

Queensland Family and Child Commission Submission

To: Health, Communities, Disability Services and Domestic and Family Violence Prevention
Committee

Date: 26 April 2016

Topic: Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education
and Care Sector

Submission summary:

This submission aims to provide the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee with research, information and advice to inform the review of the Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016.

The Queensland Family and Child Commission (QFCC) is pleased to provide a submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee regarding the review of the Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016.

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QFCC's position:

The QFCC strongly supports the amendments to introduce mandatory reporting obligations to Department of Communities, Child Safety and Disability Services (DCCSDS) to the Early Childhood Education and Care (ECEC) sector. Implementation of the legislative amendments must be supported by appropriate training and education to identify and respond to child abuse.

QFCC recommends:

- **Mandatory reporting obligations to the DCCSDS be expanded to include early childhood education and care sector staff**
- **Early childhood education and care sector staff to be provided with training and education in identifying and responding to suspicions of child abuse**

Supporting QFCC's position

The objective of the Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016 is to ensure mandatory reporting obligations apply to the ECEC sector individuals as identified by the Queensland Law Reform Commission (the Commission). ¹The QFCC supports mandatory reporting laws being expanded to apply to those individuals identified in the Bill.

Mandatory Reporting

Currently Queensland ECEC staff are not mandated to report child abuse concerns to the DCCSDS. The QFCC supports the intent of Mason's Bill as not only an additional tool in protecting vulnerable children but also a necessary step forward in aligning with child protection practice nationally to include ECEC as mandatory reporters.

Early child care providers are responsible for meeting the daily care needs of children for extended periods away from the family home. It is therefore appropriate mandatory reporting responsibilities be made applicable to them where they; form a 'reportable suspicion' under the mandatory reporting provision in section 13E of the *Child Protection Act 1999 (Qld)* in relation to significant harm 'caused by physical or sexual abuse' where the child 'may not have a parent able and willing to protect the child from harm'.²

In Queensland the following professionals are mandated to report a reportable suspicion to the DCCSDS under section 13E of the *Child Protection Act 1999*:³

- (a) a doctor;
- (b) a registered nurse;
- (c) a teacher;

¹ Explanatory notes, Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016

² Explanatory notes, Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016

³ *Child Protection Act 1999* Queensland

- (d) a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
- (e) a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.

The mandatory reporting obligation under section 13E of the *Child Protection Act 1999* (Qld) should apply to approved education and care services applicable under the Education and Care Services National Law (Queensland), and approved Queensland education and care services under the *Education and Care Services Act 2013* (Qld).⁴

As detailed in the 2015 *Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector* by the Queensland Law Reform Commission, the mandatory reporting obligation under section 13E of the *Child Protection Act 1999* (Qld) should be extended to apply to the following individuals:

- (a) an approved provider, nominated supervisor or family day care co-ordinator of an approved ECEC service as defined under the Education and Care Services National Law (Queensland) or the Education and Care Services Act 2013 (Qld); and
- (b) a person employed by an approved Early Childhood Education and Care (ECEC) service who has:
 - (i) an 'approved early childhood teaching qualification';
 - (ii) an 'approved diploma level education and care qualification'; or
 - (iii) an 'approved certificate III level education and care qualification'; as defined under the Education and Care Services National Law (Queensland) or the Education and Care Services Act 2013 (Qld).⁵

In addition to the majority of submissions providing overwhelming support to including ECEC as mandatory notifiers, it was also noted that many ECEC staff already notify the DCCSDS on a voluntary basis in accordance with section 13A of the *Child Protection Act 1999* (Qld).

Implementation

In December 2015, the QFCC finalised the *Healthcheck Report: Review of Professional Reporting Behaviours*, which considered the first six months of the change management process and impact of the legislative amendments to child protection reporting requirements by professionals under the *Child Protection Reform Amendment Act 2014* (Qld).⁶

The Healthcheck report identified educational professionals expressed concerns that they did not have the expertise to determine whether 'there may not be a parent able and willing' in reporting to DCCSDS as required under sections 13A and 13E of the *Child Protection Act 1999* (Qld). In addition, the Healthcheck report found education services were obligated by a number of legislative reporting requirements and the following recommendation was made:

"The Department of Education and Training (DET) in collaboration with representatives of the Non-State School sector work together to review and streamline student protection and reporting provisions with additional consideration be given to related recommendations from the Royal

⁴ Explanatory notes, Child Protection (Mandatory reporting- Mason's Law) Amendment Bill 2016

⁵ Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector (2015) Queensland Law Reform Commission pg.17

⁶ Queensland Family and Child Commission (December 2015), Healthcheck Report- Review of Professional Reporting Behaviours, pg.7

Commission into Institutional Responses to Child Sexual Abuse and findings from the Review of Child Protection Mandatory Reporting Laws for the Early Childhood Education and Care Sector” It should also be noted mandated reporting for the ECEC sector is for physical and sexual abuse only.⁷

The QFCC’s work in this space has identified the importance of training around legislative amendments in the development of *Strengthening the Sector: A strategy for working together for a responsive and sustainable service system across the child protection and family support sector* (the draft strategy). The actions of the strategy have been devised to achieve high level outcomes to support child protection reform in Queensland aimed at *enhancing the ability of the sector to meet the needs of children and families*.⁸ The draft strategy is currently being tested with sector stakeholders via sector roundtables across the state to identify priority actions and initiatives, with consultation due to be finalised at the end of April 2016.

The QFCC acknowledges the DET intends to provide training to staff in the ECEC sector. In supporting the ECEC sector to meet their obligations as mandatory notifiers, the rollout of training and support will ensure they become capable and confident notifiers. These actions can be further supported by:

- *partnering with sector peaks to establish professional development programs and pilot projects across the state that are accessible to regional and remote workers such as joint training, mentoring, professional supervision and leadership.*⁹
- education and training for ECEC staff which provides staff with a solid understanding of the legislative requirements in reporting child abuse or suspicion of child abuse which is inclusive of how to identify and respond to suspected harm to enable reporters to meet their legislative obligations.

⁷ Queensland Family and Child Commission (December 2015), Healthcheck Report- Review of Professional Reporting Behaviours, pg.13

⁸ Strengthening the Sector: A strategy for working together for a responsive and sustainable service system across the child protection and family support sector (2016) Queensland Family & Child Commission, pg.14

⁹ Strengthening the Sector: A strategy for working together for a responsive and sustainable service system across the child protection and family support sector (2016) Queensland Family & Child Commission, pg.15