



SYDNEY

Christian Fellowship Inc.

ABN 62 743 576 129

Sydney Christian Fellowship Inc.

(encompassing the churches known as Sydney Christian Fellowship
and Highlands Christian Fellowship)



Child Safe Reporting Procedures

(for Concerns, Complaints and Breaches)

Procedures Title	Child Safe Reporting Procedures (formerly called Child Protection Procedures)
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IMPORTANT NOTICE

If you believe a child is in immediate danger, contact New South Wales Police on 000.

If you are otherwise seeking to raise a child safety concern, please refer to the information in these Procedures and contact one of SCF Inc's Child Safety Officers.

1. Introduction

These Child Safe Reporting Procedures are to give effect to the Child Safe Policy of Sydney Christian Fellowship Inc (SCF Inc) and should be read in conjunction with that Policy.

These Procedures include information about:

- In **Section 10 – Raising and responding to child safety concerns**, including:
 - how to respond to a concern that a child may be at risk of significant harm, including Mandatory Reporting under the *Children and Young Persons (Care and Protection) Act 1998*,
 - the Reportable Conduct Scheme under the *Children’s Guardian Act 2019*,
 - the offence of Failure to Report child abuse, under the *Crimes Act 1900*,
 - the offence of Failure to Protect a child from abuse, under the *Crimes Act 1900*.
- In **Section 11 – General complaints handling procedure** of SCF Inc.
- In **Section 12 – Breaches of SCF Inc’s Child Safe Policy**, including breaches of the Child Safe Code of Conduct.

2. Definitions

In these Procedures:

- **‘child’** and **‘children’** refers to persons under 18 years of age
- **‘child-related work’** has the meaning given to it in the *Child Protection (Working with Children) Act 2012*
- **‘Governance Sub-committee’** refers to the appointed members of the Sub-committee by SCF Inc’s Management Committee.
- **‘ministers of religion’** and **‘minister’** includes ministers who are SCF Inc employees and lay ministers (volunteers)
- **OCG** means the NSW Office of the Children’s Guardian
- **‘parent/s’** includes guardians
- **‘risk of significant harm’ (ROSH)** is described in Section 5.1 of these procedures
- **‘workers’** refers to paid employees, volunteers, contractors, ministers of religion and all members of SCF Inc’s Management Committee.

3. Scope

These Procedures apply:

- In relation to all children who are currently part of SCF Inc’s church congregation (noting that SCF Inc has two churches in New South Wales, known as Sydney

Christian Fellowship and Highlands Christian Fellowship¹.) or are as otherwise currently in contact with, or receiving services from, SCF Inc (referred to throughout these Procedures as 'children at SCF Inc' or 'a child at SCF Inc'), and

- to all workers and other adults who are currently part of SCF Inc's church congregations or are otherwise currently in contact with, or receiving services from, SCF Inc (referred to throughout these Procedures as 'adults at SCF Inc' or 'an adult at SCF Inc').

4. SCF Inc Child Safety Officers

SCF Inc has appointed Child Safety Officers to whom child safety concerns, complaints or feedback in relation to children at SCF Inc can be reported.

Additionally, a person who has a legal obligation to report a matter to an external authority (such as the Police), may request support from a Child Safety Officer, should it be required.

To reach one of the Child Safety Officers of SCF Inc., please contact us via email on admin@hcf.org.au or phone on (02) 4861 5820.

¹ Sydney Christian Fellowship and Highlands Christian Fellowship are registered business names of Sydney Christian Fellowship Inc.

5. Procedures for responding to risk of significant harm to child

5.1 What is 'risk of significant harm'

In summary, concerns that may constitute 'risk of significant harm' to a child include sexual, physical and emotional abuse, psychological harm, ill-treatment, neglect and exposure to domestic or family violence.

