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The Hon. Leanne Linard MP
Chair, Health, Communities, Disability and Domestic and Family Violence Prevention
Committee
Parliament House
George Street
BRISBANE Qld 4000

Submission – Child Protection (Mandatory Reporting – Mason’s Law) Amendment Bill 2016

Thank you for your letter of 22 March 2016, seeking written submissions on this important matter.

C&K puts the safety, education, and development of children first.

C&K’s own child protection policy already prescribes mandatory reporting by all our staff, and we train *everyone* in child protection annually (including those who do not have day-to-day contact with children).

C&K sits firmly alongside our sector colleagues in strong support of improving the protection and safety of children.

Attached, to assist the Committee in examining the draft Bill, is our recent response to the Queensland Law Reform Commission (QLRC) Inquiry.

Our additional, updated comments are:

1. The child care, or Early Childhood Education and Care (ECEC), sector is unique

Early childhood education is significantly different from other current mandatory reporters - doctors, teachers, nurses and police officers. A personal, grassroots examination is relevant when designing a new legislative requirement for these workers.

Educators can be very young; the most common qualification is a Certificate III/IV (with many not yet holding this minimal qualification); and their pay is quite low. (See box.)

Who are we proposing to make mandatory child protection reporters?

Key characteristics of the Early Childhood Education and Care (ECEC) sector - as cited in the 2014 *Childcare and Early Childhood Learning Productivity Commission Inquiry Report*

- There are 33,065 ECEC workers in Qld
- 60% of Qld's ECEC educators work in long day care (18,260)
- Varied operator-types – 50% the child care sector is operated by private providers and/or by single-service operators
- Young educators – 25% of long day care workers are aged under 24 years (42% of Outside School Hours Care workers are under 24 years)
- Many are not yet fully qualified – 18% of the overall workforce does not hold a related, completed qualification (however the highly-effective national push to improve quality and qualifications has vastly improved this from 30% without completed qualifications in 2010).
- Shortage – “there is a shortage of childcare workers with appropriate qualifications, particularly in long day care”
- Low pay – “Wages are relatively low and job satisfaction is mixed... with widespread concerns ... that ECEC workers are undervalued and under paid”
- Median weekly full-time earnings (of the sector as a whole) is \$730 with the average hourly rate for a Certificate III educator \$23.31 [Goodstart Early Learning Submission]
“... I can make more money working at Kmart as a night-filler than I do working with children, in an industry that I am qualified for.” [Jane, Submission to Productivity Commission]

2. Is this the right response at this time?

It was interesting to read the recent Queensland Law Reform Commission (QLRC) report's summary that the majority of respondents said expanding mandatory notifications was not, in itself, the solution. The Carmody Commission of Inquiry found similarly, “historical analysis of notification data shows that these measures have directly led to an overburdened and overwhelmed system where 80% of reports received did not meet the threshold to trigger an investigation”.

C&K's colleagues in the child protection sector advise that the potential for overload and other unintentional consequences from further mandatory reporting cannot be over-stated.

3. The solution is broader

The QLRC report, and the submissions that C&K has been able to see, highlighted the *additional strategies* that are needed to make mandatory reporting a success, for example -

- on-going professional development for those working with children;
- sufficient, appropriate support services in the community to refer families to; and
- the public dialogue and community education that comes alongside a new child protection measure

4. Significant investment needed

To ensure that any further introduction of mandatory reporting does not overwhelm the current Child Safety system, a significant increase in resources, coordination and effort would be required across multiple areas - as outlined in C&K's attached previous response (and summarised below)

- Investment in additional Child Safety investigators
- More training on child protection for the ECEC sector
- Investment to support the legal, insurance and HR implications of mandatory reporting
- More investment in early intervention services and collaborations
- More investment into ICT, evaluation, research and social policy
- A feedback system to reporters would improve the effectiveness of reporting

5. Link to role not qualification

C&K does NOT support mandatory reporting requirements being linked to "qualifications" as in the draft Bill. Potentially "qualified" staff in centres work in a range of roles such as administration, professional development, maintenance or catering - yet have no contact nor knowledge of children's wellbeing.

Should legislation be amended to include the ECEC sector, C&K recommends the requirement be linked to "educators and/or those undertaking day-to-day work with children".

6. Safety for educators

Eight percent (8%) of Queensland educators (2,516) work from their own home as Family Day Care providers.

C&K raises this important part of our sector separately because of unique concerns about Family Day Care Educators' personal and family safety. For example – would mandatory reporting be less effective in this sub-sector because of educators' concerns that perpetrator/s know their address, and their family routines.

7. Ensure vital gains in early education participation are not lost – particularly for Aboriginal and Torres Strait Islander and culturally and linguistically diverse families.

