

# Mandatory notification procedure

This is a mandated procedure under the operational policy framework. Any edits to this procedure must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

## Overview

This procedure explains what a mandated notifier is required to do. This includes how to:

- determine that a notification to the Child Abuse Report Line (CARL) is required
- make that notification
- follow the department's requirements for documenting the notification
- support a child or young person after a notification is made.

## Scope

This procedure applies to any staff or volunteers who work for or with the Department for Education.

Our staff and volunteers must report a reasonable suspicion that a child or young person is, or might be, at risk. Reports are made to the Child Abuse Report Line (CARL). This is a legal obligation that is covered by the [Children and Young People \(Safety\) Act 2017](#) (section 30). These people are called mandated notifiers.

Separate to and out of scope of this procedure is a personal responsibility to protect and report known or suspected child sexual abuse by an employee of the department to SA Police (131 444). Failure to report to SA Police may result in a criminal offence carrying a penalty of imprisonment. The requirement to report to SA Police is a different obligation to reporting a child at risk of harm to CARL. Reporting to SA Police applies where a prescribed person knows or suspects that another person (the abuser) is an employee of the department and is, has, or is likely to sexually abuse a child. You should ensure you are familiar with this additional personal responsibility introduced into the *Criminal Law Consolidation Act* by the *Statutes Amendment (Child Sexual Abuse) Act 2021*. (See definitions section of this policy for the meaning of 'prescribed' person and 'employee' for the purposes of the *Statutes Amendment (Child Sexual Abuse) Act 2021*).



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# Detail

## Recognising indicators that a child or young person is, or may be, at risk

The types of harm are categorised as:

- emotional (or psychological) abuse
- physical abuse
- sexual abuse
- neglect.

The types of risk are categorised as:

- where a child has experienced or is likely to experience harm (that they would ordinarily be protected from)
- concerns about unborn children
- the likelihood a child or young person will be removed from the state:
  - for an unlawful medical or other procedure, including female genital mutilation
  - for a child marriage
  - to take part in criminal activity
- parents or guardians of a child or young person who are unwilling or unable to care for them, have abandoned them, or are dead
- a school-aged child or young person who has been persistently absent from school without satisfactory explanation
- a child or young person who:
  - is homeless (has no fixed address)
  - or is living somewhere unsafe (in a hazardous environment).

Using the [Responding to Risks of Harm, Abuse and Neglect – Education and Care \(RRHAN-EC\)](#) (staff login required) training will help you to understand and recognise [indicators](#) (staff login required).

Indicators help us to recognise that a child or young person:

- has been harmed,
- is at risk of harm or might be at risk.

Indicators can happen together. They might also happen in the context of concerns about a parent or carer, for example family and domestic violence.

The [concerns checklist \(PDF 134KB\)](#) should be used to keep a record of any observations of indicators. Using

the checklist improves the quality of notifications to the Child Abuse Report Line (CARL).

The Department for Child Protection (DCP) website has more examples of [indicators of harm or risk](#) which can help staff to clarify their thinking when there are concerns that a child or young person is, or might be, at risk of harm. This may include consideration of:

- what they might see or hear relating to different indicators
- developmental milestones and behaviours
- what the indicators might mean for the child or young person or the harm that might have or might be likely to occur
- other indicators that might co-occur
- any actions they can take to reduce the risk to a child or young person.

## Identifying reasonable suspicion that a child or young person is, or might be, at risk

Staff do not need proof to decide that a child or young person is or may be at risk however, there is a need for more than rumour or speculation. This is called 'reasonable suspicion'.

Whether a suspicion is 'reasonable' will depend on the information and how they came to that information.

Staff should think about:

- On the information available, does the notifier have a suspicion that something might happen or might have already happened?
- Is it reasonable to rely on the information that caused the suspicion?

A suspicion on reasonable grounds might be formed (but is not limited to) occasions when:

- A child tells you they were harmed.
- What you observe or know about a particular child's behaviour makes you suspect they are at risk.
- A child tells you they know someone who was harmed.
- Someone who is in a position to provide reliable information tells you about harm to a child. This might be a relative, friend, neighbour or sibling or someone who has witnessed something of concern.

