

Portfolio Procedures

Department of Communities

Disability Services Queensland

Title: Reporting of Harm
Related Policy No.: 354-2
Policy Category: Child care and family support > child care

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Office: Program Management Directorate
Help Contact: Office for Children – 3224 4557

Purpose:

These procedures detail the steps that must be undertaken in circumstances where harm or suspected harm is reported.

Process:

1. What steps must the Department take when it receives a report?

Contact with Juvenile Aid Bureau (JAB) (Queensland Police)

The Authorised Officer will immediately contact the JAB and provide all relevant information including:

- a copy of Child Care Form 25 (*if applicable*)
- file note detailing the incident and any other information received
- copy of any other information received (eg email, letter photos) from notifier (*if applicable*)

JAB will advise the Department if the matter will be investigated and if criminal charges will proceed.

Forward a copy of the report to the Statewide Quality Team for child care licensing

The Authorised Officer will immediately fax a copy of the report (ie Form 25 or filenotes/Form22 if received from someone other than the licensee) to the Statewide Quality Team for child care licensing.

The Statewide Quality Team for child care licensing will maintain a register containing the full details of all reports of harm received by each region.

Contact with or referrals to other relevant agencies

Section 168 (d), of the *Child Care Act 2002* allows an Authorised Officer, where appropriate to contact other relevant agencies. This can include but is not limited to:

- Department of Child Safety. This would usually occur when the allegations are in relation to harm or suspected harm to a child caused by a family member or another person who resides in the household of the child, or in cases where the Chief Executive of the Department of Child Safety or another person has been granted custody or guardianship of a child attending the child care service under a child protection order.

Harm caused by a child to another child at a child care centre

Where a child attending a child care service is alleged to have caused harm or suspected harm to another child at the child care service, the following steps must be undertaken:

- Licensee must report the incident using the appropriate form (Form 25) as required under section 81 of the Act.
- An Authorised Officer must report the matter to JAB and other appropriate authorities (eg Department of Child Safety) for further investigation.

1. Follow up procedure

An Authorised Officer will visit the child care service where the alleged incident took place as soon as possible. To ensure that JAB's investigations are not compromised, the timeframe for this may vary from case to case depending on when JAB has indicated it is appropriate for the department to make contact with the service.

An Authorised Officer may conduct whatever examination, search or inspection necessary at a child care service to establish whether the provisions of the Act are being complied with. See *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information.

2. Information regarding incident

In addition to the information about the incident provided by the licensee in the approved form (Form 25), under sections 9 and 75 of the Act an Authorised Officer can request further information from a licensee and require the licensee to produce documents under section 137 of the *Child Care Act 2002*. (These must be documents required to be kept under the Act). See *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information.

When an incident has been reported to JAB the authorised officer must inform JAB prior to visiting the service. However, the officer may conduct standard monitoring visits to the services while a matter is being investigated by JAB. During a monitoring visit, officers may not discuss the matter being investigated by JAB unless approval has been granted.

Prior to visiting the service the authorised officer will examine the departmental file/s to determine whether there is a pattern of harm in a particular service/s under the licensee's control. This will enable the Authorised Officer to be fully informed about the service and may assist the Authorised Officer in making a decision about whether enforcement action needs to be taken.

3. Informing parent or guardian

Where a licensee has reported the allegation of harm to a child, an Authorised Officer will seek advice from JAB to determine when and who should notify the parent or guardian of the child (if the parent or guardian is not already aware). If JAB will not inform the parent because the allegation cannot be substantiated, an Authorised Officer may disclose the information to the parent/guardian *for a purpose directly related to a child's protection or welfare* under section 168 (d) of the *Child Care Act 2002*.

4. Contact with licensee

The Authorised Officer will maintain contact with the licensee throughout the Departments' follow up. This may involve the provision of relevant information to assist in preventing similar incidents from occurring in the future.

5. Outcome Report

When the incident is alleged to have been caused by a person who is engaged by, or who conducts the child care service, and where this person is still engaged by, or conducting the service, the department will require the licensee to demonstrate how the licensee is conducting the service in a way that ensures the safety of

the children in care at all times and promotes their wellbeing, in accordance with section 75 of the *Child Care Act 2002*.

The Authorised Officer will request the licensee to provide details of actions to be implemented to prevent similar incident/s from occurring and to ensure the safety and well being of children at the centre in compliance with section 75 of the Act. Details of actions to be implemented must be provided to the Authorised Officer in writing (in form of a letter or notes) signed by the licensee. Alternatively a licensee may choose to complete the outcome report form provided by the department.

6. Critical Incident Reporting

Authorised Officers will comply with the Critical Incident Reporting policy and procedures (refer to Policy 363-3 *Critical Incident Reporting*) in cases where the incident is categorised as being critical in accordance with that policy.

In such circumstances, when departmental staff become aware of such a situation, staff members must complete a *Critical Incident Report Form*, (available on website) identifying the appropriate critical incident level in accordance with the *Critical Incident Level Definitions*.

7. Report of incident

Once the department has conducted their follow up regarding the incident, the Authorised Officer will prepare a memo on the incident for the Regional Director. This will include:

- relevant details of the incident, including a chronology of events leading up to the incident (eg complaints to the department, detail of service visit, observations at the visit/statements by licensee/employees);
- recommendations regarding monitoring and/or enforcement actions to be taken against the licensee and the reasons why this action is necessary (see *Policy Number 352-1 Enforcement options for licensed child care services* and *Policy Number 357-1 Power of entry and other powers under the Child Care Act 2002* for further information) including links to legislation; and
- information regarding the outcomes of JAB's investigation or continuing investigation.

8. Coordination with the Statewide Quality Team for child care licensing

The Authorised Officer will advise the Manager, Statewide Quality Team for child care licensing at all times when a Critical Incident Report has been developed in relation to harm or suspected harm to a child in a child care service.

Delegations:

There are no delegations under the *Child Care Act 2002*.

Related legislation or standards:

[Child Protection Act 1999](#)

[Criminal Code Act 1899](#)

[Juvenile Justice Act 1992](#)

Related departmental policy:

Enforcement options for licensed child care services (352-2)

Power of entry and other powers under the *Child Care Act 2002* (357-1)

Critical Incident Reporting policy and procedures (363-3) and (403-1)

Prohibition Notices (355-1)

Forms:

[Reporting of Harm or Suspected Harm to a child receiving care in a child care service licensed under the Child Care Act 2002](#)

Rescinded policies:

Policy No. 354-1: Reporting of harm to children in child care services