

LEARNER GUIDE

Unit 14 – Mandatory Reporting



RSAS Training Strategy Project 2018

Remote School Attendance Strategy (RSAS)



Dear colleague

Welcome to the NESA Remote School Attendance Strategy Training Project. We recognise the importance of the role that you are doing and we are committed to supporting you throughout this role with a range of training offerings.

We appreciate the positive impact of your role within your local community and the opportunities you create every day by supporting Aboriginal and Torres Strait Islander students to engage in school. We also understand that your role will be both rewarding and challenging, and we are confident that the training we are offering will assist you further in your role.

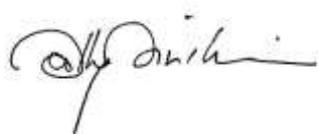
NESA's RSAS Training Strategy Project will involve a blended training approach that includes the following:

- Face-to-face forums with each forum running for three days in your local community.
- Online training that will offer short courses that you are able to select.
- Individual coaching and mentoring throughout your training.
- The option to complete accredited units that will count towards a formal qualification.

Our team are here to support you and we are available if you have any questions about this programme or the training you are completing. Our office number is (02) 9119 3090 and our email address is rsas@nesa.com.au. We are available Monday – Friday between 9.00-5.00pm (Sydney time) - please feel free to give us a call or drop us a line; we are more than happy to discuss any questions you may have.

We wish you all the best in this important role and we look forward to working with you throughout this project.

Yours sincerely



Sally Sinclair

CEO

Proactive Support

Objective

This unit explores the sensitive subject of mandatory reporting and the legal requirement that RSAS workers will need to understand in completing their role. This unit will explore the different scenarios where mandatory reporting would apply, and how legal requirements differ across states.

Learning outcomes

By the end of the unit, participants will be able to:

- Understand the legal requirements of mandatory reporting relevant to their state;
- Understand the meaning of mandatory reporting; and
- Understand the responsibilities of a mandatory reporter.

What is Mandatory Reporting?

Child abuse and neglect is one of Australia's most significant social problems. Last year, over 35,000 Australian children were proven to have been abused or neglected. These children come from a range of backgrounds - and a lot of them come from our communities.

Because it is such a big problem across Australia, the government has taken action to keep children safe. There are agencies in each state responsible for child safety, and they have made it the law that people who work with kids are required to report abuse.

“Mandatory Reporting” is another way of saying that it is the law to report child abuse or suspected child abuse to the agency responsible for child safety in your state or territory.

About Child Abuse

The term 'child abuse' includes:

- **Physical abuse** is a deliberate aggressive acts towards a child that will harm them, including hard slapping, shaking, punching, kicking etc.
- **Psychological abuse** including rejecting, ignoring, using abusive language to them, terrorizing or not providing emotional support and care. This might include such things as threatening to kill them, locking them up etc.
- **Sexual abuse which is** any sexual activity between a child and an adult or older person.

- **Neglect** which means a failure to provide for a child's basic needs. These needs include food, shelter, clothing, supervision, medical attention etc. Starving a kid, locking them out of the house or not taking them to the doctor when they are injured are some examples of neglect.
- **Exposure to Family Violence** which includes a child being present while a parent or brother or sister is subjected to physical, sexual or psychological abuse.

When a child is abused, it usually includes a combination of these things. It is important to note that except for sexual abuse (where all suspicions must be reported), it is only cases of significant abuse and neglect that must be reported.

Kyle's Story: An Example of Child Abuse

Kyle's mother never wanted him. She had been raped by an uncle. She told Kyle he reminded her of how she got him and she hated him from the time he was born. Her parents covered up the rape and forced her to keep Kyle. When he was 18 months old, his mother threw him against a wall and tried to kill him. He was in hospital for nearly three months. The court put his mother on a good behavior bond and sent him back home to live with her and her parents.

Kyle's mother got married when he was four and she had some other children. She didn't want Kyle with her new family but his grandparents would not keep him. Kyle's mother fed him but he never got presents like the other kids. His mother constantly swore at him and called him names. Once she hit him so hard on his ear that it burst his ear drum. He was in so much pain, he cried every night. When his mother finally took him to the doctor she said it was only because his crying was keeping the other kids awake. She told him to tell the doctor that he hurt himself in a fight or otherwise he'd be in real strife.

