

PURPOSE

Evolve Housing's responsibility towards child protection is to report to NSW Department of Communities and Justice (DCJ) any reasonable suspicion that a child or young person is at risk of significant harm which comes to the attention of an Evolve Housing employee during the course of carrying out their duties.

POLICY REFERENCE	HS234
POLICY OWNER	Group General Manager Resident Services
APPROVED BY	Group Executive Team
APPROVAL DATE	September 2025
REVIEW DATE	September 2028

1. SCOPE

This policy applies to tenants, housing applicants and all staff of Evolve Housing Limited and its controlled entities described in clause 12 of this policy (referred to as the Company).

2. POLICY STATEMENT

The Company is committed to working in partnership with other agencies concerning the safety, welfare and wellbeing of children and young people by:

- recognising the signs of abuse and neglect and reporting the name or a description of a child or young person reasonably suspected of being at risk of significant harm to the Department of Communities and Justice .
- working with government and non-government agencies to monitor instances where a child or young person is reasonably suspected of being at risk of significant harm
- making appropriate referrals to agencies that support children, young people and families
- providing appropriate housing assistance to children, young people and their families.

3. RESPONSIBILITIES

By law, all community housing staff are mandatory reporters. If an employee has a reasonable suspicion or concern that a child or young person is at risk of significant harm, a report must be made to the Department of Communities and Justice.. As such, it is imperative that all housing professionals are aware of the process of notifying a child or young person at risk as well as being responsible for:

- providing housing assistance to eligible households where children and young people are at risk
- assisting children and young people in the transition from out-of-home care to independent living in private and social housing
- providing information to assist other agencies in conducting child protection risks (under Chapter 16A)
- taking into consideration the safety, welfare and wellbeing of children and young people when assessing applications for priority assistance from eligible clients who are experiencing domestic violence
- referring families in crisis to appropriate support services
- seeking assistance from a local Family Referral Service where available
- reporting to Family and Community Services if the child or young person is known to be currently under the care of the Minister.

4. MANDATORY REPORTING

4.1 The Mandatory Reporter Guide (MRG)

Mandatory reporters should use the Mandatory Reporter Guide (MRG) to help decide whether a child is suspected to be at Risk of Significant Harm (ROSH) and whether a report to the **Child Protection Helpline on 132 111** should be made.

The MRG is a Structured Decision Making (SDM) tool intended to complement mandatory reporters' professional judgement and critical thinking.

The MRG supports mandatory reporters in NSW to:

- determine whether a report to the Child Protection Helpline is needed for concerns about possible abuse or neglect of a child or young person; and
- identify alternative supports for vulnerable children, young people and their families.

5. EXCHANGE OF INFORMATION WITH OTHER GOVERNMENT AND NON-GOVERNMENT AGENCY

Under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*, government agencies and non-government organisations have the authority to request and release information about a child or young person and their parent, without consent, if it relates to the safety, welfare and wellbeing of a child or young person.

The exchange of information only relates to information already held by the agency and where the information will assist in:

- making a decision, assessment or plan
- initiating or conducting an investigation
- providing a service relating to the safety, welfare or wellbeing of the child or young person (or class of children or young persons), and/or
- managing a risk to a child or young person.

In situations where sharing information under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998* is related to a domestic violence matter that puts the victim's safety and/or health at threat, information can be exchanged under Part 13A of the Crimes (Domestic and Personal Violence) Act 2007.

5.1 Requests for Information from Family and Community Services

Family and Community Services can request information from the Company and Community Housing Providers participating in Housing Pathways, as a prescribed body under Chapter 16A of the *Children and Young Persons (Care and Protection) Act 1998*.

Where a request for information under Chapter 16A is received, and the Company is confident the request meets the principles of Chapter 16A, the information must be supplied.

The Company can decline a request for information under Chapter 16A from a prescribed body if the request does not meet the principles of Chapter 16A.

