

This information is a guide and summary only. It is not legal advice.

Section three: Making a mandatory report

Child Protection
Make the Call



Government of Western Australia
Department of Communities
Child Protection and Family Support

Section three: Making a mandatory report

By the end of section three you will be able to:

- Describe the role of the Department of Communities - Child Protection and Family Support Mandatory Reporting Service.
- Make a report using the correct processes.
- Describe what happens after making a report.
- Identify issues relating to confidentiality and the legal protection for mandatory reporters.

Section three: Making a mandatory report

The Mandatory Reporting Service

The Mandatory Reporting Service was established within the Department of Communities - Child Protection and Family Support to respond to mandatory reports of child sexual abuse.

The Mandatory Reporting Service free call telephone line is **1800 708 704**.

The Mandatory Reporting Service website address is **www.mandatoryreporting.dcp.wa.gov.au**

Section three: Making a mandatory report

The Mandatory Reporting Service

The Mandatory Reporting Service's functions are to:

- Receive verbal and written mandatory reports.
- Assess the immediate risk to a child.
- Determine the need for further child protection assessment and investigation.
- Send a copy of the mandatory report to the WA Police.
- **Provide a standardised letter to the mandatory reporter which includes a receipt number.**

Section three: Making a mandatory report

The Mandatory Reporting Service

By calling the Mandatory Reporting Service, mandatory reporters will be able to discuss the grounds on which they have formed their belief of child sexual abuse, with a specialist in child protection.

The Mandatory Reporting Service will also be able to provide advice and information about mandatory reporting of child sexual abuse.

Section three: Making a mandatory report

The reporting process

The Mandatory Reporting Service can receive reports 24 hours a day, seven days a week.

Verbal report

- The legislation states that if you make a verbal report first, it **must** be followed by a written report.

Written report

- If you send in a written report first, it does not need to be supported by a verbal report.
- Following a written report, you may be contacted by authorities to clarify or obtain additional information.

Section three: Making a mandatory report

How do I make a verbal report?

- Before making a report, always check your organisation's internal processes.
- A telephone call to the Mandatory Reporting Service allows for:
 - **The reporting of an immediate concern for a child's safety**
 - **an opportunity to clarify information**
 - **detailed information gathering.**

Section three: Making a mandatory report

You must make a written report

- A written report must be made as soon as *practicable* after a verbal report is made (preferably within 24 hours of the verbal report).
- Failure to make a written report after making a verbal report may attract a penalty of \$3,000.

Section three: Making a mandatory report

How do I make a written report?

- Check your organisation's internal processes.
- Make a written mandatory report to the Mandatory Reporting Service via:

Internet: www.mandatoryreporting.dcp.wa.gov.au

Email: mrs@dcp.wa.gov.au

Fax: 1800 610 614

Post: Mandatory Reporting Service
PO Box 8146
PERTH BC WA 6849

Section three: Making a mandatory report

Where can I get a mandatory reporting form?

- Your own organisation may have a customised mandatory reporting form in hard copy or online. If not you can:
 - complete a mandatory reporting form online at www.mandatoryreporting.dcp.wa.gov.au.
 - download a mandatory reporting form as a PDF from the mandatory reporting website at: www.mandatoryreporting.dcp.wa.gov.au.

Section three: Making a mandatory report

What information must I provide?

There are three tiers of information that make up a mandatory report.

1. Information that must be provided.
2. Information that must be provided if known by the mandatory reporter.
3. Other useful information.



Section three: Making a mandatory report

1. Information that must be provided

- The child's name or a description of the child.
- Why you believe the child has been, or is, the subject of sexual abuse.
- Your name and contact details.

Section three: Making a mandatory report

2. Information that must be provided, if known by the mandatory reporter

- The child's date of birth.
- Where the child lives.
- The names of the child's parents or other responsible persons.
- The name of the person alleged responsible.

Section three: Making a mandatory report

3. Other useful information

The Mandatory Reporting Service may ask you for further information, such as:

- Does the child have a disability or special needs?
- Is the child from a culturally and/or linguistically diverse background?
- Is the child an Aboriginal or Torres Strait Islander?
- Are there any siblings in the family?
- What are the child's current whereabouts?

Section three: Making a mandatory report

How will I know my written report has been received?

- If you submit a web report you will receive a receipt number at the time of submission.
- If you submit a report by email, fax or post you will be advised of the receipt number by email or telephone.
- You will also receive a standardised letter with the receipt number.

Section three: Making a mandatory report

What happens after my report is received?

- Mandatory Reporting Service staff will conduct an initial assessment to determine if there is a role for the Department.
- A copy of the written report is sent to the WA Police.
- If there is a WA Police and/or Department of Communities - Child Protection and Family Support investigation, you may be contacted.
- Remember... the safety of the child is paramount.

Section three: Making a mandatory report

Confidentiality and legal protection

Confidentiality is a complex area of the legislation. It has been divided into four parts:

1. Protection from liability.
2. Protection of reporter's identity.
3. Exceptions to protecting reporter's identity.
4. Other protections.

Section three: Making a mandatory report

1. Protection from liability

The legislation gives you protection from having:

- Breached a duty of confidentiality (for example, doctor/patient confidentiality).
- Breached professional ethics or standards or engaged in unprofessional conduct.
- Incurred any civil or criminal liability.