Specifically, the *Children and Young Persons (Care and Protection) Act 1998*, section 23, stipulates that a child (under 16 years of age) or young person (16 or 17 years of age) is **at risk of significant harm** if current concerns exist for the safety, welfare or well-being of the child or young person because of the presence, to a significant extent, of any one or more of the following circumstances:-

- (a) the child's or young person's basic physical or psychological needs are not being met or are at risk of not being met – for example, they don't have enough food or clothing, or don't have a safe or secure place to live;
- (b) the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care;
- (c) in the case of a child or young person who is required to attend school in compliance with the *Education Act 1990* <https://legislation.nsw.gov.au/view/html/inforce/current/act-1990-008> — the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive an education in compliance with that Act;
- (d) the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated;
- (e) the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm;
- (f) 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; and
- (g) the child was the subject of a pre-natal report under section 25 of the *Children and Young Persons (Care and Protection) Act 1998*, 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.

Any such circumstances may relate to a single act or omission or to a series of acts or omissions.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

- 5.2 In all cases where a worker or other person at SCF Inc is concerned, or has reasonable grounds to suspect, that a child may be at risk of significant harm (whether the risk of harm is from a person associated with SCF Inc or from a person outside of SCF Inc):

- (a) The person with the concern must promptly discuss the matter with one of SCF Inc's Child Safety Officers and (subject to the person's obligation or right to report to an external authority) otherwise keep the matter confidential.
- (b) If –
- the child is under 16 years of age, and
 - the person with the concern is a **mandatory reporter**², and
 - the concern arises in the course of the person's work at SCF Inc as a Minister, Lay Minister or worker in the Sonseekers or Teens Program, that person has a **legal obligation to make a report about the matter to the Child Protection Helpline** (Ph. 132 111) as soon as practicable.
- (c) If the child is 16 or 17 years of age, or the person with the concern is not a mandatory reporter, the person may make a voluntary report about the matter to the Child Protection Helpline (Ph. 132 111).
- 5.3 If a person reports a matter to the Child Protection Helpline, either as a mandatory reporter or voluntarily, please also advise a SCF Inc Child Safety Officer. The person may also seek the support of a SCF Inc Child Safety Officer to make a report.
- 5.4 SCF Inc has a legal responsibility to respond to certain risk of significant harm concerns, and, under these Procedures, this responsibility belongs to the SCF Inc Child Safety Officers and ultimately to the President of SCF Inc.
- 5.5 The SCF Inc Child Safety Officers and President will follow the **Process for Responding to Risk of Significant Harm Concerns** set out in **Appendix 1**.
- 5.6 Throughout the Process for Responding to Risk of Significant Harm Concerns:
- (a) the SCF Inc Child Safety Officers will:
- (i) as far as it may lie within their responsibility and authority, support and assist those who may be involved in a concern, and
 - (ii) keep the President of SCF Inc fully informed; and
- (b) the President of SCF Inc may do whatever he considers is necessary to fulfil his and SCF Inc's legal obligations in relation to the matter.
- 5.7 SCF Inc will keep a confidential record of each concern raised and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

² Under the *Children and Young Persons (Care and Protection) Act 1998*, s.27, the following SCF Inc workers are designated as **mandatory reporters**:

- Ministers and Lay Ministers,
- workers in the Sonseekers and Teens Programs (being 'persons who provide religion-based activities to children').

6. Procedures for responding to reportable conduct allegations

6.1 The NSW Reportable Conduct Scheme, under the *Children's Guardian Act 2019*, covers the conduct of SCF Inc workers (employees and volunteers) who are required to hold a Working with Children Check for child-related work. This includes:

- the President of SCF,
- Ministers and Lay Ministers, and
- workers in the Sonseekers and Teens Programs.

6.2 'Reportable conduct' is defined as:

- sexual offences against, with or in the presence of a child (under 18 years of age)
- sexual misconduct against, with or in the presence of a child
- physical assault against, with or in the presence of a child
- significant neglect of a child
- behaviour that causes significant emotional or psychological harm to a child
- ill-treatment of a child
- an offence under section 43B (failure to protect) or 316A (failure to report) of the *Crimes Act 1900* (see below).