As cited in the QLRC report, C&K remain concerned that we risk alienating some groups that are currently under-represented in early education and over-represented in child protection reporting and out-of-home care, because they are known to be fearful and or distrustful of government and/or the child protection system.

We know that vulnerable children benefit most from early childhood education and care: any implementation must not place further barriers in their way.

8. Timeframes

While not an issue for C&K per se, we note that numerous other Child Protection Act 1999 reforms are currently underway, alongside a raft of reforms that aim to improve the safety of children. The Royal Commission report in late 2017 will also have an impact.

From the ECEC sector's perspective, continual improvement is welcome – with our sector currently also awaiting significant changes from the Australian government's 'Jobs for Families' package, understood to mean significant implementation activity over the next 12-months in the lead up to a 1 July 2017 start date. Our sector is also currently moving into implementation for the NDIS.

C&K is very interested in this policy development and, as the largest provider in Queensland, we are keen to participate in developments at the earliest possible stage.

If you have any questions or wish to discuss this submission further, please feel free to call me.

Yours sincerely



Michael Tizard
Chief Executive Officer

ATT: C&K's response to Queensland Law Reform Commission



Queensland Law Reform Commission
**Review of Child Protection
Mandatory Reporting Laws for the
Early Childhood Education and Care
Sector**

30 September 2015

The Crèche and Kindergarten Association Limited t/a C&K
257 Gympie Road
Kedron Queensland 4031
Queensland Law Reform Commission

**Review of Child Protection Mandatory Reporting Laws for the
Early Childhood Education and Care Sector - July 2015**
(closing date for submissions 30 Sept 2015)

The Crèche and Kindergarten Association Limited (C&K)

C&K is a leading, for-purpose early childhood education and care (ECEC) provider with more than 107 years of experience. C&K is proud to support more than 20,000 children, 6,000 families and 2,000 staff through our long day care and kindergarten services, family day care schemes, limited hours care, in home care, outside school hours care and integrated child and family programs. C&K ensures that children come first, in all of its activities.

Honouring Mason John Parker

C&K expresses deepest sympathies to John and Sue Sandeman and their family for the heart-breaking loss of their grandson, Mason John Parker, in 2011. C&K joins the hundreds of other Queenslanders who support the Sandemans in fighting to improve child safety in Queensland.

C&K considers protecting children a fundamental responsibility for all – individuals, organisations, governments, churches, schools, communities, families and friends.

C&K's credentials in providing comment regarding child protection

C&K began as a community-led enterprise to support the children of “poor working women, who, from sad circumstances, were forced to fill not only the place of both father and mother, but also become the breadwinner of the family... leaving very early in the mornings to work in shops and factories... the poor kids had no place to play; their homes were nightmares; they flocked into the dusty streets...”ⁱ C&K, has for 107 years, focused on children in need of support and protection, as well as education.

C&K has identified this integration between education, child and maternal health, and family support as a key plank in its vision to improve the life outcomes of Queensland's vulnerable children. C&K currently operates integrated services in Mackay and Logan, with plans for growth in this service type.

Mandatory reporting of suspected child abuse

C&K is committed to protecting children and subscribes to the view that child protection is everyone's business; that *we all* have a moral responsibility as community members to report suspected cases of child abuse and neglect.

C&K understands the view that mandatory reporting is seen and used as a means to better protect children.

Mandatory reporting is a strategy which acknowledges the prevalence, seriousness and often hidden nature of child abuse and neglect. It is one way to enable early detection of cases which otherwise may not come to the attention of helping agencies. Such laws importantly help to create a culture change towards a more child-centred society, which we hope would not tolerate serious abuse and neglect of vulnerable children.

Mandatory reporting creates specific conditions that require certain professions to report child abuse and, to some extent, it is a structure which also protects them as reporters.

The discussions and professional development that occur alongside mandatory reporting are highly beneficial. Training might be the first opportunity some people have to develop an awareness of child abuse and its complexities. Every bit helps.

The literature

C&K appreciates that there is considerable and comprehensive literature related to this topic: most of which has been recently explored in Queensland by the 2013 Carmody Inquiry (Queensland Child Protection Commission of Inquiry), as well as by the Queensland Law Reform Commission (QLRC) in the preparation of its consultation paper.

C&K's understanding of the current national and international literature is that mandatory reporters make a substantial contribution to child protection reportsⁱⁱ. A subtle distinction, however, is that there is not sufficient evidence to indicate that the *increased numbers of* reports make a *qualitative improvement* to the safety of children who are experiencing abuse, or may be at risk of abuse.

It is fortunate that the QLRC's response to the Government and more importantly to the petitioners, is able to draw on the considerable evidence about mandatory reporting that was received by Commissioner Carmody and the Queensland Child Protection Commission of Inquiry in 2013.