Family and Community Services; however, has the power by a notice under Section 248 of the *Children and Young Persons (Care and Protection) Act 1998* to compel the Company to disclose existing information

relating to the safety, welfare and wellbeing of a child, an unborn child or a young person. The Company staff are legally obliged to provide this information to Family and Community Services. However, Family and Community Services can only collect information that already exists. It cannot require the Company staff to collect new information or to undertake a separate assessment and report.

5.2 Requests for Information from the Company

Community Housing staff, participating in social housing, can request information from Family and Community Services under Chapter 16A if it relates to the safety, welfare and wellbeing of a child or young person. Family and Community Services is a prescribed body under Chapter 16A and is legally required to provide this information, if the request meets the principles of Chapter 16A.

6. SAFEGUARDING OF PEOPLE WHO MAKE REPORTS

Reports relating to child wellbeing are confidential. The identity of an the Company reporter cannot be disclosed without their permission or unless directed by a judge or magistrate during court proceedings.

Disclosure to a law enforcement agency is also authorised (subject to conditions) under Section 29(4A) of the *Children and Young Persons (Care and Protection) Act 1998* if it is investigating a serious offence against a child or where disclosure is necessary for the protection and safety of the child and any other child.

7. CONFIDENTIALITY

All information concerning a report is treated in the strictest confidence. The Company staff and Housing NSW staff must not inform parents or caregivers that Family and Community Services or the Police are investigating an incident of suspected child abuse or neglect. Any person making an inquiry or complaint concerning a report will be referred to Family and Community Services or the Police.

8. PRIVACY AND PERSONAL INFORMATION PROTECTION ACT 1998 AND THE HEALTH RECORDS AND INFORMATION PRIVACY ACT 2002

Under these two Acts, there are a number of exceptions to the general rule of non-disclosure, whereby the Company staff may disclose or exchange relevant personal information to or with other agencies if lawfully authorised or required to do so. Under the *Children and Young Persons (Care and Protection) Act 1998*, the non-disclosure provisions of Privacy or other laws are specifically excluded from operating to prevent the proper provision or exchange of information under that Act.

9. APPEALS AND REVIEW OF DECISIONS

The making of child protection reports by staff is not appealable. This is because staff are legally required to make a mandatory report to The Department of Communities and Justice if, during the course of their work, they have reasonable grounds for suspecting a child or young person is at risk of significant harm. Staff are also authorised by legislation to make non-mandatory reports with respect to children and young people.

10. DEFINITIONS

Under the *Children and Young Persons (Care and Protection) Act 1998*:

- A child is under 16 years of age; and
- A young person is aged 16 years or above but under 18.

11. LEGISLATION

The Company is required to comply with the following legislation:

- Children and Young Persons (Care and Protection) Act 1998 including 2009 amendments of information sharing requirements
- Children Legislation Amendment (Wood Inquiry Recommendations) Act 2009 No 13 on 24 January 2010
- Australian Privacy Principles (2014) under the Privacy Act (Cth) 1988
- Privacy and Personal Information Protection Act 1998
- Health Records and Information Privacy Act 2002
- Ombudsman Act 1974
- Housing Act 2001
- Residential Tenancies Act 2010

12. APPLICABILITY

This policy applies to :

Company
Evolve Housing Limited
EchoRealty NSW & ACT Limited
Evolve Arncliffe Limited
Evolve Blacktown Limited
Evolve Penrith Limited
Evolve Melrose Park Limited
Evolve Merrylands Limited
Evolve Granville Limited
Evolve Edgecliff Limited
Evolve Carinya Limited

13. RELATED RESOURCES

- Department of Communities and Justice
- NSW Ombudsman
- [NSW Advocate for Children and Young People](#)
- [Office of the Children's Guardian](#)

14. VERSION CONTROL

Date Reviewed	Policy Reviewer	Key Changes
1/08/2017		Policy adopted
31/10/2022	Raylee Golding, GM GAL/ Co Sec	Application of policy extended to controlled entities
14/08/2025	Greg Locke EMSH	Application of policy extended to controlled entities, updated references