



ROLES AND RESPONSIBILITIES IN CHILD ABUSE AND NEGLECT

3.3 Mandatory Reporting by non-Queensland Health employed Doctors and Registered Nurses of Reasonable Suspicions of Child Abuse and Neglect

All health professionals are obligated to report any reasonable suspicion of child abuse and neglect to the Department of Child Safety.

Background

In 2003 the Crime and Misconduct Commission (CMC) undertook an inquiry into abuse of children in foster care. The findings of the inquiry were published in January 2004 in a report titled '*Protecting Children: An inquiry Into Abuse of Children in Foster Care*'.

The report called for comprehensive reforms to the child protection system in Queensland to ensure that all children at risk of harm, abuse or neglect are properly protected, cared for and supported.

Key CMC recommendation relating to doctors and registered nurses

There are important changes to the responsibilities of doctors and registered nurses in reporting suspected child abuse or neglect and in identifying unborn children who may be at risk of harm after birth. These changes apply to **all** doctors and registered nurses, i.e. both public and private sector.

Mandatory reporting by professionals (doctors and registered nurses) of reasonable suspicions of child abuse and neglect directly to Department of Child Safety

The *Public Health Act 2005* makes it mandatory for professionals, defined in the Act as doctors and registered nurses, to immediately notify Department of Child Safety directly of all reasonable suspicions of child abuse and neglect. It is an offence for professionals not to report reasonable suspicions of child abuse and neglect cases directly to Department of Child Safety.

Immediate notice of reasonable suspicions of child abuse and neglect

Section 191 of the *Public Health Act 2005* – Mandatory reporting – immediate notice applies if a professional:

- becomes aware, or reasonably suspects, during the practice of his or her profession, that a child has been, is being, or is likely to be, harmed; and



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- as far as the professional is aware, no other professional has notified the Chief Executive (Department of Child Safety) under this section about the harm or likely harm.

Once a doctor or registered nurse reasonably suspects child abuse or neglect they must immediately give notice of the harm or likely harm to the Chief Executive (Department of Child Safety) orally, by facsimile, email or similar communication.

All Department of Child Safety staff are *authorised officers* who are able to receive reports on behalf of their Chief Executive.

Section 192 of the *Public Health Act 2005* - mandatory reporting - follow-up-notice applies to all professionals in Queensland. Under this section the professional must give written notice within 7 days after giving oral notice of the reasonable suspicion of child abuse and neglect to the Department of Child Safety. Follow up confirmation must include all information in the original report and must be provided even if the health professional no longer suspects that the harm was caused by abuse or neglect.

Information to be included in the report

The following information, to the extent that the professional has it or can reasonably obtain it, must be included in the report to the Department of Child Safety:

- the child's name
- the place or places where the child lives
- the names of the child's parents
- the place or places where the parents live or may be contacted
- details of the harm or likely harm of which the professional is aware or that the professional suspects
- the professional's name, address and telephone number.

The report may include other relevant details such as the child's date of birth or gestation.

Section 194 of the *Public Health Act 2005* provides that the DChS may ask the professional, orally or in writing, for stated further information that it reasonably considers is needed to properly assess the harm or likely harm. The professional must comply with the request, unless the professional has a reasonable excuse.

Confidentiality of reporters

Section 186 of the *Child Protection Act 1999* protects the identity of a person who reports a reasonable suspicion of harm to an authorised officer of the DChS or a police officer. This protection applies through the processing of the notification by the DChS as well as in proceedings in the court or tribunal, unless leave is granted by the court or tribunal. The maximum penalty for breach of this section is 40 penalty points (approximately \$3000).

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Offences

Under sections 193 and 194 of the *Public Health Act 2005*, it is an offence for a doctor or registered nurse to fail to report or respond to a request for further information from the DChS. The maximum penalty is 50 penalty points (\$3750).

How to make a report to the Department of Child Safety

Once you have formed a reasonable suspicion of child abuse and neglect, the following steps are to be followed

1. Phone your local Department of Child Safety Service Centre (during business hours) or Crisis Care Unit (after hours) on 3235 9901 to report verbally
2. Fax a written report to the service centre which received the verbal report within 7 days. The fax number for the Crisis Care Service is 3235 9868, and
3. File the original report on the child's report.

Further information

The Queensland Health Child Safety Unit provides regular information updates. Information is available by telephoning 3235 9461, emailing CSU@health.qld.gov.au or visiting the website <http://qheps.health.qld.gov.au/csu>

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