(continues over)

Section three: Making a mandatory report

1. Protection from liability

- You must be acting in good faith when you make the report for these protections to apply.
- People involved in making a report are also given protection (for example, a school psychologist who tells a teacher of possible abuse).

Section three: Making a mandatory report

2. Protection of reporter's identity

- The identity of a reporter is protected by law and is not generally released.
- If a reporter's identity is disclosed without their written consent, penalties of up to two years imprisonment and a \$24,000 fine may apply.
- This includes disclosing information which does not include the name of the reporter but which might enable others to identify them.
- There are some exceptions where revealing a reporter's identity is allowed.

Section three: Making a mandatory report

3. Exceptions to protecting a reporter's identity

There are three main circumstances when disclosure of a reporter's identity is allowed, this may occur:

- To take actions necessary to protect a child.
- For the purposes of specified child-related legal proceedings.
- In other legal proceedings where the Court gives permission.

Section three: Making a mandatory report

Exceptions to protecting a reporter's identity for child protection reasons

The reporter's identity can be disclosed:

- When a person is performing functions under the *Children and Community Services Act 2004*.
- To allow for the prosecution of offences relating to mandatory reporting.
- If consent is received from the mandatory reporter.
- To, or by, a police officer investigating a suspected offence relating to the child.

Section three: Making a mandatory report

Exceptions to protecting a reporter's identity due to child-related legal proceedings

A Department of Communities - Child Protection and Family Support officer may reveal the identity of a mandatory reporter for the purposes of the following proceedings relating to the child:

- Child protection proceedings.
- An application for the review of a case planning decision.
- Family law or adoption proceedings.

Section three: Making a mandatory report

Exceptions to protecting a reporter's identity due to other legal proceedings

A Court may give permission for the mandatory reporter's identity to be disclosed but only where the Court is satisfied that revealing the reporter's identity is:

- necessary to safeguard and promote the wellbeing of the child, or
- of critical importance in the proceedings and there is a compelling reason in the public interest to make the disclosure.



Section three: Making a mandatory report

Limits to use of mandatory reports as evidence

Limits apply to:

- The use of the report itself as evidence in legal proceedings.
- Asking questions about the report during legal proceedings.

Section three: Making a mandatory report

Protection for non-mandatory reporters

Everyone making a report about a child is provided with the same level of protection regardless of whether the report is about sexual abuse or any other form of abuse.

Section three: Making a mandatory report

Content review

The following pages include questions about the content covered in section three.

See if you can answer each question in your head, then click the forward button at the bottom of the page to reveal the correct answer.

Section three: Making a mandatory report

How can reports of child sexual abuse be reported to the Mandatory Reporting Service?

- a) by phone
- b) by website
- c) by email
- d) by letter
- e) all of the above

Click forward to reveal correct answer

Section three: Making a mandatory report

How can reports of child sexual abuse be reported to the Mandatory Reporting Service?

- a) by phone
- b) by website
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Section three: Making a mandatory report

After submission of a written report, you will receive:

- A standardised letter with a receipt number.
- A letter thanking you for your report.
- No acknowledgement.
- Details of the investigation.

Click forward to reveal correct answer

Section three: Making a mandatory report

After submission of a written report, you will receive:

- **A standardised letter with a receipt number.**
- A letter thanking you for your report.
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- Details of the investigation.

Section three: Making a mandatory report

A mandatory reporter only has to make a verbal report to fulfil their legislative obligations

- true
- false

Click forward to reveal correct answer

Section three: Making a mandatory report

A mandatory reporter only has to make a verbal report to fulfil their legislative obligations

- true
- false



Section three: Making a mandatory report

Mandatory reporters can remain anonymous when making a report

- true
- false

Click forward to reveal correct answer



Section three: Making a mandatory report

Mandatory reporters can remain anonymous when making a report

- true
- false



Section three: Making a mandatory report

The identity of a mandatory reporter who has reported a belief of child sexual abuse has no legal protection

- true
- false

Click forward to reveal correct answer



Section three: Making a mandatory report

The identity of a mandatory reporter who has reported a belief of child sexual abuse has no legal protection

- true
- false

Section three: Making a mandatory report

What proof can a mandatory reporter provide to show a written report has been made?

- a) Standardised letter with a receipt number from the Mandatory Reporting Service.
- b) Proof of contact by telephone.
- c) Report made to a senior officer.
- d) A written receipt number from your organisation.
- e) All of the above.

Click forward to reveal correct answer

Section three: Making a mandatory report

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- a) **Standardised letter with a receipt number from the Mandatory Reporting Service.**
- b) Proof of contact by telephone.
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- d) A written receipt number from your organisation.
- e) All of the above.

Section three: Making a mandatory report

What is the penalty for disclosing the identity of a mandatory reporter?

- a) \$3,000
- b) no penalty
- c) \$6,000
- d) \$24,000 and 2 years imprisonment
- e) \$50,000 and 5 years imprisonment

Click forward to reveal correct answer

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What is the penalty for disclosing the identity of a mandatory reporter?

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Section three: Making a mandatory report

When can a mandatory reporter's identity be released?

- a) It can never be released.
- b) If consent is given by the mandatory reporter.
- c) By a child protection officer in child protection proceedings.
- d) Both b and c.

Click forward to reveal correct answer

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- a) It can never be released.
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- c) By a child protection officer in child protection proceedings.
- d) **Both b and c.**

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**You have now completed section three,
making a mandatory report.
Please proceed to the final review.**

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