Handout 2: Implementation of Statutory Requirements

Case Managers must work within the law. Some examples of legislation affecting the work of Case Managers includes:

1. Reporting a child 'at risk of harm', abuse or maltreatment or neglect.
   - Currently in all states and territories of Australia, except Western Australia, there is legislation in place requiring the compulsory reporting of child maltreatment, abuse or neglect to the state or territory Department for Community Services.
   - Although each state and territory has different legislation the processes to protect children are similar.
   - Children come to the attention of the authorities through a number of avenues. These include reports about the child from someone in the community or by a professional mandated to report suspected abuse or neglect or by another service such as a school or health service who has contact with the child and becomes concerned.
   - Reports to the department are assessed to work out if the matter should be dealt with by the department or by another community service agency such as one like the CPCC.
   - Reports requiring further action are usually classified as those which are a family service issue and those which are a child protection issue. All departments have trained officers who are able to determine the classification.
   - Community service workers are not required to assess the risk themselves rather if they are concerned, to notify their concerns to the appropriate department for trained officers to assess.
   - A child or young person may be 'at risk of harm', abuse neglect or maltreatment because their physical and psychological needs are not being met, because they are not receiving necessary medical care, where they have been or are at risk of physical or sexual abuse, exposure to domestic violence or serious psychological harm.

2. In some states, the law makes it difficult for defence lawyers to gain access to the counselling records and notes of patients who have been sexually assaulted. The law protects any counselling communication made in the course of a relationship in which the counsellor is treating a person for any emotional or psychological condition. This means that a worker has a responsibility to have a duty of confidence to a client who has been sexually assaulted.

3. In some states, legislation identifies "Prohibited Person" or people who must disclose their status as prohibited persons if they work in child related employment. A prohibited person is someone who has been found guilty of a "serious sex offence" which is an offence involving sexual activity or acts of indecency which are punishable in NSW or other states by penal servitude or imprisonment of 12 months or more.