## Responding when a child or young person is, or might be, at risk

### The way staff respond makes a difference

Sometimes, children and young people will share personal information at school, preschool, at their service, or ask for help with things happening outside of school. The way we respond in these situations is very

important. It can make a big difference to the long-term safety and wellbeing of the child or young person.

When listening to the child or young person, keep these points in mind:

- Remember that they might be experiencing a range of emotions.
- Control your own reactions.
- Believe what they tell you.
- Use the child's own vocabulary.
- Tell them they haven't done anything wrong.
- Reassure them that telling you is the right thing.
- Tell them you will do your best to support them, but do not make promises you might not be able to keep.
- Explain to them that you need to tell someone who can help.
- Use open questions. It's the best way to support them in any situation when personal information is shared or sought.

## Use open questions

Open questions invite information and allow the child or young person to say only what they want to say. Open questions keep the conversation open and are rarely answered by a 'yes' or 'no'. The role of a mandated notifier is to understand what happened. It's not to investigate.

### Examples of open questions

- How did it happen?
- What happened?
- Who was there?
- How did it make you feel?
- How often does it happen?

## Do not use leading questions

Leading questions can be confusing. They can make a child or young person think they're meant to feel or answer in a particular way. Leading questions can usually be answered by a 'yes' or 'no'.

Some examples to avoid are:

- Did they hit you?
- Did that make you feel scared?
- Did mum or dad leave you by yourself again?
- I bet that made you cry.

[DCP](#) has further resources on how to respond to a child or young person who is, or might be, at risk.

## Reporting a suspicion that a child or young person is, or might be, at risk

It is important to report to CARL (13 14 78) as soon as possible and not delay as you may put the child at further risk.

If it is an emergency call 000 first.

### Working with the site leader

Mandatory notifiers in education and early childhood services are strongly encouraged to discuss a notification with their site leader.

In this procedure a site leader includes:

- Principal
- Preschool Director
- Children's Centre Director/Manager
- OSHC Director
- Family day care scheme managers and Respite care program manager

However you should not delay reporting if the site leader is not available as you may put the child at further risk. Working with the site leader:

- Helps the site leader keep an overview of concerns about a child or young person's wellbeing.
- Allows the site leader to contribute more information they might have about the child or young person. This can improve the quality of a mandatory report for the Child Abuse Report Line.
- Helps make sure the best support is in place for the child or young person. This is particularly helpful if you think the child or young person's parent or carer will have a strong reaction.
- Assists sites when they need to coordinate information with child protection staff.

Working with the site leader also helps the site meet its duty of care to:

- the child or young person
- other members of the site's community.

The site leader can:

- help make sure the [notifications checklist \(PDF 201KB\)](#) has been completed
- support a notification to be made.

It is **not** the site leader's role to:

- make the notification on your behalf or

- stop a notification from being made.

Once a report has been made by the person who has formed a reasonable suspicion, the site leader will support the notifier to complete the mandatory notification record. Refer to [documenting notifications](#).

If the notification is about the misconduct of an employee or volunteer

The site leader must:

- notify their Education Director or supervisor
- lodge a notifiable incident report using the [Incident Response Management System \(IRMS\)](#) (staff login required) and record the notification by selecting “mandatory notification” under the site actions tab in the incident report
- contact the intake and assessment officer, Incident Management directorate for advice.

## If the site leader is the subject of the suspicion

If the site leader is the subject of the suspicion, the site leader’s Education Director or supervisor should be informed. They can help complete the mandatory notification record and store this securely.

## Getting ready to report

Once someone has formed a reasonable suspicion, the following will assist with getting ready to make a notification:

- complete the [concerns checklist \(PDF 134KB\)](#) which confirms the suspicion
- refer to DCP’s [webpages](#) for guidance and complete the [notifications checklist \(PDF 201KB\)](#)
- discuss with the site leader, where appropriate.

Provide as much information as possible to CARL. This helps them to make a higher quality assessment of the child or young person's circumstances.

## Making a report

A report can be made by:

- calling [CARL](#) on 131 478 or
- making an [online notification – select eCARL](#) (staff login required).

