



## FACT SHEET

### Key Legislative Changes

20 January 2015



Significant amendments to Queensland legislation dealing with the mandatory reporting of child protection matters came into effect on 19 January 2015.

***Mandatory Reporting by All Staff of Sexual Abuse/Likely Sexual Abuse to the Queensland Police Service*** - The existing legal requirements for all staff to **report sexual abuse** or **likely sexual abuse** will not change. Principals are required to provide a written report when they become aware of, or receive a report from staff, of sexual abuse or likely sexual abuse of a student.

***Mandatory reporting by Teachers to the Department of Child Safety*** - Amendments to the *Child Protection Act 1999* now impose a mandatory obligation on teachers (which includes Principals and any staff member who is an *Approved Teacher* under the *Queensland College of Teachers Act 2005*, but who may hold another position in the school, for example, Guidance Counsellor or Support Officer). Teachers are now required to make a written report to the Department of Child Safety, where teachers have a 'reportable suspicion' which is a reasonable suspicion that a student:

- has suffered, is suffering, or is at an unacceptable risk of suffering, **significant harm** caused by **physical or sexual abuse**; and
- **may not** have a **parent able and willing** to protect the student from harm.

Principals will usually make that report on behalf of a teacher, but the Principal must give the teacher a written confirmation that the report has been sent to the Department of Child Safety to discharge the teacher of their legal obligation to make the report themselves. This may be done by email.

***Compulsory reporting by Principals to the Department of Child Safety*** - Principals are now compulsorily required to make a written report to the Department of Child Safety where, although they do not have a 'reportable suspicion', they have a reasonable suspicion that a student is a 'child in need of protection'. This means that the student:

- has suffered, is suffering or is at an unacceptable risk of suffering, **significant harm** (which is caused by **emotional abuse** or **neglect**); **and**
- **does not** have a **parent able and willing** to protect the student from harm.

***Compulsory reporting by All Staff*** - All Staff will continue to be compulsorily required to report all student protection concerns or reasonable suspicions of harm or risk of harm to the Principal or Student Protection Contact at the school. In cases of self-harm or physical harm to a student (caused by another student or a staff member, volunteer or other employee), Principals should inform the parents that the parents may report the matter to the QPS. However, Principals will now no longer be required to notify the QPS of these matters, although they may wish to do so in some cases (and, where the student does not have a parent able and willing to protect the student, a mandatory report to the Department of Child Safety will be required).

***Referrals by Principals to new Family and Child Connect Services***- The Government has now established Family and Child Connect Services as a community-based intake and referral service designed to support vulnerable families.

Where a Principal has a reasonable suspicion that a child may become a 'child in need of protection' (as discussed above) if no preventative support is given, Principals are required to engage with the family and discuss the benefits of referring the family and student to the Family and Child Connect Services to obtain appropriate support services. . In some instances Principals may make a referral to Family and Child Connect without the family's consent, however, it is always preferable to engage with the family regarding this referral in order to achieve the most effective outcome.