



Child Safe Reporting Policy

Policy 4.32 Child Safe Reporting

5 August 2025

Purpose

This policy outlines Birrang Enterprise Development Company Ltd's commitment to identifying, responding to, and reporting any concerns related to the safety, welfare, and wellbeing of children and young people. It provides a clear and robust framework for internal and external reporting, ensuring that all concerns are managed promptly, confidentially, and in compliance with NSW legislation and the Reportable Conduct Scheme. Birrang is committed to:

- Acting without hesitation on any report or suspicion of harm
- Embedding trauma-informed, child-centred practices in all responses
- Protecting reporters from retaliation and supporting them through the process
- Meeting all legal obligations to report and respond to risk and harm

Scope

This policy applies to everyone connected to Birrang, including:

- Children and young people
- Parents, carers, and family members
- Birrang staff, Board Members, volunteers, and contractors
- Partner agencies and the broader community

Definitions of Harm and Abuse

General definitions

- **Physical Abuse:** Physical force likely to cause harm (e.g., hitting, shaking, kicking)
- **Sexual Abuse:** Involves sexual acts or exploitation, including grooming and exposure to sexual content
- **Emotional Abuse:** Persistent verbal abuse, rejection, threats, or coercion
- **Neglect:** Failing to provide food, shelter, medical care, or supervision
- **Grooming:** Manipulating a child (or their carer) to build trust and enable abuse
- **Misconduct:** Breaches of the Child Safe Code of Conduct, even if not criminal
- **Reportable Conduct:** Conduct defined under the Children's Guardian Act 2019 including sexual misconduct, ill-treatment, psychological harm, and assault

Reportable conduct definitions

[Children's Guardian Act 2019](#) defines reportable conduct as:

- a sexual offence
- sexual misconduct
- ill-treatment of a child
- neglect of a child
- an assault against a child
- an offence under s 43B (failure to protect) or s 316A (failure to report) of the Crimes Act 1900
- behaviour that causes significant emotional or psychological harm to a child.

The definitions of harm and abuse listed below are based on those in [part 4, section 20](#) of the *Children's Guardian Act 2019*.

Sexual offence

A sexual offence is an offence of a sexual nature under a law of NSW, another state/territory, or the Commonwealth committed against, with or in the presence of a child, such as:

- sexual touching of a child
- a child grooming offence
- production, dissemination or possession of child abuse material.

An alleged sexual offence does not have to be the subject of criminal investigation or charges for it to be categorised as a reportable allegation of a sexual offence.

Sexual misconduct

Sexual misconduct of a child means any conduct with, towards or in the presence of a child that is sexual in nature (but is not a sexual offence). The following are examples of sexual misconduct:

- descriptions of sexual acts without a legitimate reason to provide the descriptions
- sexual comments, conversations or communications
- comments to a child that express a desire to act in a sexual manner towards the child, or another child.

Ill-treatment

Ill treatment of a child means conduct towards a child that is:

- unreasonable, and
- seriously inappropriate, improper, inhumane or cruel.

Ill-treatment can include a range of conduct such as making excessive or degrading demands of a child; a pattern of hostile or degrading comments or behaviour towards a child; and using inappropriate forms of behaviour management towards a child.

Neglect

Neglect of a child means a significant failure to provide adequate and proper food, supervision, nursing, clothing, medical aid or lodging for the child that causes or is likely to cause harm to the child, by:

- a person with parental responsibility for the child
- an authorised carer or an employee if the child is in the employee's care.

Neglect can be an ongoing situation of repeated failure by a caregiver to meet a child's physical or psychological needs, or a single significant incident where a caregiver fails to fulfil a duty or obligation, resulting in actual harm to a child or where there is the potential for significant harm to a child.

Examples of neglect include failing to protect a child from abuse or exposing a child to a harmful environment.

Assault

An assault can occur when a person intentionally or recklessly:

- applies physical force against a child without lawful justification or excuse - such as hitting, striking, kicking, punching or dragging a child, or
- causes a child to apprehend the immediate and unlawful use of physical force against them, such as threatening to physically harm a child through words and/or gestures.

Behaviour that causes emotional or psychological harm to a child

Behaviour that causes significant psychological or emotional harm is conduct that is intentional or reckless (without reasonable excuse), obviously or very clearly unreasonable and which results in significant emotional harm or trauma to a child.

For a reportable allegation involving psychological harm, the following elements must be present:

- an obviously or very clearly unreasonable or serious act or series of acts that the employee knew or ought to have known was unacceptable, and
- evidence of psychological harm to the child that is more than transient, including displaying patterns of 'out of character behaviour', regression in behaviour, distress, anxiety, physical symptoms or self-harm, and
- an alleged causal link between the employee's conduct and the significant emotional or psychological harm to the child.