6.3 Any allegation of any of these behaviours made against a SCF Inc worker subject to the Reportable Conduct Scheme, is a reportable allegation and will be managed in accordance with the ***Process for Responding to Reportable Allegations*** set out in **Appendix 2**, AND according to the following general procedures:

- (a) Anyone who has a reasonable belief that a SCF Inc employee or volunteer who works with children at SCF Inc has engaged in reportable conduct, should notify one of SCF Inc's Child Safety Officers, as soon as possible.
- (b) The Child Safety Officer will immediately discuss the matter with the President of SCF Inc and all other SCF Inc Child Safety Officers.
- (c) Except for the mandatory reporting obligations which may rest on any individual (as set out in section 5 of these procedures), ALL further responsibility for responding to reportable allegations belongs to the President of SCF Inc, supported by other SCF Child Safety Officers, who will act in accordance with this section 6 and will follow the *Process for Responding to Reportable Allegations* in Appendix 2.
- (d) Throughout their response, the President of SCF Inc and other Child Safety Officers will:
 - (i) Act quickly to ask the person concerned to stand down for the time being from further work with children at SCF Inc, pending the outcome of relevant investigations into the matter.

- (ii) Identify whether any potential risk may exist for children at SCF Inc, and if so, implement interim potential risk control measures. (Note that this is an interim safety measure, and NOT to be construed as a finding.)
 - (iii) Afford implicated personnel procedural fairness and timeliness.
 - (iv) Communicate with and support those involved, to minimise distress and provide appropriate pastoral care.
 - (v) Ensure that the President or any other SCF Inc Child Safety Officer participating in an investigation or determination does not have a conflict of interest in the matter, with particular regard to personal or family relationships. (A conflict of interest would be anything which might affect judgement when deciding what is in the best interest of all involved and the most appropriate way to proceed.)
 - (vi) Ensure that evidence is not disregarded, and matters are not reported without evidence unless legally required to do so.
- (e) Personnel who have been implicated in an unsubstantiated allegation will be fully supported and assisted by SCF Inc Child Safety Officers to recover from any harm the allegation may have caused them. In addition, the Child Safety Officers will consider whether any follow-up action is required to address the underlying cause of an unsubstantiated allegation.
 - (f) Within 7 days of a SCF Inc Child Safety Officer being advised of a reportable allegation, the President of SCF Inc (or in his absence, another Child Safety Officer) will notify the OCG (in accordance with the Process for Responding to Reportable Allegations) and will follow the further investigative and reporting requirements of the OCG in a timely manner.
 - (g) SCF Inc's insurer shall also be advised of such a reportable allegation, with the proviso that SCF Inc will act to protect the legal right to privacy of the individuals concerned and does not have to disclose the names of those involved until the matter is resolved by the Police or relevant authority.
 - (h) In any OCG or Police investigation, it is recommended that SCF Inc personnel who are NOT involved in the matter and who may be contacted for interview refer the person requesting the interview to a SCF Inc Child Safety Officer. However, anyone may submit to investigators, written information they think may be relevant to an investigation.
 - (i) All SCF Inc Child Safety Officers will give their full cooperation to civil authorities in their legitimate conduct of any investigation and the enforcement of its outcomes.
 - (j) SCF Inc will keep a confidential record of each allegation raised and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

- 6.4 Any person at SCF Inc has the right to contact OCG directly to make a reportable allegation, however SCF Inc's Process for Responding to Reportable Allegations (Appendix 2) should not be bypassed without good reason.

7. Failure to report offence (Crimes Act 1900, s. 316A)

7.1 The offence of concealing child abuse (also known as 'failure to report') applies to all adults in New South Wales (in any context, including church). Adults are required to report information to Police if they:

- know, believe or reasonably ought to know **that a child has been abused**, or
- know, believe, or reasonably ought to know that they have information that might assist in securing the apprehension, prosecution or conviction of the offender.