Kyle didn't know he was being abused and nobody ever tried to help him. Even the lady next door who had been kind to him stopped giving him clothes and toys from her older boys when his mother went over and yelled at her, and told her to mind her own business. He learnt not to complain, because if he did he'd be told he was ungrateful and he'd be locked out of the house to teach him a lesson. Then he'd have to sleep outside with the dog's blanket wrapped around him until his mother and step-father let him back in again.

When he was 15 years old Kyle joined a gang. All the kids in the gang had problems at home and they all stuck with each other. Kyle preferred to be with them than go to school or go home. He stopped going to school and hardly ever went home but slept over with whoever he was with at the time. His mother didn't seem to care and he felt a lot happier. But some of his mates had drug problems and one night they asked him to help them rob a petrol station to get money for drugs.

They gave him a shotgun and it was his job to hold the shotgun on the man at the counter while they raided the till. The problem was this was all caught on closed circuit TV. Kyle landed in detention. He was 16 years old and he was sentenced to 7 years.

When he was arrested, his mother told him she didn't want anything to do with him because he had shamed her. His grandparents told him he was "a disappointment" to them. He never saw them again.

Kyle was given the opportunity to study while he was in detention. He found out he was good at study and got two qualifications. However, he has never felt confident to use his qualifications. He is often out of work and he has a constant battle with depression and grog.

Kids Don't Get Over Being Abused

A while ago, well-meaning people used to say things like, "It'll be different when you can go out on your own and get a job. You'll be OK then." They thought that kids would get over these things in time.

But they don't.

Children who have been abused or neglected often have problems in later life with;

- Drug and alcohol addiction
- Crime

They can become homeless and suffer;

- Poor physical health
- Poor results at school
- Poor employability prospects
- Depression & suicide

It also leads to a vicious cycle where kids who have been abused often go on to abuse their own kids, just like Kyle's mother did. This creates a culture where abuse is seen as normal.

Child Abuse Isn't Normal

What happened to Kyle and what happens to other kids like him is not normal.

Normal is the desire all human beings have to keep our kids safe. Normal is showing kids that we care about them. Normal means wanting our kids to grow up happy, healthy and well-educated.

Victims Need Help Sooner Rather Than Later

"Family violence happens to everybody, no matter how nice your house is, how intelligent you are. It happens to anyone and everyone."

Rosy Batty, Australian of the Year 2015



In February 2014, Luke Batty was murdered by his father. Soon after, his mother, Rosemary Batty began a campaign to make people aware of family violence. She wanted to educate them that family violence has nothing to do with how you are brought up, how rich or poor you are, or whether you are indigenous or a non-indigenous Australian. Victims should not be made to feel shame. And it should not be covered up.

The lesson for everyone is that Luke's murder could have been prevented if people had taken action.

Greg Anderson, Luke's father, had a history of rape and violence against women. In 2012, he had been caught accessing child pornography. In 2013, he had threatened his son with a knife. He had a history of mental illness.

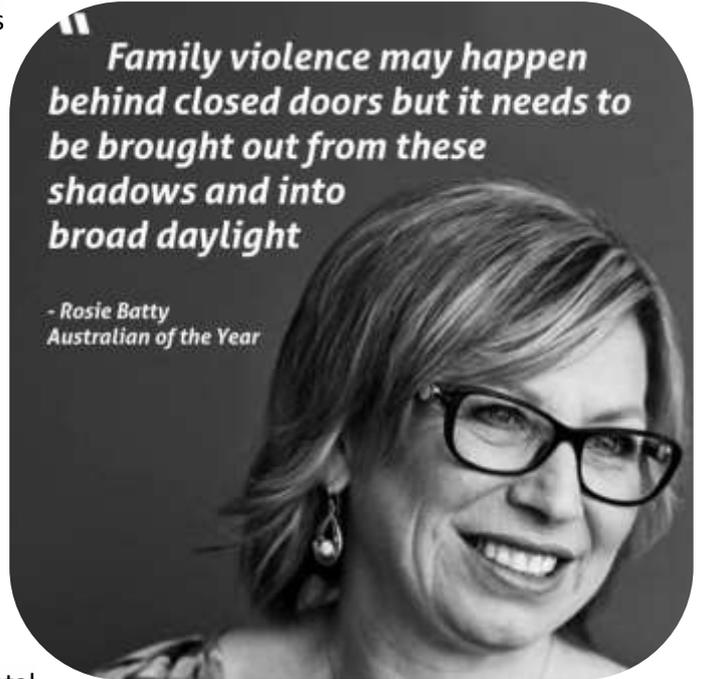
It should not have been a surprise that he might murder his son. If somebody had taken firm action earlier, this might not have happened.