Our Child Safe Code of Conduct provides a list of unacceptable behaviours around children and young people that breach our Child Safe Code of Conduct.

Many of these behaviours may not meet the threshold of 'reportable allegations' under the Reportable Conduct Scheme but may indicate a pattern of concerning behaviour.

What Must Be Reported

All staff, volunteers, and community members must report:

- Criminal conduct involving or affecting a child
- Disclosures or reasonable suspicions of child abuse
- Risk of Significant Harm (ROSH)
- Breaches of the Child Safe Code of Conduct
- Reportable allegations and convictions under the Children's Guardian Act 2019

Who Can Make a Report

Any person can report a concern. This includes:

- Children and young people themselves
- Family members, carers, or advocates
- Staff and volunteers
- External professionals or community members

No one will face retaliation for making a report in good faith.

Adults may commit a criminal offence if they fail to report to police when they know, believe, or reasonably should believe that a child abuse offence has been committed against another person. In addition, it can be a criminal offence for people employed in an organisation that provides child-related services if they fail to reduce or remove the risk of a child becoming a victim of child abuse.

Mandatory Reporting

Mandatory reporting is the requirement by law for selected classes of people to report suspected child abuse and neglect to government authorities. In NSW, mandatory reporting is regulated by the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the Care Act).

Mandatory reporters are people who deliver the following services, wholly or partly, to children as part of their paid or professional work:

- Health care (e.g. registered medical practitioners, specialists, general practice nurses, midwives, occupational therapists, speech therapists, psychologists, dentists and other allied health professionals working in sole practice or in public or private health practices)
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers)
- Education (e.g. teachers, counsellors, principals)
- Children's services (e.g. childcare workers, family day carers and home-based carers)
- Residential services (e.g. refuge workers)
- Law enforcement (e.g. police)

The [NSW Mandatory Reporter Guide](#) lists concerns that are reportable for Mandatory Reporters.

The [NSW Mandatory Reporter Guide \(MRG\)](#) is designed to guide you through the process of mandatory reporting.

Mandatory Reporters within Birrang

All employees, volunteers, and contractors engaged by Birrang are considered mandatory reporters under the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*. This means they are legally required to report any reasonable suspicion that a child or young person is at risk of significant harm.

In addition, children and young people, their families or advocates and members of the community who may interact with our services are encouraged to disclose and report to our organisation and will be supported when doing so.

Confidentiality and Reporter Protections

To support a safe culture of reporting, Birrang ensures:

- **Anonymous reporting options** (where appropriate)
- **Strict confidentiality protocols**
- **Protection against reprisals** for all reporters acting in good faith
- Clear access to **external reporting avenues**, including:
 - NSW Police (131 444)
 - Department of Communities and Justice (132 111)
 - Office of the Children's Guardian

External Reporting Responsibilities

Reporting criminal conduct to the police

It is of the utmost importance that criminal allegations be reported to police at the earliest opportunity and that entities obtain guidance from police before taking any action that could compromise a criminal response.

Sometimes, it will be very clear that a report to police is required. For example, if you receive a report about sexual assault of a child, or a serious physical assault. At other times, it may be less clear. The NSWPF encourages all matters to be reported. It is critical that criminal allegations be reported immediately to police, as taking risk management action or commencing investigative steps before consulting with police may jeopardise a police investigation.

It is important to note that some failures to report criminal allegations to police will constitute a criminal offence. For example, s316A of the Crimes Act 1900 sets out an offence for concealing child abuse in relation to a failure to report a child abuse offence to Police. A failure to report allegations of criminal abuse of a child may also constitute reportable conduct in some circumstances.

Contact NSW Police on 02 6363 6399 for anything you consider could be a criminal offence. This includes sexual assault, physical assault, grooming offences, and producing, disseminating or possessing child abuse material.

For general enquiries, please contact NSW Police on 131 444.

For more information on concurrent investigations, consult the OCG website for our resource, 'Reportable conduct investigations and the NSW Police Force'.

Reporting risk of significant harm (ROSH)

Any person in the community who has reasonable grounds to believe that a child or young person is at risk of significant harm (ROSH) can report to the Department of Communities and Justice (DCJ) on 132 111 (this is a 24-hour service).

Definitions of ROSH are set out in the [legislation](#) or on p.46 of the [OCG's Reporting Obligations and Processes handbook](#).