7.2 This offence covers information about sexual abuse, serious physical abuse and extreme neglect of a child (under 18 years). Failure to report the information to the Police without a reasonable excuse may result in being charged with a criminal offence.

7.3 A 'reasonable excuse' for a person not reporting the information to the Police includes that the person knows or reasonably believes that:

- the information has already been reported to the Child Protection Helpline under mandatory reporting obligations, or to OCG under the Reportable Conduct Scheme, or
- the information is already known to the Police, or
- the alleged victim was an adult at the time the person obtained the information, and does not want the matter reported, or
- there are grounds to fear for the person's safety or the safety of another person.

In addition, the person has a reasonable excuse for failing to notify the Police if they were under 18 years of age when they obtained the information.

7.4 If an individual at SCF Inc makes a report directly to the Police about a child or adult at SCF Inc:

- the individual should also notify a SCF Inc Child Safety Officer. This will enable SCF Inc to fulfil any legal obligations it may have in relation to the matter (such as under the Reportable Conduct Scheme), as well as to support and facilitate the safety of children at SCF Inc.
- SCF Inc will keep a confidential record of any report concerning a child or adult at SCF Inc and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

7.5 See **Appendix 3** for an overview of the reporting obligation and process.

8. Failure to protect offence (Crimes Act 1900, s. 43B)

8.1 The offence of failing to reduce or remove the risk of a child becoming a victim of child abuse (also known as 'failure to protect') applies to persons in positions of authority within organisations that engage adult workers in child-related work (this includes SCF Inc).

- 8.2 Such a person will commit an offence if they:
- know that an adult worker engaged in child-related work at the organisation poses a serious risk of abusing a child (under the age of 18), who is in the care or under the supervision of the organisation, and
 - have the power to reduce or remove that risk by virtue of their position in the organisation but negligently fail to do so.
- 8.3 This offence covers failure to protect against sexual abuse and serious physical abuse of a child (under 18 years).
- 8.4 If an individual at SCF Inc knows there is a serious risk that a child at SCF Inc may become the victim of sexual abuse or serious physical abuse committed by an adult working with children at SCF Inc, immediately notify a SCF Inc Child Safety Officer.
- 8.5 The SCF Inc Child Safety Officer will immediately advise the President, who will in turn advise the SCF Inc Management Committee.
- 8.6 The Management Committee will urgently consider what action it needs to take to remove or reduce the risk to a child or children at SCF Inc. At a minimum, the Management Committee will ensure that:
- the person is removed or prevented from working with children at SCF Inc,
 - the person is not placed in a role or position at SCF Inc that gives the person:
 - authority, power or control over a child; or
 - an ability to achieve intimacy with a child or gain a child's trust.
- 8.7 In addition, the Management Committee will consider whether the matter needs to be dealt with as a reportable allegation under the Reportable Conduct Scheme (see process in Section 6 of these Procedures).
- 8.8 SCF Inc will keep confidential records of each concern raised and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

9. Breach of Child Safe Policy including Code of Conduct

- 9.1 Compliance with SCF's Child Safe Policy, including the Child Safe Code of Conduct, is mandatory for all workers of SCF Inc. Any breach of the Policy may result in disciplinary action or termination of employment or engagement as a volunteer.
- 9.2 Any suspected or actual breach of this Policy should be reported to a SCF Inc Child Safety Officer.
- 9.3 *If the suspected or actual breach of the Policy involves harm or risk of harm to a child as described in Section 5 of these Procedures, or reportable conduct as described in Section 6 of these Procedures, it must be dealt with under Section 5 or Section 6, as applicable.*
- 9.4 For other breaches of this Policy reported to a Child Safety Officer, the following process will be followed:

- (a) The Child Safety Officer will advise all Child Safety Officers and President of the report received;
- (b) The President (or, in their absence, another Child Safety Officer) in consultation with the Management Committee as necessary, will deal with the matter and take appropriate action to ensure the continued safety and wellbeing of children and youth in our care. Depending on the nature and seriousness of the breach, such action may include one or more of the following:
 - removing the person who committed the breach from further involvement in the Program;
 - providing the person with additional training on their obligations;
 - ensuring the person is more closely supervised;
 - reviewing and, if necessary, enhancing the policies and procedures.