If eCARL is used, the notifier might be told to make a call to CARL.

There are some situations an eCARL can’t be used.

eCARL should **not** be used when:

- there is reasonable suspicion a child or young person has experienced or is at immediate risk of:
  - serious harm
  - serious injury



- chronic neglect.
- there is reasonable suspicion of a risk for a child or young person in care (under guardianship of the Chief Executive of the Department for Child Protection).

When you have made a notification, you might later learn new information that is relevant. If this happens, you can contact CARL again and add the information to the existing notification.

## Reporting child sexual abuse to SA Police

Separate to the mandatory reporting processes outlined in this procedure it is important to understand and act on your personal responsibility to report known or suspected child sexual abuse in certain circumstances to SA Police on 131 444. Failure to do so is an offence introduced into the *Criminal Law Consolidation Act* by the *Statutes Amendment (Child Sexual Abuse) Act 2021*.

Under this legislation, a prescribed person is guilty of an offence if they fail to report to SA Police that they know or suspect another person (the abuser) is an employee of the department and is, has, or is likely to sexually abuse a child.

The requirement to report to police is a different obligation to reporting a child at risk of harm of sexual abuse to DCP ([CARL](#)), which still needs to occur. The requirement is focused on reporting the actions of a suspected offender. It includes any suspicion you may have about behaviour outside the workplace and outside of work hours. You do not need to know the identity of the child or young person.

See the definitions section of this policy for the meaning of 'prescribed' person and 'employee' for the purposes of the *Statutes Amendment (Child Sexual Abuse) Act 2021*.

Information in all other sections of this procedure only relate to your mandatory reporting obligations as a mandated notifier under the [Children and Young People \(Safety\) Act 2017](#).

## Confidentiality of mandatory notifiers identity

Staff are not ordinarily obliged to answer questions from parents about notifications that they have made. This should be discussed with a site leader.

The [Children and Young People \(Safety\) Act 2017](#) requires CARL and DCP to keep a notifier's identity confidential unless:

- they give consent to being identified
- the Chief Executive of DCP requires it to be disclosed
- it is necessary to prevent harm being caused to the child or young person.

A mandatory notifier's identity can sometimes also be disclosed if it is necessary to be given as evidence in court proceedings. This only happens if the court decides that it is critical to the proceedings.

Any person who learns that someone else has made a report must also keep this information confidential. For example, a site leader must not disclose that a teacher has made a notification.

Mandatory notifiers can provide information to CARL anonymously however it helps the assessment of the child or young person's circumstances to identify as a mandatory notifier by name and professional role.

It also allows for:

- context to be provided to the notification
- follow up if DCP needs further information or to provide feedback.

## Documenting notifications

Every time a notification is made a [mandatory notification record \(DOCX 813KB\)](#) must be completed. This includes when it is done by phone or eCARL. This should be completed with the site leader (if they are not the subject of the notification). The mandatory notification record must be securely stored on site.

## Storing mandatory notification records

Once a report is completed:

- put it in a file called 'Mandatory notifications'
- store it securely in locked storage in the site leader's office. If required, it can be stored with the Education Director/leader's supervisor. Family Day Care educators and respite carers are required to securely store mandatory notification records on their premises.

Copies **must not**:

- be stored electronically
- must not be placed in a child or young person's preschool or school file.

The mandatory notification record is a long-term record and must be retained for the lifetime of the student (105 years from birth). Disposal of this record will require approval from the Information Management Consultant, Information Management (formerly Records Management Unit).

See [storage, disposal and destruction of official records](#) (staff login required) for more information.

## Students who move to another site

When a child or young person moves to a new site, the new site needs to know all relevant information. The current site leader should photocopy any relevant mandatory notification records and send them to the new site leader once the child's or young person's enrolment is confirmed. In line with the above requirements the current site will not destroy any records.

The copy of the mandatory notification records must **not** be enclosed with the student record folder.

It must be:

- sent in a sealed envelope
- marked 'strictly confidential'
- include a confirmation of receipt reply slip for the receiving site leader to sign.
- return confirmation of receipt to the old site leader

The receiving site leader must securely store this copy with their site's mandatory notification records.

