

# Changes to Queensland's child protection legislation

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## Amendments to the *Child Protection Act 1999* provide the legal framework for sharing information about child protection concerns.

The amended legislation, commencing from January 2015:

- clarifies the definition of a 'child in need of protection' to include 'significant harm'
- states that any person may report to Child Safety a reasonable suspicion that a child may be in need of protection, or an unborn child may be in need of protection after they are born
- consolidates mandatory reporting requirements
- requires that certain professionals (mandatory reporters) report to Child Safety if they form a reasonable suspicion that a child may be in need of protection caused by physical or sexual abuse
- provides guidance on what to consider in identifying significant harm when developing a reasonable suspicion that a child may be a 'child in need of protection'
- allows certain professionals (from particular prescribed entities) to refer families to Family and Child Connect or support services without their consent, where appropriate.

## Clarification of definitions

### Child in need of protection

A child in need of protection:

- has suffered significant harm, is suffering significant harm, or is at an unacceptable risk of suffering significant harm **and**
- does not have a parent able and willing to protect the child from the harm.

## Reasonable suspicion

Anyone may report to Child Safety a reasonable suspicion that a child **may** be in need of protection or an unborn child **may** be in need of protection after they are born.

A reasonable suspicion can be formed when there is information to suggest that a child:

- has suffered significant harm, is suffering significant harm, or is at an unacceptable risk of suffering significant harm **and**
- **may** not have a parent able and willing to protect the child from the harm.

If this threshold is not reached, Child Safety has no authority to take further action.

## Harm

The *Child Protection Act 1999* defines harm to a child 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. Harm can be caused by physical, psychological or emotional abuse or neglect, or sexual abuse or exploitation. Harm can be caused by a single act, omission or circumstance, or a series or combination of acts, omissions or circumstances.

## Considerations for identifying significant harm

The amended legislation provides guidance on what may be considered in identifying significant harm when forming a reasonable suspicion. This includes detrimental effects on the child's physical or psychological state that are evident or likely to become evident; their nature and severity and the likelihood they will continue; **and** the child's age. These considerations about the child will be informed by observations and professional knowledge, training and expertise.

## Mandatory reporting

Mandatory reporting requirements have been consolidated in the *Child Protection Act 1999*. Section 13E of the Act defines mandatory reporters as:

- teachers
- doctors
- registered nurses
- police officers with child protection responsibilities
- a person performing an advocate function under the *Public Guardian Act 2014*.

Teachers include approved teachers under the *Education (Queensland College of Teachers) Act 2005*, employed at a school. Doctors and nurses include those employed in both the public and private health sectors.

Mandatory reporters must report to Child Safety a reasonable suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect them from the harm. Mandatory reporters should still report to Child Safety a reasonable suspicion a child may be in need of protection where the harm or risk of harm relates to any other type of abuse or neglect.

Child Safety employees and employees of licensed care services are mandated to report a reasonable suspicion that a child in care has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical or sexual abuse (Section 13F).

## Information sharing provisions and Family and Child Connect

The amended legislation allows certain professionals from particular prescribed entities to refer families to Family and Child Connect or other support services without their consent, where they have concerns about a child that do not meet the threshold of a reasonable suspicion, and consider that the child is likely to become in need of protection if no preventative support is provided to the family.

Family and Child Connect provides information and advice to people seeking assistance for children and families where there are concerns about their wellbeing. Families who find themselves in need of support can also contact Family and Child Connect for advice and help. The service is designed to support vulnerable families by assessing their needs and referring them to the most appropriate support service.

Where a family has multiple or complex needs and are willing to access support, Family and Child Connect refers them to an intensive family support service.

## Particular prescribed entities

Certain professionals from particular entities prescribed under section 159M of the *Child Protection Act 1999* can refer families to Family and Child Connect or support services without their consent to prevent a child from becoming in need of protection. This enables the professional to provide information about the child or their family to a support service to assess their needs and offer help in a timely manner.

Particular prescribed entities include:

- the chief executive or authorised officers of the department responsible for administering the Act
- delegated officers of government community services, corrective services, disability services, education services, housing services, health services
- the police commissioner
- the chief executive of the Mater Misericordiae Health Services Brisbane
- principals of non-state schools.

## Further information

For more information about the legislative changes, contact the Department of Communities, Child Safety and Disability Services on **3225 8740** or go to **[www.qld.gov.au/supportingfamilies](http://www.qld.gov.au/supportingfamilies)**