Client Protection and Wellbeing procedure

When to use this procedure
Use this procedure when:

- You have a concern about the safety, welfare or wellbeing of a child or young person, and you are a mandatory reporter.
- You are required to identify, report and address child abuse or neglect under the *Children and Young Person (Care and Protection) Act 1998*.

Before using this procedure
First time using this procedure? See and understand the following;
- Client Protection and Wellbeing Policy
- Code of Conduct
- Duty of care
- Incident Reporting Policy
- Keep Them Safe (A shared approach to child wellbeing)

Start using this procedure
Your responsibilities:

Find your role. Find what you need to do.

<table>
<thead>
<tr>
<th>Role</th>
<th>When required</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Employees</td>
<td>Always</td>
<td>All Employee steps</td>
</tr>
<tr>
<td>All Supervisors</td>
<td>As required</td>
<td>All Supervisor steps</td>
</tr>
</tbody>
</table>

Procedural steps

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
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<tbody>
<tr>
<td>All Employees</td>
<td>Identifying abuse and/or neglect of children and young people that you come into contact with during your work.</td>
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</table>

1. **Recognise** indicators that child/young person might be abused and/or neglected, which may include:
   - Physical injuries
   - Sexual abuse
- Reports or witness of assault/s
- Evidence of significant emotional or psychological harm (including fear)
- Lack of basic needs provided such as supervision, medical care, nutrition, shelter, hygiene or education.
- Physical or intellectual developmental delays
- Reports or evidence of extreme punishments
- Presence of illegal substances and/or weapons

**Note:** Suspected abuse should not be minimised or dismissed on cultural grounds or due to carer inexperience.

2. **Consider** the child/young person’s safety, welfare and wellbeing at all times and report to supervisor if you believe an employee or a non-employee who has access to a child/young person (including juvenile justice records) is a prohibited person.

3. **Identify** any improvements that can be made to Juvenile Justice systems, services, programs or processes that will increase the safety, welfare and wellbeing of child/young person.

**Note:** Employees or non-employees who have not exercised their duty of care towards a child/young person may be liable for criminal and/or civil action.

**Reporting issues of child/young person’s safety, welfare or wellbeing:**

1. **Report** any allegations of assault by police made by young people, regardless of when it occurred, to the NSW Police Customer Assistance Unit.

2. **Complete** the Mandatory Reporter Guide (MRG) when you have a concern for the safety, welfare or wellbeing of a child/young person.

**Note:** A child (under 16 years of age) who is homeless or living away from home without their carer’s permission is considered to be at risk and a report should be made to the Child Protection Hotline. For a young person (over 16 years of age) you must get their consent to report homelessness as a risk (provided there are no other risks).

3. **Answer** all questions on Mandatory Reporting Guide - the MRG will direct you to:
   i) immediately report to Child Protection Helpline, or
ii) report to Child Protection Helpline within 24 hours, or
iii) report to the Child Wellbeing Unit, or
iv) document and continue relationship with the child or young person

YJC Convenors only

1. **Forward** the MRG outcome to the Assistant Manager (YJC) ASAP
2. **Forward** the reference number to the Assistant Manager (YJC) when a referral to the Child Protection Helpline has been made

**Note:** The Assistant Manager YJC will then complete the step of recording this on CIMS as an ‘Identified Child Protection Issues’ case note.

When the MRG directs that an immediate report is made to Community Services

1. **Report** situation and circumstances immediately to Child Protection Helpline
2. **Inform** supervisor of situation and reporting action taken
3. **Document** on CIMS as an ‘Identified Child Protection Issues’ case note
4. **Re-administer** the MRG if further issues of concern are identified or the child or young person’s circumstances change

**Note:** If Child Protection Helpline declines a report of Risk Of Significant Harm (ROSH), refer to the steps below for ‘When the MRG directs that the concern is documented and the relationship with young person continued.’

When the MRG directs that a report is made to Community Services

1. **Report** situation and circumstances to Child Protection Helpline within 24 hours
2. **Inform** supervisor of situation and reporting action taken
3. **Document** on CIMS as an ‘Identified Child Protection Issues’ case note
4. **Re-administer** the MRG if further issues of concern are identified or the child or young person’s circumstances change

**Note:** If Child Protection Helpline declines a report of Risk Of Significant Harm (ROSH), refer to the steps below for ‘When the
MRG directs that the concern is documented and the relationship with young person continued.

