

Child Protection Register Policy

Essential Summary

The *Child Protection Register Policy* applies to all Youth Justice NSW (YJNSW) employees who directly oversee the supervision and case management of young people.

The *Child Protection (Offenders Registration) Act 2000* requires young people who are confirmed registrable persons, to adhere to specific Child Protection Register (CPR) obligations including formal registration on the CPR for a specified period of time.

This policy covers the role and responsibilities of YJNSW employees to:

- check for, and identify, possible registrable persons
- support young people through the CPR process
- appropriately share information about registrable offenders
- record accurate information regarding a young person's registrable offender status
- support young people to meet the CPR requirements
- communicate CPR obligations clearly to young people or organise relevant supports to do so

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1 Scope

This policy applies to all YJNSW employees involved in checking the registrable offender status of young people and managing young people who have been identified as registrable persons.

2 Purpose

This policy outlines YJNSW employee requirements to assess a young person's registrable offender status and support young people to comply with their Child Protection Register (CPR) obligations.

3 Definitions

Child Protection Prohibition Order (CPPO) means an order police can apply to the court to prohibit registrable persons from engaging in specific behaviours when they believe that a registrable person poses a risk to the sexual safety or life of a child, or children generally.

Child Protection Register (CPR) means a register of people, maintained by the police, who have been found guilty and have been sentenced for one or multiple registrable offences, regardless of whether a conviction is recorded or not. Registrable persons must comply with the obligations of the CPR.

Form 3 or Form 3 notice means a formal document that is served on a registrable person and is then submitted to police. The document directs young people to formally register and adhere to the reporting obligations of the CPR within seven days of being sentenced or released from custody.

Must indicates a mandatory action to be complied with.

Prescribed Body means any organisation specified in section 248(6) of the *Children and Young Persons (Care and Protection) Act 1998* or in Clause 8 of the *Children and Young Persons (Care and Protection) Regulation 2000*. The definition includes organisations which are specifically named in the legislation and any organisation responsible for the direct supervision or provision of health care, welfare, education, children's services, residential services, or law enforcement wholly or partly to children.

Registrable offence means a serious offence against a child under the age of 18 as defined in the *Child Protection (Registrable Offenders) Act 2000* which results in the making of a child protection registration order.

Registrable offender/person means a person who has been found guilty, has been sentenced for a registrable offence(s) and is required to formally register on the Child Protection Register.

Scheduled agencies means a list of government agencies as per Schedule 1 of the *Child Protection (Offenders Registration) Act 2000*. Examples of scheduled agencies include NSW Police Force, Department of Education and Communities and parts of the Department of Communities and Justice (including Youth Justice and Corrective Services).

Should indicates a recommended action to be complied with unless there are sound reasons for taking a different course of action.

Substantial adverse impact includes, but is not limited to, serious physical or mental harm, sexual abuse, significant loss of benefits or other income, imprisonment, loss of housing or the loss of a carer.

4 The Child Protection Register (CPR)

The *Child Protection (Registrable Offenders) Act 2000* outlines the registration and reporting requirements for certain offenders who commit sexual and other serious offences against children.

The CPR aims to:

- prevent child related offences through monitoring of offenders and early intervention
- assist in investigating and prosecuting child sex offences committed by registrable offenders
- deter registered persons from re-offending
- manage and monitor child sex offenders in the community
- create a sense of security for victims and their families.

A registrable person must adhere to specific reporting obligations, i.e. providing police with details including their place of residence, travel plans, their vehicle registration and internet providers.

Courts are able to make an order at sentencing or appeal, determining that a young person is not registrable.¹

4.1 Registrable offences

Registrable offences are serious offences committed against a child under the age of 18 years. The two types of registrable offences are Class 1 and Class 2 (see table below). Class 1 offences are more serious and require the young person to be on the register for a longer period of time. The period they will be on the register is calculated and managed by the police CPR team. A juvenile registrable person will receive half the amount of time on the register than an adult registrable person who has been sentenced for the same offence, or a maximum of seven and a half years where a requirement to report for life would be applied.

¹ Section 3C of the *Child Protection (Offenders Registration) Act 2000*

Class 1 Offences	Class 2 Offences
Murder of a child	Manslaughter of, or causing serious harm to, a child
Any offences that involves sexual intercourse with a child, including outside of Australia	Acts of indecency
Some offences of sexual abuse of a child, such as persistent sexual abuse	Procuring or grooming a person under 16 for unlawful sexual activity
	Kidnapping or abduction
	Promoting child prostitution or benefiting from it in any way, including taking part
	Other sexual offences against children that happened overseas

Both Class One and Class Two Offences include attempt, conspiracy and incitement to commit offences and include offences committed outside of NSW.