## Freedom of Information requests and court subpoenas

The department's Information Release team might request information from a site. This may relate to a Freedom of Information request about mandatory notification documentation. If this happens, you should refer to the [freedom of information and proactive disclosure procedure \(PDF 215KB\)](#) (staff login required).

Sites must:

- provide all discovered documents to the relevant executive, by the required date
- advise Information Release Officers about the content of discovered documents
- raise any concerns about the sensitivity or confidentiality of certain documents with Information Release Officers.

The identity of the notifier will not be disclosed. It will be removed from any documentation that is released. Refer to [confidentiality of your identity](#). There are 2 exceptions to this:

- the notifier gives consent for their identity to remain in the document
- it is required by the Chief Executive of DCP.

A court might also grant permission for the information to be presented if it is of critical importance.

## Providing support to a child or young person

Making a notification does not extinguish the duty of care that the department has for the child or young person. Education and early childhood services staff have a role in providing ongoing support to children and young people who have experienced harm or who are, or might be, at risk.

Education and early childhood services staff, with support from leadership are expected to

- continue to monitor a child and young person's behaviour for further indicators,
- provide support to remain engaged in learning
- within their role support the family to maintain the wellbeing of the child or young person, where possible.

DCP has a [resource](#) on possible support options for a child and their family.

If there are further suspicions that a child or young person is, or might be, at risk of harm, information can be added to the notification by again contacting CARL.

## Actions taken after a notification is made

### Assessment by the Child Abuse Report Line (CARL)

After receiving and assessing a notification, CARL will decide whether the information meets the threshold and requires a DCP intervention.

The assessment is based on:

- the immediate safety of the child
- the alleged harm
- the alleged abusive incident or neglectful conditions
- the likely risk of future harm
- the age and vulnerability of the child or young person
- the behaviour or characteristics of the parent or caregiver
- the capacity of the of the parent or caregiver to protect the child from harm
- the access the alleged perpetrator has to the child or young person.

## What the Department for Child Protection is required to do

Under the [Children and Young People \(Safety\) Act 2017](#) DCP must assess all notifications and either:

- investigate further
- refer on
- decline to take further action.

DCP might decide that the needs of the child or young person can be best met by another State authority. DCP can refer the matter to that State authority. The department is a State authority and may receive referrals where it is best placed to support a child or young person. The department's responsibility as a State authority and how it manages referrals is outlined on the department [intranet](#) (staff login required).

## Getting information about the outcome of a notification

Mandated notifiers can ask how their notification is recorded by CARL. This might be as 'child protection' or some other category, such as a 'notifier concern'.

If a report is referred to a DCP office, a mandated notifier can request more feedback on the actions DCP intends to take. However, that is provided at the discretion of the DCP office.

This mostly depends on:

- the ongoing role of the notifier with the child or young person
- if the information will help to support the child or young person and keep them safe from harm.

# Roles and responsibilities

## Corporate leaders

Support the department's commitment to safeguarding children and young people in education and early childhood services by:

- ensuring mandatory reporting training programs are provided and staff comply with their

requirements to attend training

- supporting education directors, site leaders and employees of the department to meet their obligations as mandated notifiers.

## Senior Advisor Child Protection (or delegate)

Provide advice and support to site leaders and educators regarding their responsibilities to safeguard all children and young people including through mandatory notification.

## Education directors and delegates

Monitor adherence to requirements for mandated training and record keeping.

Ensure sites are aware of and adhere to this procedure and support the department's commitment to safeguarding children and young people.

Respond to any concerns raised regarding conduct of adults or volunteers within education and early childhood services in line with appropriate processes.

Support education and early childhood service leaders to safeguard children and young people from harm where there are factors inhibiting their capacity to do so.

## Education and early childhood service leaders

Verify that staff and volunteers receive the appropriate RRHAN-EC training for their role to allow them to understand their obligations as a mandatory notifier.

Appropriately record RRHAN-EC training completion on the HR system.

Provide support and guidance when indicators that a child or young person is or may be at risk are identified.

Provide support to staff to meet their obligations as a mandated notifier to make a report if necessary.

Oversee the completion of appropriate documentation and storage including the notification checklist and mandatory notification report.

