

Mandatory reporting by early childhood education and care professionals

INFORMATION FOR EARLY CHILDHOOD EDUCATION AND CARE PROFESSIONALS

On 1 July 2017, early childhood education and care (ECEC) professionals were mandated by law to report child safety concerns to the Department of Child Safety, Seniors and Disability Services where there is a reasonable suspicion that the child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse, and there is not a parent willing and able to protect the child from harm.

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.

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 *Child Protection Act 1999* 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 are outlined 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*
- early childhood education and care professionals

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. Early childhood education and care professionals include staff from family day care, kindergarten, limited-hours care, long day care and outside school hours care. Individuals who are volunteers or under 18 years of age are not mandatory reporters.

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, employees of licensed care services and approved foster and kinship carers 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 of the Act).

The *Child Protection Regulation 2023*, section 4, outlines certain information to be included in mandatory reports of physical or sexual abuse that are made under sections 13E or 13F of the *Child Protection Act 1999*. This information includes details about the child (name, age, sex descriptor and contact details), the harm, the person suspected of causing the harm or risk of harm and any other person who may be able to give information about the harm.

Family and Child Connect

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 services 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 services refer them to an intensive family support service.

ECEC professionals must seek the family's consent prior to referring them to Family and Child Connect.

Further information

For more information about the mandatory reporting legislative changes, call the Department of Child Safety, Seniors and Disability Services on **1800 811 810** or go to <https://www.dcssds.qld.gov.au/our-work/child-safety/about-child-protection/mandatory-reporting>