aged less than 14 years is, or is likely to be, sexually active even if that child's parent is aware of the situation
- over the age of 16 years and in a special care relationship has been, or is likely to be, a victim of an offence according to the Criminal Code Act
- is exposed to domestic and family violence
- has been or is likely to be a victim of criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague.

A belief, on reasonable grounds, may be based on:

- disclosure by a child
- allegations by a third party such as a report by one child in relation to another child
- observations of physical indicators such as injuries or fear

- observations of age-inappropriate behaviours such as sexualised behaviour or talk (refer to the Sexual Behaviour in Children Guidelines)
- delays in emotional or mental development
- chronic non-school attendance.

If there is any doubt as to whether a mandatory report should be made or who it should be made to, advice and guidance is available from the 24/7 Child Protection Hotline by calling 1800 700 250.

## Who makes the report

The person (adult) who has formed the belief that child may have been or is at risk of being harmed or exploited must make the report. This is a legal requirement and ensures that the most accurate and reliable information is reported.

**All reports are confidential.** A reporter's identity will not be disclosed, confirmed or denied nor will the reporter's identity be included in documents prepared for court, except where the court orders the information to be provided.

Section 27 of the Care and Protection of Children Act<sup>21</sup> protects a person making a report from civil or criminal liability if they have done so in good faith.

## How to report

**If it is an emergency, call 000 and ask for police.**

If it is not an emergency:

- 1) Report to Territory Families by calling 1800 700 250 or completing an online report at [childprotectionreport.nt.gov.au](http://childprotectionreport.nt.gov.au).
- 2) If the matter involves the following, also make a report to police by calling 131 444 or at the local police station:
  - domestic, family or sexual violence
  - criminal or sexual offences, including sexual misconduct against a student by a co-worker or colleague.
- 3) If the matter involves a child enrolled in an early childhood education program and the incident occurred on the program site, also make a report to the Quality Education and Care Northern Territory by calling (08) 8999 3561 or emailing [qualityecnt.det@nt.gov.au](mailto:qualityecnt.det@nt.gov.au). This is a requirement under the *Education and Care Services National Uniform Legislation Act (NT)*<sup>22</sup>.

## Information to be provided when making a report

The person making the report will be asked to provide the following information to the best of their ability:

Identifying information:

- reporter's details
- child's details
- parent's details
- extended family or support network details.

<sup>21</sup><https://legislation.nt.gov.au/Legislation/CARE-AND-PROTECTION-OF-CHILDREN-ACT-2007#page=30&zoom=auto,88,249>

<sup>22</sup> <https://legislation.nt.gov.au/Legislation/EDUCATION-AND-CARE-SERVICES-NATIONAL-UNIFORM-LEGISLATION-ACT-2011>



Information about:

- what has happened to the child
- when it occurred
- where the incident happened
- who was there
- who is potentially responsible for the harm.

Type of harm:

- neglect
- emotional
- physical
- sexual
- cumulative.

The person making the report should keep a record of:

- date and time the report was made
- reference number provided by Territory Families and police.

Territory Families will use the information provided, any existing information about the family and their own enquiries to assess whether the child is in need of care and protection.

## How to respond when a child discloses

A person (adult) may form the belief that a child may have been, or is at risk of being, harmed or exploited based on disclosure by the child.

In such instances, the following response is recommended.

- 1) Actively listen to what the child is saying, allow them to speak with minimal interruption, and reassure them.
- 2) Once they have finished, ask open ended questions in order to obtain as much information as possible to make a report. This should be done in a manner that does not place any unnecessary duress on the child.
- 3) In language that is appropriate to the child's age and stage of development, let the child know that their confidentiality cannot be maintained and that a report to the relevant authority must be made. For example:

**Younger children:** "Thank you for trusting and sharing this with me. I believe you. This is very serious and my job is to talk to someone who is going to help you. We want you to be safe. You are not alone".

**Older children:** "Thank you for trusting and sharing this with me. I believe you. This is very serious. I am required to report this to someone who specialises in this area. We want you to be safe. You are not alone".

- 4) In every case, reassure the student that disclosing the matter was the right thing to do and that reporting the matter will help stop (or prevent) the harm or exploitation.

Do not undertake an investigation, including questioning other children or adults. The allegation will be investigated by Territory Families and/or police.

## Mandatory reporting training

The Department of Education has developed a presentation to assist principals and directors/managers to deliver mandatory reporting training. The presentation is available on the school policies webpage: <https://education.nt.gov.au/policies/mandatory-reporting-of-harm-and-exploitation-of-children>.

Principals and directors/managers can organise for an appropriate person to deliver the mandatory reporting training to staff on their behalf. Appropriate people may include school counsellors, school psychologists, and Territory Families and National Association for Prevention of Child abuse and Neglect (NAPCAN) staff.

## **Attachments**

Training presentation

Training attendance declaration - Principal