



## Child Protection Act 1999 (Qld)



Photo: Welcome to the Fold

Approved providers, service supervisors and management, and educators of early childhood education and care (ECEC) services have a responsibility to ensure that they meet their legal obligations. This includes meeting the requirements of the [Child Protection Act 1999 \(Qld\)](#).

### What is the *Child Protection Act 1999 (Qld)*?

The purpose of the Child Protection Act 1999 (Qld) is to provide for the protection of all children in Queensland. The Act highlights that safety, wellbeing and the best interests of a child are paramount when making decisions about child protection. The Act also recognises that families have the primary responsibility for protecting and caring for their children, and that communities have a responsibility to support families in this important role.

The Child Protection Act outlines the actions that people

can take if they have concerns about the safety and wellbeing of a child. It also sets out how the State can intervene to protect a child who is unable to live safely with their family.

### The impact of abuse and neglect on children

Abuse and neglect can affect all the domains of a child's development: physical, psychological, emotional, behavioural and social. When young children suffer abuse and neglect, they experience trauma that may have serious effects on the development of their brains. Children suffering from abuse and neglect are more likely to have difficulties with learning, forming relationships and mental health. In later years, these children are more likely to engage in drug and alcohol abuse, violence and crime.

The good news is that, if episodes of abuse and neglect are short-lived, and if children have 'protective factors' in their lives (such as positive relationships with extended family and friends), then the effects of abuse and neglect may be diminished (AIFS, 2014).

### Protection of children with disability

Children with disability may have particular vulnerabilities or family circumstances that can increase the risk of their exposure to abuse or neglect. This does not mean that all children with disability are vulnerable—rather, if vulnerabilities are present for a child with disability, then they may be at increased risk of exposure to harm.

Research shows that children and young people with disability experience abuse and neglect at rates considerably higher than their peers who do not have disability. The rates of abuse are particularly high for children with communication impairment, behaviour difficulties, intellectual disability and sensory disability (Robinson, 2012, p. 10).

In meeting their obligations to maintain the safety and wellbeing of all children, ECEC services are alert to the risks of abuse and neglect, including for children with disability.

# Making a report under the Child Protection Act

The *Child Protection Act 1999 (Qld)* states that any person may voluntarily inform the Department of Child Safety, Youth and Women if they reasonably suspect that a child may be in need of protection, or an unborn child may be in need of protection after their birth. The identity of anyone making a report of suspected or actual child abuse or neglect is kept strictly confidential. A person making a report may also choose to remain anonymous.

The Act provides the following guidance on when a report should be made:

- A child in need of protection is defined as ‘a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and does not have a parent able and willing to protect the child from the harm’ (Section 10)
- Harm is defined as ‘any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing. It can be caused by physical, psychological or emotional abuse or neglect or sexual abuse or exploitation’ (Section 9).

When weighing up their concerns for a child, an adult may consider several factors, including: an observation of the child; other knowledge about the child; or any other relevant knowledge, training or experience that the adult may have. They may also consider whether:

- there are detrimental effects on the child’s body or the child’s psychological or emotional state
- these detrimental effects are likely to continue, in the light of their nature and severity, and the child’s age.

## The Child Protection Act and ECEC services

In Queensland (unlike in other states and territories), approved providers, service supervisors and management, and educators working directly with children are not defined as mandatory reporters. This aspect of the Child Protection Act is currently under review by the Queensland Law Reform Commission (QLRC).

Although ECEC services are not required by law to report their concerns about actual or potential harm to a child, they do have a duty of care towards all enrolled children.

This means that every ECEC service will have policies that guide decision-making and action on suspected child abuse or neglect. This includes procedures for documenting concerns and making reports to Child Safety Services. In some ECEC services, policies may specify



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that only the approved provider or Nominated Supervisor is to make reports about child protection; in these services, it is important that the staff who have observed or raised concerns about the child are also closely involved in the reporting process, in order to ensure that information provided to Child Safety Services is accurate and complete.

An inquiry into the Queensland child protection system found that one of the major challenges ‘is to ensure that parents of young children have the skills and abilities to provide a protective environment for their children at home’ (Queensland Child Protection Commission of Inquiry, 2013, p. 24). This highlights the crucial role of parenting skills and family support in preventing abuse and neglect of young children. ECEC services are in a position to provide all families with information about support services.

## Tools for using the Child Protection Act

Details of how to report concerns for a child to Child Safety Services and how to seek expert advice are provided on the Department of Child Safety, Youth and Women [website](#).

The website also links to a decision support tool—the [Child Protection Guide](#)—to assist professionals in deciding whether to report to Child Safety Services or refer a child and family to a family support service.

Where concerns do not warrant reporting to Child Safety





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Services, early intervention support services can assist families. Support services can be accessed through a [Family and Child Connect](#) service. These are local, community-based services that link families to the right service at the right time. Approved providers, service supervisors and management should keep up to date with ongoing reforms to the child and family support system.

## Responses to a report

After a report is made, Child Safety Services staff determine whether the concerns meet the requirements for further action. If no further action is required (because the information received does not suggest the child is in need of protection), then staff will record a Child Concern Report. At this point, Child Safety Services may also provide information to the person who made the report, to the police or another state authority, and may make a referral to another agency.

When Child Safety Services reasonably suspect that the child is in need of protection, then a 'notification' is recorded. A review of data for 2011–12 found that 22 per cent of all reports to Child Safety Services generated a notification, requiring follow-up action (usually investigation and assessment). A large proportion (41 per cent) of the cases requiring follow-up action involved children aged birth to four years (Queensland Child Protection Commission of Inquiry, 2013, pp. 22–24).

## Where to find more information

You can access a range of resources on protecting children and responding to child abuse and neglect from the Department of Child Safety, Youth and Women [website](#).

The Australian Institute of Family Studies (AIFS) has published a [resource sheet](#) on the effects of abuse and neglect on children, including on their learning, development and relationships.

### How to unpack relevant legislation

Approved providers, service supervisors and management, and educators of early childhood education and care (ECEC) services are required to comply with a range of state and federal laws and regulations. To help you 'unpack' the relevant legislation, try asking these key questions:

- What are the goals of the legislation—what is it trying to achieve for individuals and the wider community?
- What are the responsibilities of the ECEC service's management team?
- What are the responsibilities of individual members of the governing body?
- What responsibilities can be delegated to the ECEC service's officers, such as the Nominated Supervisor and the management team?
- What measures, such as plans, policies and procedures, need to be in place to enable the ECEC service as a whole to meet its legal obligations under the relevant Act or regulation?

It is also important to keep abreast of changes to legislation that may occur from time to time. You can download a copy of the current legislation from [Queensland Legislation website](#).

The government department or statutory authority that is responsible for oversight of the legislation also provides resources, such as plain English guides and fact sheets, to help you better understand the requirements of the legislation. These include:

[Child abuse: what you need to know](#) (Department of Child Safety, Youth and Women)

## References

Australian Institute of Family Studies (AIFS). (2014). *Effects of child abuse and neglect for children and adolescents*. Canberra: AIFS.

Queensland Child Protection Commission of Inquiry. (2013). *Taking responsibility: a roadmap for Queensland child protection*. Brisbane: Queensland Child Protection Commission of Inquiry.

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Robinson, S. (2012). *Enabling and protecting: proactive approaches to addressing the abuse and neglect of children and young people with disability*. Queensland: Southern Cross University and Children with Disability Australia.

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