

# Child Safety and Domestic Violence

## Council Policy 148



Policy Number	CP148
Replaces Policy	CP148 Child Safety
Area Responsible	Human Resources
Strategic Plan Reference	4. A supportive organisation
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Next Review Date	30 June 2019

### 1. Purpose

To protect children, young people and victims of domestic violence in line with legislation. To ensure relevant personnel understand and comply with the relevant legislation.

### 2. Scope

The policy applies to elected and Local Authority members, employees, volunteers and contractors (all referred in this policy as “relevant personnel”).

### 3. Policy Objectives

The objectives of this policy are to:

- to ensure that the best interests of children, young people and victims of domestic violence are paramount, including the need to protect them from harm and to protect their rights.
- ensure all relevant personnel understand their mandatory reporting responsibilities and duty of care obligations to protect children, young people and other members of the community from harm, exploitation, sexual abuse and domestic violence.
- ensure all relevant personnel know how to make a mandatory report and to whom they should report.

### 4. Policy Statement

In line with MRC’s commitment to being a child safe organisation and providing safe communities for its constituents, relevant personnel of MRC are required to observe their legal obligations with regard to mandatory reporting if they believe on reasonable grounds that:

- a child has suffered or is likely to suffer harm or exploitation;
- a child aged less than 14 years has been or is likely to be a victim of a sexual offence;
- sexual intercourse or gross indecency has taken place involving a child over 16 years under special care;
- a person has caused, or is likely to cause, harm to someone else (the victim) with whom the first person is in a domestic relationship; or

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- the life or safety of a person (the victim) is under serious or imminent threat because domestic violence has been, is being or is about to be committed.

Legislation protects the reporter's identity from disclosure. In addition, the legislation provides that as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

MRC also acknowledges the importance of privacy and confidentiality and will ensure that any incident of mandatory reporting will be kept strictly confidential.

If, after consultation with a MRC supervisor, manager, director or a human resources team member, the relevant personnel member does not reasonably believe their concerns will be reported by them, they are still legally obliged to make a mandatory report to either the Child Abuse Hotline on 1800 700 250, Crime Stoppers on 1800 333 000 or a Police Officer. In such instances the relevant personnel member should inform their supervisor, manager, director or a human resources team member that they have made the mandatory report.

### 4.1 Definitions

**Child:** is a person less than 18 years of age or a person apparently less than 18 years of age if the person's age cannot be proved.

**Domestic Violence:** is any of the following conduct committed by a person against someone with whom the person is in a domestic relationship:

- (a) conduct causing harm. *An example of harm is sexual or other assault;*
- (b) damaging property, including the injury or death of an animal;
- (c) intimidation;
- (d) stalking;
- (e) economic abuse;
- (f) attempting or threatening to commit conduct mentioned in paragraphs (a) to (e).

**Domestic Relationship:** A person is in a **domestic relationship** with another person if the first person:

- (a) is or has been in a family relationship with the other person; or
- (b) has or had the custody or guardianship of, or right of access to, the other person; or
- (c) is or has been subject to the custody or guardianship of the other person or the other person has or has had a right of access to the person; or
- (d) ordinarily or regularly lives, or has lived, with:
  - i. the other person; or
  - ii. someone else who is in a family relationship with the other person; or
- (e) is or has been in a family relationship with a child of the other person; or
- (f) is or has been in an intimate personal relationship with the other person; or
- (g) is or has been in a carers relationship with the other person.

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**Exploitation:** Exploitation of a child includes sexual and any other forms of exploitation of the child, including:

- (a) sexual abuse of the child; and
- (b) involving the child as a participant or spectator in any of the following:
  - i. an act of a sexual nature;
  - ii. prostitution;
  - iii. a pornographic performance.

**Family relationship:** A person is in a **family relationship** with another person if the person:

- (a) is the spouse or de facto partner of the other person; or
- (b) is otherwise a relative of the other person. *Examples of relatives are stepchild, parent, step-parent, grandparent, aunt, nephew, cousin, half-brother, mother-in-law or aunt-in-law.*

A relative of a person includes someone who, according to Aboriginal tradition or contemporary social practice, is a relative of the person.

**Harm:** is either one of the following:

- (a) Harm to a child is any significant detrimental effect caused by any act, omission or circumstance on:

- i. the physical, psychological or emotional wellbeing of the child; or
- ii. the physical, psychological or emotional development of the child.

including harm caused by:

- i. physical, psychological or emotional abuse or neglect of the child;
- ii. sexual abuse or other exploitation of the child;
- iii. exposure of the child to physical violence. For example, a child witnessing violence between the child's parents at home.

- (b) Harm otherwise means physical harm that is serious harm.

### 4.2 Mandatory Reporting in Relation to Children

Every adult in the Northern Territory (NT) is bound by legislation under the Care and Protection of Children Act to report suspicion of, or a belief on reasonable grounds:

- a child has suffered or is likely to suffer harm or exploitation;
- a child aged less than 14 years has been or is likely to be a victim of a sexual offence;
- sexual intercourse or gross indecency has taken place involving a child over 16 years under special care;

### 4.3 Mandatory Reporting of Domestic Violence

Every adult in the Northern Territory (NT) is bound by legislation under the Domestic and Family Violence Act to report to a police officer his or her belief, based on reasonable grounds, that

- a person has caused, or is likely to cause, harm to someone else (the victim) with whom the first person is in a domestic relationship; and/or
- the life or safety of a person (the victim) is under serious or imminent threat because domestic violence has been, is being, or is about to be committed.

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### 4.4 Responsibilities

Relevant personnel who believe on reasonable grounds that a mandatory report should be made should observe the following:

#### Relevant Personnel should not:

- conduct their own investigation (beyond gathering enough information to form the belief a mandatory report should be made);
- ask leading questions that suggest the abuse took place;
- interview witnesses;
- take statements;
- collect evidence;
- conduct a physical examination.

#### Relevant personnel should:

- only gather enough information to form the belief, and provide when reporting the matter;
- use open ended questions if talking to any other party involved.

The relevant personnel should nevertheless keep comprehensive, chronologically ordered notes that describe the source of their concerns, e.g. from obvious injuries, behaviours or comments made outlining related events, actions taken and further considerations that determine the need for help. Notes should also reflect who the relevant personnel has been in contact with in relation to this matter.

The following information should be at hand, if known, when making a report to the relevant authority:

- who is making the report;
- what has happened/what is happening at the time;
- when it happened;
- where you are calling from;
- if you live with the person you are reporting;
- name of the family and/or child who is in trouble/requires assistance;
- addresses, language spoken and child's approximate age (if known);
- factual and specific reason for concern;
- the reporter's involvement with the family;
- any other people or agencies involved;
- any concerns about a child protection workers safety in visiting the family;
- best time to find the parents/guardians at home if the family knows the report is being made;
- who is causing the harm.

## 5. Legislation and References

Related Legislation	<b>Care and Protection of Children Act</b> <b>Domestic and Family Violence Act</b>
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Related Policies	
Related Procedures	
Associated Documents	<b>Code of Conduct - Employee</b>

### 6. Delegation and Implementation

Delegate	<b>Director Corporate Services</b>
Implementation Officer	<b>Manager Human Resources</b>

### 7. Administration

InfoXpert file number	<b>TBC</b>
On Intranet (Operational Policy)	<b>TBC</b>