

## Custodial Operations Policy and Procedures

### 21.10 Child protection

#### Policy summary

Corrective Services NSW (CSNSW) as a government agency shares responsibility for the safety, welfare and wellbeing of children and young people. Although CSNSW employees are not defined mandatory reporters, they are obliged to report to Family and Community Services (FACS) as a mandatory reporter if they believe a child or young person is at Risk of Significant Harm (ROSH).

This policy establishes consistent procedures for reporting and documenting a risk of significant harm to FACS. It also provides guidance to staff when making these reports.

#### Management of Public Correctional Centres Service Specifications

Service specification	Professionalism and accountability
-----------------------	------------------------------------

## Scope

This policy applies to all staff of CSNSW working in correctional centres, correctional complexes or other places of detention.

# Table of contents

<b>1</b>	<b>Child protection</b>	<b>4</b>
	1.1 Reporting obligations	4
	1.2 Reporter confidentiality	4
<b>2</b>	<b>ROSH</b>	<b>4</b>
	2.1 Determining ROSH	4
	2.2 Reporting a risk of significant harm	5
	2.3 Procedures for reporting ROSH	6
<b>3</b>	<b>Quick links</b>	<b>7</b>
<b>4</b>	<b>Definitions</b>	<b>7</b>
<b>5</b>	<b>Document information</b>	<b>8</b>

# 1 Child protection

## 1.1 Reporting obligations

CSNSW staff may come into contact with children or young people through visits to an inmate at a correctional centre, in written correspondence or during telephone calls between the two.

CSNSW staff must make a report to FACS if they have reasonable grounds to suspect that a child or young person may be at ROSH.

Under the *Child and Young Persons (Care and Protection) Act 1998*, any information which is relevant to the report can be provided to the Child Protection Helpline staff. This may include the nature of an inmate's current criminal charges/convictions or criminal offences history and other personal details relating to the inmate.

## 1.2 Reporter confidentiality

Section 26 of the *Children and Young Persons (Care and Protection) Act 1998* protects the identity of the person reporting a ROSH.

The reporter's identity cannot be disclosed, including to an inmate, without the consent of the reporter. If for example staff were explaining to an inmate that a ROSH has been made to FACS the reporter's identity is not to be disclosed or made known in any way unless that person has given consent.

# 2 ROSH

## 2.1 Determining ROSH

A ROSH is measured against a legislative threshold. The [Mandatory Reporter Guide](#) (MRG) is the online tool provided by the FACS to assess the level of risk to a child or young person. The MRG should be completed for each separate report. The MRG will nominate what further action (if any) is required of the reporter.

A ROSH may relate to incidents that could be reasonably suspected of having a substantially adverse impact on the child or young person's safety, welfare or wellbeing. Generally a ROSH is associated with a requirement to report the matter to a statutory authority such as Police or FACS. Reporting to FACS does not require the consent of the parent or care giver.

A child or young person may be considered at ROSH if one or more of the following circumstances exist:

- the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met (including neglect or other issues due to drugs use by parents/carers)
- the parents/caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care

- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated
- the child or young person is living in a household where there have been incidents of domestic violence
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm
- the child was the subject of a pre-natal report and the birth mother of the child did not engage successfully with support services to eliminate, or minimise to the lowest level reasonably practical, the risk factors that gave rise to the report
- there are reasonable grounds to suspect, before the birth of a child, that the child may be at risk of significant harm after his or her birth (for example due to hazardous drug use by the mother, domestic violence, mental health issues or previous unsafe parenting)
- a child is known to be homeless
- a child is known to be living away from home without parental permission.

If CSNSW staff are unsure whether to make a ROSH report, they can complete the MRG or contact the Child Protection Helpline and discuss any concerns with a Child Protection Helpline caseworker. Alternately, CSNSW staff may wish to contact CSNSW Child Protection Coordination and Support Unit (CPCSU) for advice or training needs on (02) 9295 6744 or by email at [child.protection@dcj.nsw.gov.au](mailto:child.protection@dcj.nsw.gov.au).

## 2.2 Reporting a risk of significant harm

The online MRG will help determine whether or not there is a ROSH to a child or young person. In an emergency where urgent concerns exist for the child or young person's health or life, emergency services must be contacted on 000.

If an inmate discloses information which indicates a child or young person is at ROSH, CSNSW staff are to encourage and allow the inmate the opportunity to make a report to the general Child Protection Helpline available as a common autodial number on the Offender Telephone System (OTS).

The staff member must also use the MRG to determine the level of risk to the child or young person, and if necessary, report the information to the Child Protection Helpline regardless of whether the inmate chooses to report the matter or not.

If the report to the Child Protection Helpline does not relate directly to an inmate (but to a family member, partner, friend or visitor) a case note in the Offender Integrated Management System (OIMS) should be recorded as the information may be important for the future management of the inmate.

If a staff member has concerns that a child or young person may be at ROSH, they cannot delegate making the report to another person. Further, a person cannot prevent another person from making a report to FACS.

If the MRG indicates a matter does not reach the significant harm threshold, a report should not be made to the Child Protection Helpline unless there are additional factors that the Child Protection Helpline needs to take into account aside from the information entered in the MRG.

Simply contacting a local FACS office and discussing the matter with a FACS case worker does not constitute making a formal report of a ROSH.

If the good order and security of the correctional centre may be compromised by informing an inmate that a ROSH report has been made, steps must be taken to mitigate these risks.

## 2.3 Procedures for reporting ROSH

	Procedure	Responsibility
1.	Complete an online MRG available via the link in <a href="#">Child Protection Coordination and Support Unit intranet site</a> or directly through the NSW FACS website at <a href="http://www.facs.nsw.gov.au">www.facs.nsw.gov.au</a> .	Reporter
2.	Immediately contact the Child Protection Helpline on 132 111 if the report indicates ' <i>Immediate report to FACS</i> '	Reporter
3.	Telephone the Child Protection Helpline on 132 111 or make an online eReport using the <a href="#">FACS website</a> within 24 hours if the report indicates ' <i>Report to FACS</i> '.	Reporter
4.	Take note of the reference number provided by FACS via telephone or on completion of the eReport.	Reporter
5.	Create a case note in OIMS beginning with the word ' <i>confidential</i> ' to ensure that inmates are not inadvertently given access to the information. The case note should contain any information given to or received from FACS such as any reference numbers.	Reporter
6.	Immediately contact the Governor of the centre and the CPCSU (by telephone to (02) 9295 6744 or by email to <a href="mailto:child.protection@dcj.nsw.gov.au">child.protection@dcj.nsw.gov.au</a> ) when the MRG identifies that an ' <i>immediate report</i> ' or ' <i>report to FACS</i> ' is required.	Reporter
7.	Where the matter relates to an offender currently being managed by CSNSW, the MRG results must be printed and placed on the offender's case management file.	Reporter

### 3 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

### 4 Definitions

COPP	Custodial Operations Policy and Procedures
CPCSU	Child Protection Coordination and Support Unit
CSNSW	Corrective Services NSW
FACS	Family and Community Services
MRG	Mandatory Reporter Guide
OIMS	Offender Integrated Management System
OTS	Offender Telephone System
ROSH	Risk of Significant Harm

## 5 Document information

<b>Business centre:</b>	Custodial Operations	
<b>Approver:</b>	Kevin Corcoran	
<b>Date of effect:</b>	16 December 2017	
<b>EDRMS container:</b>	18/7484	
<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0		Initial publication ( <i>Replaces section 8.33 of the superseded Operations Procedures Manual</i> )
1.1	12/03/20	General formatting update and improvements