

Child Safety Guidance 2024

The Lifetime Care and Support Scheme and Workers Care Program support people who have sustained serious injuries in motor vehicle accidents or the workplace. They fund treatment, rehabilitation and care services that are delivered by a broad range of external providers under different arrangements.

Lifetime Care and Workers Care are committed to promoting the health, safety and wellbeing of children and young people. Part of this commitment is ensuring that service providers respond appropriately should a child or young person they interact with be at risk of harm.

The purpose of this information sheet is to provide guidance to service providers supporting participants of the Lifetime Care and Support Scheme and workers of the Workers Care Program regarding the various obligations they have under the Children and Young Persons (Care and Protection) Act 1998 (NSW).

For the purposes of this information sheet:

- a child is a person under 16 years old
- a young person is a person who is over 16 years old but younger than 18 years old.

Requirements for providers working and interacting with children and young people

Under the Children and Young Persons (Care and Protection) Act 1998 (NSW) a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services, or law enforcement, wholly or partly, to children, has obligations as a mandatory reporter.

Providers engaged to deliver treatment, rehabilitation or care to Lifetime Care or Workers Care participants or workers, may in the context of their work, be required to have a Working with Children Check (WWCC).

Providers are required to make a report if they have reasonable grounds to suspect a child or young person receiving services, or who is in the home, is at risk of significant harm.

For Lifetime Care, the requirement applies to both children and young people who are participants and to children or young people who live in the participant's home. For Workers Care, this applies to children and young people who live in the worker's home.

Working With Children Checks

Service providers in roles that require proximity to, or in-person service delivery to, children in Australia must undergo a WWCC or equivalent across Australian jurisdictions.

In NSW, adults who work or volunteer in child-related work in NSW must have a WWCC. Each state or territory has different rules and requirements for their equivalent to an NSW WWCC and may not recognise checks conducted in other states.

Service providers travelling interstate to provide services to Lifetime Care or Workers Care participants and workers must check and comply with the screening requirements of other states before accepting referrals and making travel arrangements to provide services.

Service providers living outside of NSW who are providing services to participants outside of NSW must undergo an equivalent to WWCC in their jurisdictions.

Employers are responsible for identifying employees and contractors who require a WWCC, must verify the WWCC details and keep records of anyone they have in child-related work. This responsibility extends to providing training to employees to meet their responsibilities around child protection, mandatory reporting, and reportable conduct.

Mandatory reporting

Service providers described under the Children and Young Persons (Care and Protection) Act 1998 (NSW) who are supporting children or having occasional or incidental contact with children in the context of work funded by Lifetime Care or Workers Care, have a duty of care as mandatory reporters when they become aware that a child or a young person may be at risk of significant harm.

A child or young person is at risk of significant harm if any of the following circumstances exist or are at risk of occurring:

- emotional abuse or psychological harm
- physical abuse, sexual abuse, or ill-treatment
- risk of harm due to presence of domestic and family violence in the home
- concerns about their carer/s such as substance abuse, mental health, grooming behaviours, or domestic violence
- lack of appropriate care – their basic physical or psychological needs are not being met due to failure to provide adequate care (e.g. food, supervision, attending school, medical care, relinquishing care) concerns that an unborn child may be at risk of significant harm after their birth.

If a service provider considers a child or young person to be in **immediate** danger, they must call the Police immediately on 000.

In all instances, providers also need to notify the participant or worker's icare contact.

Who to report to?

For children located in NSW, service providers can make a report to the Department of Communities and Justice (DCJ) through one of the following ways:

- By eReport through the ChildStory Reporter website: <https://reporter.childstory.nsw.gov.au/s/>
- By calling the Child Protection Helpline on 132 111 which is available 24 hours a day, 7 days a week.

There is detailed information available on the DCJ website <https://www.facs.nsw.gov.au/families/Protecting-kids> to help service providers meet their obligations as mandatory reporters.

The DCJ website also contains a Mandatory Reporter Guide (MRG) <https://reporter.childstory.nsw.gov.au/s/> which contains guidance to assist service providers to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child (including unborn) or young person; and
- identify alternative ways to support vulnerable children, young people and their families where a mandatory reporter's response is better served outside the statutory child protection system.

DCJ recommends that mandatory reporters complete the MRG on each occasion they have risk concerns, regardless of their level of experience or expertise.

For children located outside of NSW, services providers should follow the relevant reporting obligations and processes for those locations.

The Children and Young Persons (Care and Protection) Act 1998 gives particular consideration to decisions affecting Aboriginal and Torres Strait Islander families. When working with First Nations families who are engaged with the child protection system, service providers should be aware of the Aboriginal and Torres Strait Islander Children and Young Persons Principles when relevant, while also prioritising the safety of the child or young person.

Child Protection Training

Child protection training strengthens the skills of mandatory reporters working in environments with children present. Service providers are encouraged to regularly update staff training in child protection, for example every 2 years. The NSW Government provides free on-line training on a range of child protection subjects: [Online Classroom](#) | [NGO Learning](#)

Reportable conduct

Organisations listed as "relevant entities" under the Reportable Conduct Scheme, governed by the Children's Guardian Act 2019, have certain obligations to investigate and report reportable conduct allegations and convictions. In the course of their work, if a complaint is raised that involves a reportable allegation or a reportable conviction about a provider or an employee that may have posed a risk to children and young people they interacted while providing services funded by Lifetime Care or Workers Care, they must inform the icare contact.

Legislation

The legal responsibilities of service providers who have statutory requirements as set out above are identified in the following legislation:

- Children and Young Persons (Care and Protection) Act 1998
- Children's Guardian Act 2019
- Commission for Children and Young People Act 1998
- Child Protection (Working with Children) Act 2012
- Ombudsman Act 1974.



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