4.2 Designated YJNSW registrable offenders team

The Operations Unit (Policy & Practice) is the designated YJNSW registrable offenders team.

The team is responsible for:

- liaising with the police CPR team at least weekly to verify the registrable status of recently sentenced young people.
- notifying YJNSW caseworkers whose responsibility it is to support young people on the CPR to meet their CPR requirements.

The registrable offenders team uses the *'possible registrable offenders for a period'* CIMS report to identify potential registrable offenders. This report relies on CIMS community supervision and custodial legal order information. To enable possible registrable offenders to be identified, all legal orders must be entered into CIMS as soon as possible after a young person has been sentenced.

The registrable offenders team can be contacted by emailing

████████████████████

5 *Form 3* and CPR registration

The *Form 3* is issued to a registrable person by the court, police or YJNSW. It explains that the young person must register with the police and provides reporting obligations and the consequences for non-compliance with the CPR.

5.1 Issuing a *Form 3*

The *Form 3* outlines that the young person must register with police after they are sentenced in the community, or about to be released from custody. A young person only needs to be served the *Form 3* once following sentencing. The *Form 3* does not need to be served on registrable young people who are on escorted absences, day or overnight leave.

The *Form 3* outlines that the registrable young person must attend their local police station to register on the CPR no later than 7 days after sentencing for those in the community, or within 7 days of their custodial release date. The section of the *Form 3* titled *Acknowledgement of Notification* must be signed and dated to confirm the young person's requirement to attend a police station within 7 days of their sentence, or release from custody.

The *Form 3* also details:

- what documents to take to formally register
- that a DNA sample may be required by police
- what personal information must be provided to police
- the CPR obligations
- additional requirements and obligations around reporting arrangements
- potential consequences of fines and imprisonment if the CPR conditions are not adhered to.

5.2 Who is responsible for serving the *Form 3*?

The *Form 3* must be served on a young person in the community by the caseworker (community), as soon as possible after the young person has been sentenced to a supervised community order. If a young person is not supervised by Youth Justice, then the sentencing court, or Community Corrections hold responsibility for serving the form 3.

Where the registrable young person is being released from custody, the *Form 3* must be served and explained to a young person, prior to their release. Usually the *Form 3* is served by the caseworker (custody) and discussed at the discharge case conference. If a young person is sentenced and due to be released when their caseworker (custody) is not available, then the *Form 3* must be served by a duty manager or another employee that the duty manager nominates.

The completed form 3 must be emailed to the police CPR team, see the *Child Protection Register Procedure* for further details and YJNSW employee responsibilities.

5.3 Meeting the complex needs of young people

The YJNSW employee tasked with serving the *Form 3* to the young person must explain the *Form 3* and the CPR obligations, the consequences of breaching these and the rights of the young person while under the register.

The delivery of complex information must be presented in a way best suited to the young person's needs. This can include:

- a spoken explanation
- a simplified breakdown of the notice
- arranging for a support person or an interpreter to communicate the CPR information to the young person.

If a young person has an intellectual disability, mental health condition or limited capacity to understand their registration obligations or rights, the employee must consider serving the *Form 3* to the young person's nominated parent, guardian or carer, so that they can support the young person to register. In this circumstance, the support person must also provide their own identification and other documents to the Crimes Manager at the local police station.

YJNSW must provide police with any information about the young person's disability or other support needs which may impact the registrable person's ability to follow their CPR obligations. Extra supports, aids and strategies used to engage and encourage the young person to adhere to their obligations must be shared with the Crimes Manager of their local police station. This provides police with an opportunity to administer the various strategies and supports with the young person before considering breach action.

5.4 Refusal to sign the *Form 3*

The registrable person is obligated to formally register on the CPR even if they refuse to sign the *Form 3*. Police may consider breach action if the registrable person does not formally register on the CPR with police.

In line with the *Collaborative Case Management of Young People in Custody* manual, collaboration between YJNSW centres and community offices must occur to support the young person's transition into the community.

6 Requirements to inform the police

6.1 Reporting leave from custody

YJNSW is required by legislation to give written notice to the NSW Commissioner of Police, when a young person accesses unsupervised day leave. Notice is provided by emailing the Police Child Protection Register Team. NSW police do not need to be notified of escorted absences.

YJNSW must inform the Police Child Protection Register Team:

- the first time a young person goes on day leave from YJNSW custody
- the first time a young person goes on overnight leave from YJNSW custody

Further notifications of leave are not required but may be provided if requested by police.

The police CPR team must be notified by emailing [REDACTED] using the email template *15.1 Notice of day leave, or overnight leave*, which can be found in Appendix 1.

6.2 Reporting discharge from custody

Each time a registrable person is discharged from custody e.g. finishes a control order, or exits after a period of remand, the police CPR team must be notified. This notification is different from the requirement to email a form 3 to CPR the first time a young person exits custody following sentencing (section 5.2) but can be completed at the same time.