9.5 SCF Inc will keep a confidential record of each breach reported and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

10. General complaint handling procedure

10.1 Any general concerns, complaints, questions or other feedback about any elements of SCF Inc's program and activities involving children, including the Sonseekers and Teens programs, should be raised with an SCF Inc Child Safety Officer.

For clarity, if the concern or complaint involves a disclosure or suspicion of harm to a child as described in Section 5 of these Procedures, it must be dealt with under Section 5.

10.2 If a general concern or complaint is unable to be resolved by informal discussion between the Child Safety Officer and the person raising the concern or complaint, the formal complaint handling process set out below will be followed:

- (a) The Child Safety Officer will request the complainant to submit the complaint by email or in writing (with the assistance of the Child Safety Officer, if necessary).
- (b) If the Child Safety Officer considers the complaint to be frivolous or vexatious, the Child Safety Officer will advise the complainant accordingly and need not take any further action, other than to make a record accordingly in SCF Inc's Child Safety Concerns, Complaints and Breach Register.
- (c) If the complaint is not considered to be frivolous or vexatious, the Child Safety Officer will:
 - acknowledge, by email or in writing to the complainant, receipt of the written complaint, and
 - make an initial entry in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

- Investigate the complaint and take action in accordance with the following paragraphs (d), (e) and (f):
- (d) Within 21 days of receiving the formal complaint, the Child Safety Officer will advise the complainant, by email or in writing, either:
- the outcome of the Child Safety Officer's investigation and consideration of the complaint, or
 - an estimation of the date an outcome is expected to be advised to the complainant.
- (e) When the Child Safety Officer advises the complainant of the outcome, the Child Safety Officer will also offer the complainant the opportunity for further discussion about the matter.
- (f) Once the matter has concluded, the Child Safety Officer will:
- consider whether any improvements to SCF Inc's Policy, Procedures or training are necessary, and recommend any identified improvements to SCF Inc's Governance Subcommittee or SCF Inc's Management Committee; and
 - update SCF Inc's Child Safety Concerns, Complaints and Breach Register, in accordance with section 10.3.

10.3 SCF Inc will keep a confidential record of each formal complaint raised and the action taken and include a de-identified summary in SCF Inc's Child Safety Concerns, Complaints and Breach Register.

11. Key contact details of relevant external authorities

Office of the Children's Guardian (OCG)

- Working with Children Check, Ph. 8219 3777
- Reportable Conduct, Ph. 8219 3800

Department of Communities and Justice

- Child Protection Helpline, Ph. 132 111 (24 hours/7days)

New South Wales Police

- For urgent matters or in an emergency, call 000
- Campbelltown Police, Ph. 4620 1199
- Moss Vale Police, Ph. 4869 7899
- Crime Stoppers, Ph. 1800 333 000

12. Approval and review of Procedures

12.1 The Management Committee of SCF Inc has authorised the Governance Subcommittee of SCF Inc to develop, approve and amend as necessary these Procedures.

12.2 The Governance Sub-committee will regularly review these Procedures, as follows:

- at least once every 2 years, to refresh and update the Procedures as needed, and to make any key improvements,
 - immediately following a child safety incident, complaint or breach of its Child Safe Policy, to identify and make any necessary changes to these Procedures relevant to the issues identified,
 - in response to legislative or regulatory changes,
 - in response to the identification of emerging risks to the safety and wellbeing of children at SCF Inc.
- 12.3 Any amendments to these Procedures must be approved by SCF Inc's Governance Sub-committee, and the Sub-committee will subsequently advise the Management Committee of SCF Inc of the amendments made.
- 12.4 Any amendments to these Procedures will be communicated to all workers as soon as practicable, and SCF's Child Safety Training Plan will be updated as necessary.