Australians want to change this.

As a sign of how important our society believes the issue is, Rosemary Batty was voted as Australian of the Year in 2015.

“Family violence may happen behind closed doors but it needs to be brought out from these shadows and into broad daylight”

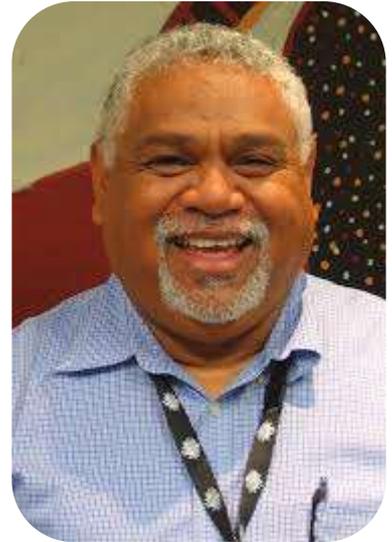
*- Rosie Batty
Australian of the Year*



Covering Up Is Not Acceptable

Over the past ten years, there has been growing concern that some institutions and people that were supposed to protect and look after children, had been covering up instances of sexual abuse. It has been revealed that many kids in care had been sexually abused by their carers; including teachers, priests and childcare workers. The churches, schools and charity groups responsible had not reported it and had protected the pedophiles.

In January 2013, A Royal Commission was established to investigate this. Many well-known people have had to say publicly why they did nothing about this abuse when they knew about it. These people have lost a lot of respect in the community, not because of what they did, but because of what they didn't do.



The message of the Royal Commission is that covering up child abuse is not acceptable.

Creating a Safety Net for Our Kids

“Mandatory Reporting” is another way of saying that it is the law to report child abuse or suspected child abuse to the agency responsible for child safety, so they can take action to prevent it.

It is about speaking up, not covering up, and helping our communities to become safer places for our kids.

The requirements are different for each state and territory.

In Northern Territory, the law says every adult has a responsibility to report child abuse or suspected child abuse. In other states, there is a list of people who are covered by the law on mandatory reporting. RSAS workers are on this list because your job entails working with children.

In other words, RSAS workers are part of a safety net that includes all people who work with children, including teachers, child care workers, doctors, nurses and the police.

However, as a RSAS worker you are in a special position to help. Since you are part of the community, you often know more about what is happening than most of the other workers do.

Your Responsibility as a RSAS Worker

There may be a number of questions you want answered about what you have to do. You might even feel a bit worried about it. The following FAQs will help.



What is My Role as a Mandated Reporter?

Your role as a mandated reporter is to report any case of child abuse or suspected child abuse to the relevant authority in your state. “Children” means anyone up to 18 years old, except in NSW where it is not mandatory to report abuse in relation to young people aged 16 and 17.

Reporting is usually done by making a phone call and providing the appropriate information to the state agency responsible for child safety matters. However, every state has a slightly different method for filing or making a report, and there are differences in the type of abuse and neglect you need to report.



Activity 1: Information you need about Mandatory Reporting in your State or Territory

- See your Activities Book for instructions.
- Your trainer will provide you with a handout with information for your State.

How Do I Know What I Should Report?

Your Information Sheet provides an overview of what must be reported.

Unfortunately, knowing if you should report your suspicions is rarely straightforward and talking to the kids concerned may not help. Often they don't want to talk about these things. Victims often blame themselves and sometimes will make up stories to cover for whoever is abusing them.

Some signs of abuse are obvious, like kids suffering from malnutrition or missing a lot of school from injuries which seem to happen more often than normal.

Any kind of self-harm like cutting or burning themselves is also a danger sign that something might be happening to a kid behind closed doors.

Any sudden changes in a girl's behavior, particularly a girl becoming withdrawn and secretive, or showing fear of an adult man or men would be a reason to suspect something may be wrong.

And sometimes other kids know what is going on and will confide in you.

There is no easy answer to this one. It requires you to be alert and to make judgments based on all the evidence available.

If I Suspect Abuse, Who Can I Discuss It With?

As mentioned before, your RSAS supervisor, teachers, doctors and nurses as well as the police are also mandated reporters.

If you feel unsure about what to do for a particular incident, you can always discuss your suspicions with someone else in the safety net. It is always a good idea to discuss it with your RSAS supervisor.

Make sure any discussion is kept confidential so as not to harm the kid or their family if you have misunderstood the signs.

