

POLICY	Mandatory reporting of significant harm to a child or young person
Date Effective	19 January 2015
Application	Community Visitors (child)(CV), Lawyer Advocates (LA), Hub Managers and Public Guardian officers performing 'child advocate' functions

1. Policy principles

A person who performs the function of a child advocate¹ (such as a CV or LA) under the *Public Guardian Act 2014* is a 'mandatory reporter' and must report² to the Chief Executive of Child Safety, any reasonable suspicions that a child has suffered, or is suffering, or is at unacceptable risk of suffering *significant harm caused by physical or sexual abuse*, and the child does not have a parent³ able and willing to protect the child from the harm under the *Child Protection Act 1999* (CPA) s.13E. Suspicions of significant harm from other causes should be reported under s.13A using the same process for mandatory reporting online. Where a child/young person is in imminent danger, report the matter immediately to police and then complete a mandatory report.

2. Requirement to report 'significant harm' caused by physical or sexual abuse

Reportable 'significant harm' must be caused by physical or sexual abuse, and should be more than minor or trivial in nature. The harm should reasonably be expected to produce a substantial and demonstrably adverse impact upon the child or young person's safety, welfare or wellbeing and may arise from a single act or omission, or an accumulation of acts or omissions.

In forming a reasonable suspicion about significant harm, consideration should be given to the matters set out in section 13C CPA (see **Attachment A**) and any individual vulnerabilities of the child/young person (such as a disability, history of family violence and developmental needs).

3. Mandatory reporter must form a reportable suspicion

A reportable suspicion is a reasonable suspicion that a child may be in need of protection caused by physical or sexual abuse. There should be an objective and reasonable basis for the suspicion. This may include any first hand observations of the child/young person or family, including signs of abuse and/or disclosures of abuse. The Child Protection Guide online tool can be used in deciding where to refer or report concerns about a child's safety or wellbeing and can be accessed at: <http://www.communities.qld.gov.au/childsafety/partners/our-government-partners/queensland-child-protection-guide/online-child-protection-guide>

A mandatory reporter is protected from liability in reporting suspected harm if they are acting honestly and reasonably.⁴ A CV or LA does not have to report a matter if they know or reasonably suppose that the Chief Executive of Child Safety already knows,⁵ such as when another colleague (eg., Hub Manager) has submitted a report on the matter.

4. Process

When a CV or LA identifies a matter relating to 'significant harm' of a child/young person, they must discuss the matter with the Hub Manager as soon as practicable to assist in determining whether the matter meets the threshold for 'significant harm', whether there is additional information available to inform the matter, and/or how the matter should be resolved. If the matter

¹ Section 13E *Child Protection Act 1999* (CPA) (the mandatory reporting provisions will commence as of 19/1/15)

² Section 13G for reporting requirements and s.13C CPA (attached) for considerations when forming a reasonable suspicion of harm

³ See section 11 CPA for a definition of parent, and s.53 of the *Public Guardian Act 2014*

⁴ See section 22 CPA

⁵ Section 13G(3)(b) CPA

arises after hours, it should be immediately discussed with the Manager Advocacy/Official Solicitor (in line with the role's formal reporting structure). The matter should be reported online at <http://www.communities.qld.gov.au/childsafety/protecting-children/about-child-protection/reporting-and-referring-concerns>. Where a criminal offence is suspected an email referral **must** be made to Queensland Police Service and QPRIME number obtained. The officer must follow the process outlined below and record the matter in Jigsaw.

Allegation of 'significant harm' received **Discuss as soon as possible with Hub Manager**

- No parent is willing/able to protect the child
- Risk of Significant harm to the child/young person
- Check if the Public Guardian has other information regarding the child/young person that can assist in assessing the matter
- Officer **must** report if he/she performs an advocacy function under the *Public Guardian Act 2014* and has a reasonable suspicion of significant harm from *physical or sexual abuse* (s.13E)
- Officer should report other allegations of significant harm as a non mandatory reporter (s.13A)

Determine if the harm is significant

- the child is suffering, has suffered or is at unacceptable risk of suffering, significant harm
- Significant harm should reasonably be expected to produce a substantial or demonstrably adverse effect on the child's safety, welfare or wellbeing
- If child is in imminent danger - call the **police on 000** immediately
- Use the Child Protection Guide online to assist in determining how/whether to report

Reasonable suspicion of significant harm **(see s.13C of *Child Protection Act 1999*)**

Report Harm IMMEDIATELY to Child Safety **(and QPS - if suspected criminal offence)**

- **CALL** Child Safety (and QPS if relevant)
 - **Child Safety Officer** (CSO) or Child Safety Regional Intake Service if no CSO
 - if after hours, call the Child Safety After Hours Service Centre ph: **1800 177 135**
- **EMAIL CSO/CSRIS** telephone contact to confirm conversation (and QPS if relevant)

Mandatory Online Report to Child Safety **(within 24 hours from allegation)**

COMPLETE Child Protection report online at :

<http://www.communities.qld.gov.au/childsafety/protecting-children/about-child-protection/reporting-and-referring-concerns>

RECORD matter and **save PDF** of report in Jigsaw (and QPRIME number where relevant)

5. Cross References

OPG Policy: *Non-significant harm to a child or young person*

MOU: *Business Operations and Information Exchange Protocol Between the Department of Communities, Child Safety and Disability Services And The Office of the Public Guardian*

ATTACHMENT A
Section 13C *Child Protection Act 1999*

Considerations when forming a reasonable suspicion about harm to a child

- 1) This section applies to a person in forming a reasonable suspicion, for section 13A(1) or division 2, about whether a child has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm.
- 2) The matters that the person may consider include—
 - a. whether there are detrimental effects on the child's body or the child's psychological or emotional state—
 - i. that are evident to the person; or
 - ii. that the person considers are likely to become evident in the future; and
 - b. in relation to any detrimental effects mentioned in paragraph (a)—
 - i. their nature and severity; and
 - ii. the likelihood that they will continue; and
 - c. the child's age.
- 3) The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.