13. Communication

These procedures are made available to the church community on SCF Inc's Lampstand intranet and are also available at the SCF Inc Church Office.

14. Managing records and exchanging information

Child protection records will be kept in perpetuity and managed in the following four ways:

14.1 To enable privacy of information principles to be upheld.

ALL child protection documentation will be stored and managed:

- a) In accordance with the requirements of applicable Privacy Laws and SCF Inc's Privacy Policy;
- b) as securely as possible, as deemed appropriate by the Management Committee from time to time, having regard to the sometimes conflicting principles of individual privacy and the safety of children. In this regard, the safety of children will be deemed paramount;
- c) and more particularly:
 - i. In hard copy in individual folders inside a locked filing drawer or filing cupboard in the SCF Inc office(s), or in a secure storage facility off-site, and their whereabouts noted;
 - ii. In soft copy in Microsoft SharePoint;
 - iii. Archived inside a password-secured online records management system, which is currently Microsoft SharePoint;
 - iv. Access to these hard and soft copy records will be strictly limited to the Child Safety Officers and other personnel working within SCF Inc on a need-to-know only basis, and in the event of any

- information exchange or investigation, the Commission, NSW Police, relevant agencies or legal authorities as appropriate.
- v. NO communications about specific child protection matters that identifies any child will be undertaken by email.

14.2 To enable efficient management of the Children's Program

- a) An administration file will be kept in the SCF Inc Church Office containing information and documentation to help SCF Inc personnel fulfil their responsibilities in administering the Children's Program. It will contain:
 - a. A copy of the SCF Inc Child Safe Policy; Child Safe Reporting Procedures and Sonseekers and Teens Program Procedures;
 - b. The names and contact details of the Child Safety Officers;
 - c. Copies of forms and documents required for the efficient administration of the Children's Program, such as attendance rolls, Checklists, Care and Consent Forms.
- b) SCF Inc will investigate and implement an electronic version of the administration files in addition to, or in replacement of, the administration files mentioned in point 14.2.a above.

14.3 To enable information exchange provisions under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1988

Information exchange provisions under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 allows for the flow of information between government agencies and non-government organisations to facilitate collaboration in the provision of services to vulnerable children and their families. For example, if:

- A legitimate request for an exchange of information that is held by SCF Inc is received from an external agency, or
- The Child Safety Officers believe that information held by SCF Inc should be exchanged with an external agency,