Mandatory reporters can also make an eReport through the [ChildStory Reporter Community](#) if they have reasonable grounds to suspect ROSH for a child.

Reportable allegations and reportable convictions under the Reportable Conduct Scheme

The Reportable Conduct Scheme is an allegation-based scheme. The threshold for making a notification to the Office of the Children's Guardian is that a reportable allegation has been made.

A reportable allegation is an allegation that an employee has engaged in conduct that may be reportable conduct or that the employee is the subject of a conviction that is considered a reportable conviction.

Reportable Conduct includes sexual offences, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, failure to protect a child or failure to report if a child has been harmed, as well as any behaviour that causes significant psychological harm to a child (see full definitions of reportable conduct above).

Reportable allegations and reportable convictions must be reported to the Office of the Children's Guardian (OCG) within 7 days of the Head of Relevant Entity becoming aware of them.

This can be done using Birrang's Child Related Incident Report [Form](#)

Internal Reporting Procedure

For Staff and Volunteers:

- Report immediately to the Chief Executive Officer (CEO) or Program Manager
- Complete the Child Safe Reporting Form

Internal reporting by children and young people or their families or advocates, and other members of the community:

- Raise concerns directly with a trusted Birrang team member
- Anonymous concerns may be submitted to the CEO by phone, email or mail.
 - Mail: Care of the CEO, PO BOX 8153 Orange NSW 2800
 - Email: Care of the CEO, tim.smith@birrang.com.au
 - Phone: Dial 02 6361 9511 and request to speak with the CEO without disclosing your personal information.

Child safeguarding officers in our organisation

- **Timothy Smith** (Chief Executive Officer): Ph: 0419 132 347 Email: tim.smith@birrang.com.au
- **Shannen White** (Team Lead – Support Coordination): Ph: 0427 352 049 Email: support@birrang.com.au
- **Adrian Whan** (Supports and Services Manager): Ph 0438 794 092 Email: ndis@birrang.com.au

Responding to a Complaint or Allegation

Upon receiving a report, Birrang will:

1. Ensure the immediate safety of the child or young person
2. Record all relevant information factually and clearly
3. Assess and fulfil mandatory reporting obligations
4. Conduct an internal investigation (if applicable) while maintaining procedural fairness
5. Offer continued support to the child or young person involved
6. Review the incident to identify risks and improve policy or practice

Risk Management Following a Report

The CEO or delegate will:

- Complete a formal risk assessment
- Ensure protective actions are taken (e.g. separating alleged perpetrator from the child)
- Avoid actions that may compromise external investigations

Procedural Fairness, Privacy and Confidentiality

Any allegation of abuse must be treated in a fair, transparent and timely manner.

Workers subject to an allegation will be notified when a disciplinary hearing is to take place and what will occur at the hearing. We follow the obligations defined under the Privacy Act 1988 (Commonwealth).

Any relevant reportable conduct investigations are conducted with the OCG's Reportable Conduct Directorate. Additionally:

- all information is recorded on our Report Form.
- all report forms are stored securely and only accessed by those in the organisation with responsibility for oversight of the investigation
- information may be exchanged under Chapter 16A of the *Child and Young Persons (Care and Protection) Act 1998*, with other agencies who have responsibilities relating to the safety, welfare or wellbeing of children or young people
- our organisation maintains the privacy of those involved in accordance with our obligations under the *Privacy and Personal Information Protection Act 1998*
- if an incident is found to be substantiated, likely outcomes or responses will be determined from advice given by relevant authorities (police, DCJ or OCG).

Related Legislation and Standards

- Children's Guardian Act 2019
- Child and Young Persons (Care and Protection) Act 1998
- Crimes Act 1900
- Privacy Act 1988 (Cth)
- Privacy and Personal Information Protection Act 1998 (NSW)
- NDIS Quality and Safeguards Framework (where applicable)

Communicating This Policy

To ensure all stakeholders understand their rights and responsibilities under this policy, Birrang will:

- Provide training and induction on reporting responsibilities
- Display child safe reporting procedures in all service locations and on our website
- Share age-appropriate and accessible resources with children and families
- Conduct regular refresher training for staff and volunteers

Policy Review and Continuous Improvement

Birrang is committed to maintaining the highest standards of child safety through regular review and continuous improvement of this policy. The policy will be formally reviewed:

- Annually, to ensure ongoing relevance and effectiveness;
- Following any critical incident or investigation, to incorporate lessons learned;
- In response to changes in legislation, regulatory requirements, or community expectations; and
- **With genuine input from children and young people**, where appropriate, to ensure their voices inform our practices.