Monitor the conduct of all staff, volunteers, parents and third-party providers whilst working with children and young people to maintain their safety.

## Staff and volunteers

Must have a current RRHAN-EC certificate whilst working or volunteering in the department and ensure they:

- understand their obligations as a mandated notifier
- be able to recognise and respond, if they see indicators that a child or young person is or may be at risk
- talk with the site leader and make appropriate reports as necessary.

# Definitions

## at risk

The legal definition of 'at risk' is in the [Children and Young People \(Safety\) Act 2017](#) (section 18(1).) In brief, the types of risk covered by the Act include:

- where a child has experienced or is likely to experience harm (that they would ordinarily be protected from)
- concerns about unborn children
- the likelihood a child or young person will be removed from the state:
  - for an unlawful medical or other procedure, including female genital mutilation
  - for a child marriage
  - to take part in criminal activity
- parents or guardians of a child or young person who are unwilling or unable to care for them, have abandoned them, or are dead
- a school-aged child or young person who has been persistently absent from school without satisfactory explanation
- a child or young person who:
  - is homeless (has no fixed address)
  - or is living somewhere unsafe (in a hazardous environment).

## child abuse and neglect

The World Health Organisation defines child abuse and neglect which occurs to children or young people under 18 years of age as follows:

'It includes all types of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and commercial or other exploitation, which results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.'

Child abuse and neglect also includes children and young people witnessing domestic and family violence, which comes under the category of emotional abuse in South Australia.

The [Children and Young People \(Safety\) Act 2017](#) defines 'harm' (see below) and 'at risk' (see above).

## children and young people

The legal definition as applies to mandatory reporting is a person under the age of 18. However, staff and volunteers should be aware of responsibilities to all students in departmental education or early childhood service settings, including those that may be over 18 (and particularly where there are developmental

vulnerabilities).

## children and young people in care

Where a child or young person is the subject of a custody or guardianship order under the [Children and Young People \(Safety\) Act 2017](#).

This includes the following care arrangements:

- where a child or young person is under the custody or guardianship of the Chief Executive of the Department for Child Protection
- where there is an order granting a specified person care of a child (previously referred to as Other Person Guardianship)
- voluntary custody agreements
- unaccompanied refugee minors under the *Immigration (Guardianship of Children) Act 1946* (Cth) with guardianship delegated from the Minister for Home Affairs to the Chief Executive of the Department for Child Protection.

## child protection

Child protection is a broad term used to describe efforts that aim to keep children and young people safe from harm.

UNICEF Australia defines it as the programs, measures and structures to prevent and respond to abuse, exploitation, neglect and violence affecting children and young people in all sectors, contexts and environments. Examples of child protection systems in the education context include mandatory reporting and information sharing.

The Department for Child Protection (DCP) is a statutory child protection service.

Statutory child protection services may not have the legal authority to intervene, in particular ways until risks are beyond a given threshold.

## corporate leader

Anyone in a leadership role who is not providing site leadership in a school or early childhood site but can include those based within an education office.

## harm

The [Children and Young People \(Safety\) Act 2017](#) defines harm as:

- physical harm or psychological harm (whether caused by an act or omission)
- harm caused by sexual, physical, mental or emotional abuse or neglect.

## prescribed person and employee (as defined under the Statutes Amendment (Child Sexual Abuse) Act 2021)

A prescribed person under this Act means an adult who is an employee of an institution which includes a person who is self-employed who carries out work for the institution or a person who carries out work under a contract of services for the institution or a person who undertakes practical training with the institution or carries out work as a volunteer for an institution. Within the meaning of this Act an employee therefore includes (but is not limited to) a principal, teacher, SSO, ASEO, ECW, grounds person, student teacher, contractor who does work for the department, Governing Council employee, OSHC employee and Family Day Care operator. It also includes a volunteer such as a Governing Council member or parent volunteer.

## reasonable suspicion

A suspicion is a state of mind. It is different from knowledge or belief. It requires more than a guess but does not need to be sufficient to form a belief as to the existence of an event or circumstance. There does not need to be proof that a CYP is, or may be, at risk. However, there needs to be a factual basis for the suspicion.