**When the MRG directs that a referral is made to the Child Wellbeing Unit**

**Note:** Juvenile Justice does not have access to a Child Wellbeing Unit.

1. **Discuss** situation and all possible actions with supervisor
2. **Consider** and complete any referrals to external organisations that may be able to provide services to the young person and/or their family
3. **Complete** a notification to the Child Protection Helpline if you have ongoing concerns for the safety and wellbeing of the young person
4. **Document** on CIMS as an ‘Identified Child Protection Issues’ case note
5. **Continue** service provision to the young person if required by role
6. **Re-administer** the MRG if further issues of concern are identified or the young person’s circumstances change

**When the MRG directs that the concern is documented and the relationship with child/young person continue**

1. **Inform** supervisor of situation and MRG outcome
2. **Consider** and complete any referrals to external organisations that may be able to provide services to the child/young person and/or their family
3. **Document** on CIMS as an ‘Identified Child Protection Issues’ case note
4. **Continue** service provision to the child/young person, if required by role
5. **Re-administer** the MRG if further issues of concern are identified or the child or young person’s circumstances change

**Addressing child safety, welfare and wellbeing**

1. **Check** that all employees who report to you are aware of their obligations to protect the safety, welfare and wellbeing of young people
2. **Organise** resources and training for employees you supervise so they have the knowledge to identify, report and address issues of child welfare and abuse
3. **Establish** local processes that promote the safety, welfare
and wellbeing of young people

4. **Provide** direction and encourage employees to identify; report and address issues of young people’s safety, welfare or wellbeing

5. **Monitor** the effectiveness of the systems, programs; services and practices relevant to child/young person to identify, report and address issues of child abuse and neglect

6. **Raise** (through senior management channels) improvements that should be made to systems, programs, services and practices to increase young people’s safety, welfare and wellbeing

7. **Develop** or approve local systems that establish processes for managing non-employees of Juvenile Justice so they are aware of the agency’s expectations of conduct

8. **Supervise** (or delegate supervision) non employees and students who are in child related roles

9. **Check** all employees or non-employees who have contact with young people have a verified Working With Children Check clearance

**Note:** Refer to The new Working with Children Check Fact Sheets Nos. 1, 2 & 3 issued by Recruitment for further details on the Working With Children Checks.

### Reporting issues of safety, welfare or wellbeing

1. **Complete** MRG tool on behalf of the employees you supervise - if required

**Note:** YJC Assistant Managers are required to complete a CIMS ‘Identified Child Protection Issues’ case note when a convenor has identified child protection concerns

2. **Complete** MRG tool on behalf of non-employees if they advise you of an issue of safety, welfare or wellbeing of a child/young person

3. **Check** that the MRG tool has been used correctly by the employees you supervise

4. **Check** that the direction of the MRG tool has been followed

5. **Address** any MRG reporting issues as required

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**References**

**Related Procedures, Resources and Forms**

- ALL community, custody and YJC policies, procedures and resources are related to this procedure.
Definitions

For the purpose of this procedure,

All employees refers to:

a) any employee of the agency, whether on salary or wages or piece-work rates, and

(b) any individual engaged by the agency whether or not they are employed to work directly with children or young people (including in the capacity of a volunteer), and

(c) any deemed employee, such as Youth Justice Conference Convenors,

d) any contractor, instructor of religion or student on placement.

Non-employees

A non-employee is anyone who delivers a service to a child/young person in the community or in a detention centre regardless of their employment status.

Legislation

- Children and Young Persons (Care and Protection) Act 1998
- Commission for Children and Young People Act 1998
- Child Protection (Working with Children) Act 2012
- Ombudsman Act 1974 [Part 3A]
- Young Offenders Act 1997
- Young Offenders Regulation 2010
- Children (Detention Centres) Act 1987
- Children (Detention Centres) Regulation 2010

Change Log

<table>
<thead>
<tr>
<th>Date</th>
<th>Reason for change</th>
<th>Details of change</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 2014</td>
<td>To incorporate requirements of updated Client Protection Policy</td>
<td>Creation of steps that direct JJ employees and non employees who access our clients to identify and address child abuse and neglect.</td>
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