In fact, if you have a good relationship with the kid's family, you might want to discuss your concerns with them first. They may be able to protect the child themselves and your job will be done, because this is not about punishing, it is about protecting.



What Information Do I Need to Make a Mandatory Report?

In most states, it is OK to ring up the agency responsible for child safety and just explain the situation.

However, the matter is serious and the person on the end of the phone will want as much information as possible. So it is a good idea if you are going to report something that you write down all the details, including:

- The child's name and address, and age if you know it;
- The name and relationship of the person you believe is abusing the child;
- What kind of abuse you are reporting;
- What evidence you have including dates and times if this is relevant;
- The names of other people who might know about the abuse; and
- Your name and phone number, through you do not have to provide this if you are fearful of repercussions.

What Happens After I Make a Report?

After you have made a report, the agency you have reported to will assess the situation. They may go to the school and talk to the child. They may also talk with the parents or people caring for the child. And they will talk to whoever is suspected of abuse.

Will the Child Be Removed?

A lot of people worry that reporting child abuse means that kids will be taken from their home and they will land in an even worse situation. However, agencies are required to try to prevent this. If anyone leaves the home, they prefer the abuser to leave.

And if a child does have to be removed for their own safety, they firstly try to place them with relatives before putting them in foster care or group care.

What If I Don't Want To Make a Report?

It is difficult when you live in a community and you know everyone and maybe they are also family.

Preventing child abuse is better than having to report it. If you make it part of your job to help educate your community about child abuse and the role you have in keeping kids safe, and the role they have in keeping kids safe, it might mean you never have to make a report.

It is also important to note that the law generally specifies that, except for sexual abuse (where all suspicions must be reported), it is only cases of *significant* abuse and neglect that must be reported.

Things you would *not* report are:

- When a kid has bruises from fighting with other kids.
- When the parents are taking drugs or are on the grog but the kids are not involved or are only slightly affected (e.g. having no breakfast provided).
- When kids are not attending school. This is a school matter unless it is associated with other things that suggest neglect. As a RSAS officer, you would follow your normal reporting guidelines.
- When you can't see any signs of abuse physically or in a kid's behaviour.

Ask yourself if you are you scared for this kid. If you are, then report it. You have to make up your own mind about what is the right thing to do. Remember covering up or "turning a blind eye" to abuse is against the law when a child's safety is at risk. And when in doubt, consult your RSAS supervisor or someone else who is part of the safety net.

Tips For What to Say

Sometimes it is hard to convince people in the community that mandatory reporting is in the best interests of the child concerned, as well as the community. Maybe the following tips for what to say will help you come up with your own ideas.

Hint 1: Use questions, rather than telling people. It helps them make their own decision about what is right.

Protecting our kids is the most important thing, isn't it? The law says if we don't protect our kids then we are breaking the law too.

If we can't keep our kids safe, don't you think we should contact the people who can keep them safe?

If something bad happens to this kid because I didn't do my job, then I am going to feel a lot of guilt and shame. Won't you feel shame too if maybe she lands in hospital, or runs away from home because I didn't do what I am supposed to do?

If we don't report this, it is going to look as if we don't care about our kids and that just means the police and all those fellas in government will say, "What can you expect?" This will make us all look bad.

It is all our jobs to keep our kids safe. It's our most important job. What happens if we don't do that?

Who's most important? This kid who is being abused? Or the fella who is doing it? Reporting is not dobbing him in. It means keeping the kid safe.

Isn't it our business to keep our community safe for kids? The law says it is our business and if we don't do that, then what will happen?

Why are you telling me this if you don't want me to do *anything*? You know it is my job to report this stuff. What do you want me to do?



Hint 2: Involve the people you are talking to in making the decision to report. It reminds them it is everyone's job to keep kids safe.

What Protection Do I Have If I Make a Report?

In all states, the law protects your identity as a mandated reporter. Investigators will not reveal who reported to them. And so long as you act in good faith, you are not answerable in court.

However, making a report is always a big step and you may want your RSAS supervisor with you at this time. They are there to support you.



Activity 2: Hypothetical: What would you do in these situations?

See your Activities Book.



MELBOURNE

Level 8, 20 -22 Albert Road
South Melbourne
VIC 3205, Australia

Phone: +61 3 9624 2300

SYDNEY

Level 1, 33-35 Belmont Street
Sutherland
NSW 2232, Australia

Phone: +61 2 9119 3098