The police CPR team must be notified by emailing [REDACTED] using the email template *15.2 Notice young person has exited YJNSW custody* found in Appendix 1.

6.3 Reporting community order completion

YJNSW caseworkers (community) are required to notify the CPR when a registrable young person is no longer subject to a supervised community order.

The email template *15.3 Notice a young person is no longer under YJNSW Community Supervision*, found in Appendix 1 must be emailed to [REDACTED] when the order is completed. This email does not need to be sent if the young person has a supervised order that is transferred to Community Corrections NSW.

6.4 Reporting non-compliance

If a registrable young person who is supervised by YJNSW breaches their CPR obligations, YJNSW employees must inform the police of the registrable person's actions. Additionally, the registrable young person must be encouraged to take responsibility for their CPR obligations and make contact and inform police of their circumstances.

Registrable young people must be reminded of their CPR obligations throughout their supervision with YJNSW. The *Form 3* outlines consequences for not complying with CPR requirements.

7 Prohibition orders

Police can apply to the court to have a Child Protection Prohibition Order (CPPO) made through the *Child Protection (Offenders Prohibition Orders) Act 2004*. A CPPO restricts the behaviour of a registrable person significantly more than the requirements of a general CPR. A CPPO must be applied for through the court and can be identified in CIMS court history. The police CPR team can also confirm whether a young person is subject to a Child Protection Prohibition Orders (CPPO).

The Court imposes CPPOs and may stop a registrable person from:

- associating with or having other contact with specified persons or kinds of persons
- being in specified locations or kinds of locations
- engaging in specified behaviour
- employment of a specified kind.

8 Record keeping

The young person's registration process and any correspondence regarding registration must be recorded in CIMS case notes.

The *Form 3* must be kept on the young person's C file or D File.

The registrable offenders tab in CIMS must be kept up to date.

9 Appeals and the CPR

Registrable young people who are appealing their sentence must continue with the registration process and adhere to the obligations of the CPR despite the appeal or any suspension of their legal order. If the young person is found not guilty of the registrable offence on appeal or the court makes a determination that the young person is no longer considered a registrable person, they will then be removed from the CPR.

10 Information exchange

The *Child Protection (Offenders Registration) Act 2000 (CPOR Act)* prohibits disclosure of information concerning registrable persons except in specific circumstances.

YJNSW employees are permitted to share the registrable person's personal information when any of the following points apply:

- a) the young person consents to it being shared
- b) the information is being shared in the administration of the *CPOR Act* (e.g. you are speaking with police about registering a young person, or Community Corrections when the young person is being transferred)

- c) the information is being shared with a prescribed agency under section 16A of the *Children and Young Persons (Care and Protection) Act 1998* (see the Act to confirm which agencies are prescribed, and when information is able to be shared)
- d) the information is being shared with other scheduled agencies with written authority from the Area Manager, Centre Manager, Director Community or Director Custodial Operations, who are designated Senior Officers, under section 19BA of the CPOR Act.

Senior Officers must only give written permission;

- if the information will help in developing or giving effect to a case management plan for the registrable young person or
- if the sharing of information does not occur, then there is a risk of a *substantial adverse impact* on the registrable person, or another person/ group of people.

Written permission must include how long the written permission is in effect (maximum 12 months) and the agencies that information may be disclosed to.

The laws surrounding sharing information for registrable young offenders are complex. Further information about sharing information can be found in sections 19BA, 21D and 21E of the *CPOR Act* and by contacting [REDACTED]

11 Complaints process

In the event that a young person or their carer raises concerns regarding the CPR registration or reporting process, YJNSW must refer them to the Crimes Manager at their local police station, their solicitor or to the NSW Ombudsman's Office.

12 References

12.1 Legislation

Child Protection (Offenders Registration) Act 2000

Child Protection Prohibition Orders Act 2004

Children and Young Persons (Care and Protection) Act 1998

Children and Young Persons (Care and Protection) Regulation 2000

Child Protection (Working with Children) Act 2012

12.2 Procedures

Child Protection Register Procedure

12.3 Resources

Collaborative Case Management of Young People in Custody Manual

CPR Email Templates

13 Document information

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14 Document history

Version	Date	Reason for Amendment
2	January 2020	Adapted into new policy template, updates to 2018 legislation changes and updates to confidentiality upon review of relevant legislation.
1	February 2015	New Policy.

15 Appendix 1 Emails

The email templates below must be emailed to [REDACTED]

15.1 Notice of day leave, or overnight leave

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15.2 Notice young person is exiting YJNSW custody

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15.3 Notice that the form 3 has been served – community

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15.4 Notice that a young person is no longer under YJNSW Community Supervision

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]