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Mandatory Reporting in Queensland Schools

AS AT MARCH 2016

When must a report be made?

In Queensland, the *Child Protection Act 1999* (Qld) (the Act) requires 'mandatory reporters' to make a report to Child Safety, if they become aware or form a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm, caused by physical or sexual abuse.

'Mandatory reporters' should also report to Child Safety, when they form a reasonable suspicion that a child is in need of protection caused by any other form of abuse or neglect.

In both cases, a report should only be made where the child may not have a parent able and willing to protect them from harm. It is important to note here that a parent may be willing to protect their child, but not have capacity to do so (that is, they are 'not able'). Alternatively, a parent may have the capacity and be able to protect their child, but may choose not to do so (that is, they are 'not willing'). Only in these circumstances should a report be made, as well as in cases where the severity or risk of harm is considerably high.

Who is a 'mandatory reporter'?

Mandatory reporting is a term used to describe the legislative requirement imposed on selected classes of people to report suspected cases of child abuse and neglect.

Parliaments in all Australian states and territories have enacted mandatory reporting laws of some description. However, the laws are not the same across all jurisdictions.

In Queensland, 'mandatory reporters' is defined to include teachers who are approved under the *Education (Queensland College of Teachers) Act 2005* **and** who are employed at a school.

Who is a 'child'?

A 'child' is defined in the Act as an individual under 18 years.

What is 'harm'?

'Harm' to a child, is defined in the Act as any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused. It may rise from a single act, omission or circumstance, or a series of acts, omissions or circumstances.

How is a report made?

Teachers can report their concerns by completing an online report form.

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Am I protected?

The Act provides that the report's identity will be protected from disclosure and that as long as the report is made in good faith, the reporter cannot be liable in any civil, criminal or administrative proceeding.

What happens next?

After a report is made, the Department of Communities, Child Safety and Disability Services will provide notifiers with information about their response to the child protection concerns that were reported. The notifier is to be asked whether they require feedback at the time of the initial contact with the department. If the notifier requests feedback the department must:

- provide information about the departmental response, the rationale for the decision and the likely timeframes for any departmental contact with the child or family;
- provide the feedback either at the time of the initial contact by the notifier, if the departmental response is apparent, or by a follow up phone call, facsimile, email or letter, once the information has been screened and the departmental response has been determined.

It is important to note here that the Act outlines the circumstances and threshold at which the statutory child protection service is legally able to intervene to protect a child. Therefore, if it is found that these conditions have not been met, the Department may decide that no action is yet warranted.

What if I have concerns that do not require a report to Child Safety?

If a mandatory reporter has concerns about a child or family that do not require a report to Child Safety, they may make a referral to Family and Child Connect, using the online referral form. This may arise where, for example, there is a family at risk of entering or re-entering the child protection system.

Family and Child Connect is a local, community-based service that helps families to care for and protect their children at home, by connecting them to the right services at the right time.

I'm not sure whether I should report my concerns to Child Safety

The Department of Communities, Child Safety and Disability Services has created a resource to assist mandatory reporters in determining whether their concerns are sufficiently serious. The Child Protection Guide works as a support tool for professionals and is a good point of reference.

Disclaimer

This fact sheet provides general information only and should not be used as a substitute for seeking professional legal advice for your specific circumstances. If you have queries in relation to the information contained in this fact sheet, please call the NRA Hotline on 1800 RETAIL (738 245).