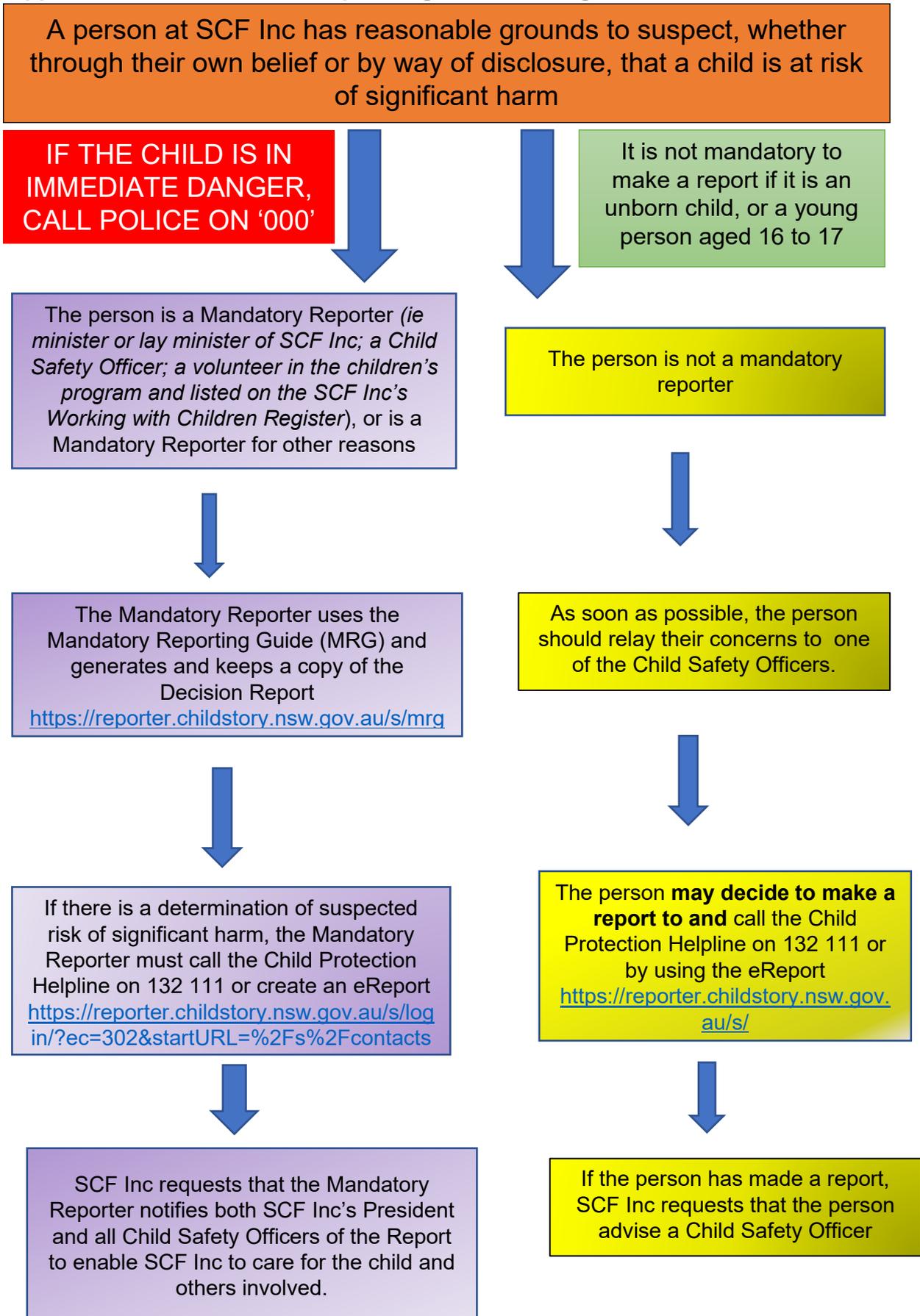
To enable information exchange requirements under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998 to be met the Child Safety Officers will:

- i. Identify and retrieve any relevant records from within the secure records system.
- ii. Provide a copy of those records by post (or some other secure record exchange method) under a covering letter to the agency concerned.
- iii. Record the details of the exchange in SCF Inc's secure child protection records system.