## safeguarding or child safe

Concepts that are necessary for and contribute to creating safe environments for children and young people are interchangeably referred to as safeguarding or child safe. The [Children and Young People Safety \(Act\) 2017](#) recognises that it is everyone's duty to safeguard children and young people in our state.

These include creating inclusive and welcoming environments, action taken to promote the wellbeing of children and protect them from harm, enabling children and young people to participate in decisions that affect them, cultural safety, promoting equity and respect for diversity, and having child protection systems.

## staff

Employees, professional service providers, other paid education and care participants at department education and early childhood services (through contracts and agreements), including family day care educators and respite care program care providers, students on traineeships and tertiary students on placement.

## volunteers

A suitable individual who has been accepted to willingly engage, share their skills and experiences, without payment (other than reimbursement of approved out-of-pocket expenses). This might include regular or irregular assistance and direct or indirect contact with children and young people.

Volunteers work in a position designated by the education or early childhood leader as a volunteer position. They could be a department volunteer, parent volunteer or third-party provider (including Homestay providers). Refer to the [volunteer policy \(PDF 196KB\)](#) for further detail.



# Supporting information

[Concerns checklist \(PDF 134KB\)](#)

[Mandatory notification record \(DOCX 813KB\)](#)

[Notifications checklist \(PDF 201KB\)](#)

[Responding to risks of harm abuse and neglect – education and care \(RRHAN-EC\) training \(staff login required\)](#)

## Related legislation

[Child Safety \(Prohibited Persons\) Act 2016 \(SA\)](#)

[Children and Young People \(Safety\) Act 2017 \(SA\)](#)

[Education and Children’s Services Act 2019 \(SA\)](#)

[Statutes Amendment \(Child Sexual Abuse\) Act 2021 \(SA\)](#)

## Related policies

[Attendance policy \(PDF 242KB\)](#)

[Children and students with disability policy \(PDF 195KB\)](#)

[Department of the Premier and Cabinet Information Sharing Guidelines](#)

[Freedom of information and proactive disclosure procedure \(PDF 215KB\) \(staff login required\)](#)

[Information sharing guidelines for promoting safety and wellbeing procedure \(PDF 387KB\)](#)

[Managing allegations of sexual misconduct guidelines \(PDF 946KB\)](#)

[Non-education service providers in preschools, schools and educational programs procedure \(PDF 188KB\)](#)

[Protective practices for staff in their interactions with children and young people in care \(PDF 3.2MB\)](#)

[Safeguarding children and young people policy \(PDF 246KB\)](#)

[Screening and suitability – child safety policy \(PDF 217KB\)](#)

[Sexual behaviour in children and young people guideline \(PDF 1.26MB\)](#)

[Student Support Services delivery model \(PDF 1.59MB\) \(staff login required\)](#)

[Volunteer policy \(PDF 196KB\)](#)

## Record history

Published date: May 2024

# Approvals

OP number: 309

File number: DE22/03608

Status: approved

Version: 1.3

Policy Officer: Policy Officer, Engagement and Wellbeing

Policy sponsor: Director, Engagement and Wellbeing

Responsible Executive Director: Executive Director, Support and Inclusion

Approved by: Director, Engagement and Wellbeing

Approved date: 14 May 2024

Next review date: 14 May 2027

## Revision record

Version: 1.3

Approved by: Director, Engagement and Wellbeing

Approved date: 14 May 2024

Review date: 14 May 2027

Amendment(s): Updated to remove reference to the Mandatory Notification Guide and links to Department for Child Protection webpages.

Version: 1.2

Approved by: Director, Engagement and Wellbeing

Approved date: 8 December 2023

Review date: 8 December 2026

Amendment(s): Updated advice regarding general disposal schedule of the mandatory notification record.

Version: 1.1

Approved by: Director, Engagement and Wellbeing

Approved date: 13 December 2022

Review date: 13 December 2025

Amendment(s): Clarified information for family day care educators and respite care providers.

Version: 1.0

Approved by: Director, Engagement and Wellbeing

Approved date: 4 August 2022

Review date: 4 August 2025

Amendment(s): New procedure.

# Contact

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