

Tharawal Housing Aboriginal Corporation

Care and Protection of Children and Young Persons Policy

Version Number:	3
Applies To:	Tharawal Aboriginal Corporation Managed Properties
Document Prepare by:	Karen Fischer – Housing and Compliance Project Officer
Endorsed by Board Date:	27/07/2021
Date Last Reviewed:	27/07/2021
New Review Date:	27/07/2022

Scope:

This policy applies to all applicants and tenants who reside in properties managed by Tharawal Housing Aboriginal Corporation (THAC) and should be read in conjunction with Housing Pathways Children and Young People at Risk Policy. THAC is committed to providing services in accordance with the *Children and Young Persons Care and Protection Act 1998*.

Policy:

This policy outlines the commitment and principle in which THAC staff will follow when dealing with risk of significant harm, abuse and neglect of children and young persons. THAC staff are trained to identify early risk factors, intervene and work collaboratively with other agencies to ensure the wellbeing of children and young people as set out under the NSW government Keep Them Safe Guidelines.

Definition:

Child:

A child is a person under the age of 16 years.

Young Person:

A young person is a person aged between 16 to 18 years.

Mandatory Reporters:

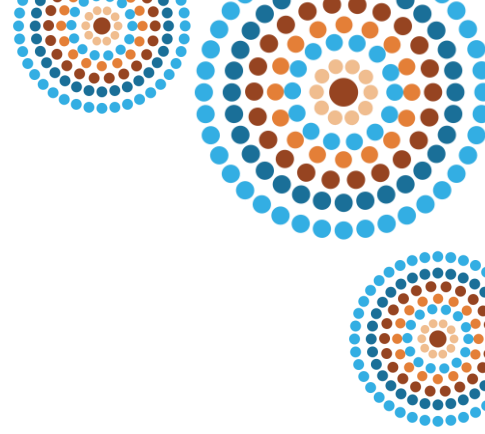
Mandatory Reporters are people who are required by law to report any suspected risk or harm to a child or young person to Department and Community Justice.

All staff of THAC are classified as a mandatory reporter. This means that under the *Children and Young Person Act 1998* staff are required to report any reasonable suspicion of a child aged 0-15 at risk of significant harm, abuse or neglect to the Department and Community Justice. In relation to young persons aged 16-17 and unborn children at risk of significant harm, abuse or neglect, THAC staff will use professional judgement concerning their safety, welfare and wellbeing before making a report to Department and Community Justice. At no point in time will staff use personal judgement when it comes to making reports.

This policy covers tenants, applicants, and guests.

Exchange of Information when a child or young person may be at risk:

In accordance with Chapter 16A of the *Children, Young Persons Care and Protection Act 1998*, agencies prescribe under the act to exchange information about children and young people. Community Housing providers are "prescribed bodies" under the act. Staff of THAC can exchange information without consent if a child or young person is considered to be at risk of harm, abuse or neglect.



Risk of Significant Harm:

A child or young person is considered at 'risk of significant harm' if there are any concerns raised/identified for their current safety, welfare or well-being. Red flags include, but are not limited to:

- Physical abuse
- Sexual abuse
- Psychological harm
- Neglect
- Exposure to domestic or family violence
- Substance abuse by their parent/caregiver
- Concerns for the mental health of their parents/caregiver

Rights and Responsibility:

Child/young person:

A child or young person has the right to the following:

- Be safe
- Be heard
- Be help as needed
- Be referred to other people who can help them if needed
- Be respected

Our role:

As a Community Housing Provider, THAC staff are a prescribed body under relevant laws. THAC staff work with government and non-government agencies such as: the Department of Community and Justice (DCJ), NSW Health Departments, NSW Police, Local Government Authorities and any other agencies that supervise and are responsible for the provision of health care, welfare, education, children services and residential services to promote a safe and nurturing environment for children and young persons.

As mandatory reporters, staff at THAC have a duty of care to:

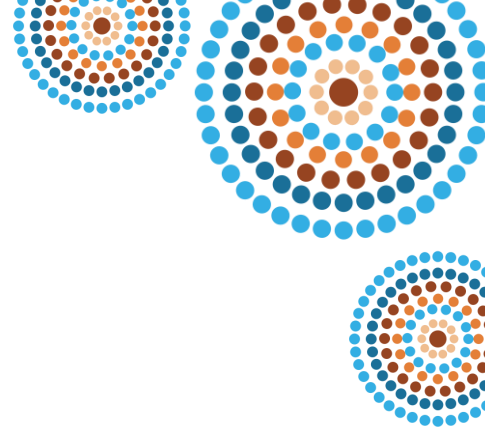
- Make sure the safety, welfare and well-being of a child or young person is protected.
- Look for signs of abuse or neglect
- Refer families and/or individuals that need help to agencies that can assist and support them.
- Report any concerns of significant harm as required by law
- Protect any child or young person suspected to be at risk of harm
- Assist applicants and tenants to resolve their housing needs where practical.

Staff at THAC are provided with training and regular updates about mandatory reporting. Staff are always made aware of their role and responsibilities as a mandatory reporter.

Information can be exchanged between agencies in relation to the safety, welfare and well-being of a child or young person with other prescribed bodies as required and permitted by law.

Confidentiality:

When dealing with matters of child protection, the privacy of all parties is taken into account. All reports are treated in the strictest confidence in accordance with the *Child and Protection Act 1998*. By law, staff are to exchange and share information with other agencies. The *Child Protection Act 1998* over rules the *Privacy and Personal Information Act 1998* and the *Health Records and Information Privacy Act 2002*.



Appeals:

There is no appeals process in relation to concerns for a child or young person safety, welfare and well-being. Staff are required by law to make report if they suspect any concerns.

Responsibility:

All Staff and Contractors

Immediately report to their direct supervisor any instances where a children or young person may be suspected to be at risk of harm, abuse or neglect.

Housing Manager

Document, assess and collection information in any instances where a child may be at risk of harm, abuse or neglect.

Monitor the notification process and approve notification of a child or a young person at risk of harm or suspected to be at risk of harm, abuse or neglect to the Department of Community and Justice.

Human Resource Department

Ensure that all staff have the following:

- Criminal Records Background Check (CRBC)
- A valid Working with Children’s Check (WWC)

Board:

Monitor the policies efficiency and effectiveness to ensure improve practice and positive outcomes for Aboriginal people.

Report any findings and recommendation within its annual report

Reference:

Legislation:	Related Policy
<i>Residential Tenancies Act 2010</i>	Housing Pathways Children and Young Person at Risk
<i>Health Records and Information Act 2002</i>	Keeping them Safe Guidelines
<i>Residential Tenancies Regulation 2010</i>	Privacy Policy
<i>Housing Act 2001</i>	
<i>Privacy and Personal Information Protection Act 1998</i>	
<i>Child and Young Persons Act 1998</i>	

Tharawal Housing Aboriginal Corporation staff must always adhere to the Confidentially Policy and Privacy Policy.