14.4 To enable provision of accurate information to civil authorities

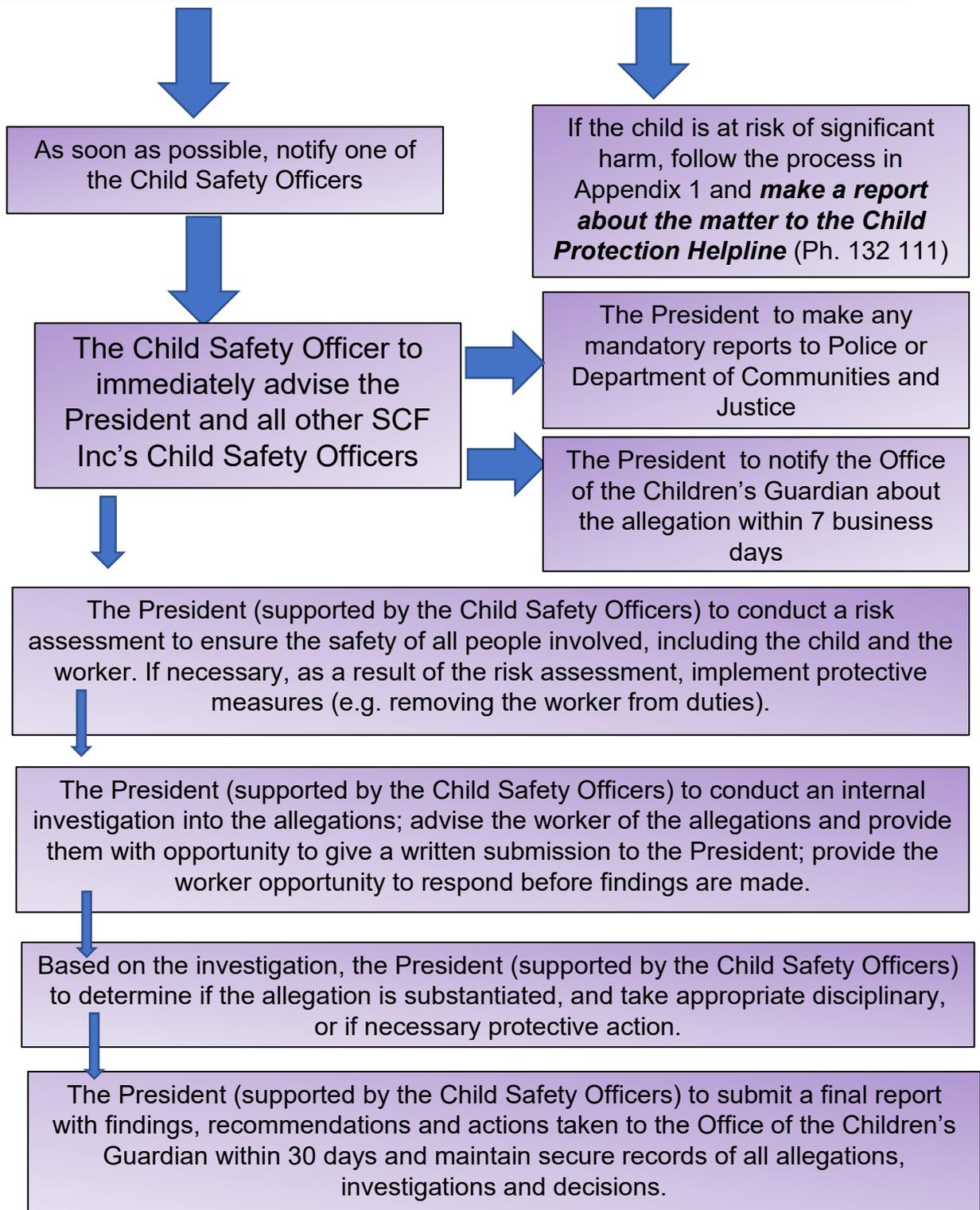
To enable SCF Inc to provide accurate information to civil authorities as may be required by law.

Appendix 1 – Process for Responding to Risk of Significant Harm Concerns



Appendix 2 – Process for Responding to Reportable Conduct

Anyone who has a reasonable belief that an SCF Inc employee or volunteer ('worker') who works with children at SCF Inc has engaged in reportable conduct



Appendix 3 – Serious sexual abuse, physical assault or extreme neglect

Unless they have a reasonable excuse (*as defined in Clause 7.3 of these Procedures*), if *any person* has knowledge or reasonable belief of sexual abuse, serious physical abuse, or extreme neglect of a child (U18), it is a crime for that person not to report the matter to the police (Crimes Act 1900). Police may be contacted through local police stations or on Crime Stoppers.

Campbelltown Police (02) 4620 1199
Moss Vale Police (02) 4869 7899
Crime Stoppers 1800 333 000

IF THE CHILD IS IN IMMEDIATE DANGER, CALL 000

Consider whether there is an ongoing risk of significant harm to a child (especially if under age 16). Follow Risk of Significant Harm procedure at Appendix 1.

If this is a reportable conduct matter, follow the procedure at Appendix 2.

Advise a Child Safety Officer