In the summation of the literature, Commissioner Carmody stated that, despite the intuitive and political contexts that suggest the use of expanded mandatory reporting, historical analysis of notification data shows that these measures have directly led to an overburdened and overwhelmed system where 80% of reports received did not meet the threshold to trigger an investigationⁱⁱⁱ. "Perhaps, more importantly, these measures may have redirected the system away from *helping*

people as the first response, to instead making investigation of risk of harm the primary intervention”.

The current Australian environment

Queensland – our state is in the early stages of implementing the recommendations of our third child protection inquiry in 15 years. This most recent inquiry (the Carmody Inquiry) made no recommendation to expand mandatory reporting for the reasons outlined above.

South Australia – a Royal Commission into child abuse is currently underway. As the first Australian state to introduce mandatory reporting in the 1970s, South Australia is understood to be currently in bi-partisan discussions looking at a joint submission to the Royal Commission about notifications – including the examination of mandatory reporting. Premier Jay Weatherill has commented that the state has a “real problem with mandatory notification”.

Victoria – in order to meet Victoria’s most recent inquiry findings (the ‘Protecting Victoria's Vulnerable Children’ Inquiry), early childhood teachers in that state are having to become registered - like their primary and secondary teaching colleagues – in order to be classified as a teacher and to therefore be mandatorily required to report suspicions of child abuse and neglect. Teacher registration requires minimum hours of annual approved training in order to maintain registration. Many childcare organisations in Victoria have cautioned that the flow-on to staffing costs will lead to fee increases in the ECEC sector.

NSW - the most recent child protection inquiry in NSW (the Wood Inquiry, 2010) led to an alteration of the legislation to shift the system away from the crisis end of notification and investigation (towards which mandatory reporting steers families), to a focus on providing help and support to families. Many researchers and child protection experts suggest that, until we focus on reducing, not increasing, the escalating number of notifications, child safety systems will continue to fail to protect children^{iv}.

C&K policy position

C&K acknowledges protecting children is a fundamental responsibility for our organisation, our team members, families and communities. (See *C&K Child Protection Commitment Statement* attached).

C&K has instigated an internal policy that mirrors mandatory reporting: C&K requires our team members to report *all* suspicions of harm or risk of harm to the statutory authority as a condition of employment.

To support this policy C&K invests significant additional funding into continuing professional development for our educators in all aspects of child-centred education and care. C&K also invests additional resources in building relationships with other health, and family support agencies across Queensland so that we are able to offer the most supportive and appropriate early intervention responses should instances of child abuse or neglect arise.

Furthermore, *all* C&K employees (whether or not their role involves direct contact with children) undertake mandatory child protection awareness training.

C&K child protection reporting experiences - some key issues

Implementation of National Quality Framework

Since the death of toddler Mason John Parker in 2011, instigating this discussion paper, the early childhood education and care sector has undergone substantial, national quality improvements with the introduction of the National Quality Framework in 2012. Systemic analysis of the improvements since the introduction of the NQF may find that quality systems, including those related to child protection, have improved significantly and sufficiently to suggest that this tragedy would not happen today.

This aside, C&K staff report that experiences with children suspected of having experienced child abuse are “fairly rare”. The experiences vary – some are aggregated below.

More community support services needed

At C&K In the past, educators have notified Child Safety authorities because parents have admitted they didn't have enough money for food – so a child's lunchbox was not full. Sometimes children are in 'grubby clothes'. In these instances parents/carers may have benefited more from a referral to a local support service (emergency relief funding, food parcels, financial literacy, Centrelink advocacy, etc). We are working with our services to ensure that they understand and make appropriate referrals to the new Family and Child Connect services.

In some areas of Queensland police have noticed a marked increase in domestic violence situations due to the increased pressures of large-scale local job losses eg.in the mining sector. Pressures also mount when there are government initiatives to bring new families to regions where housing is cheap (\$40 per week), however, often the region does not have the infrastructure or support programs in place to support families.

An increase in the number of reports to Child Safety is unlikely to solve the underlying issues that emerge as a result of a lack of family support services.

Personal judgements can be too subjective in measuring 'significant' harm

Studies show that decisions are strongly influenced by the professional's own perceptions, as much as by the evidence. For example, people from disadvantaged or vastly different cultural backgrounds, can perceive the factors of neglect very differently from how other people may perceive them.

Life experience and personal values can similarly impact an opinion. Some notifications to Child Safety are made when an educator discovers that a parent has an alcohol or drug addiction, or a severe mental health diagnosis (eg. schizophrenia). These notifications are often made without full awareness of the protective factors in place, without consideration of whether there have in fact been inappropriate interactions between parent and child; and whether there have been concerns or otherwise about the child's demeanour or care.

Some risks are clear

On some occasions the situation is very evident – a child has come to the service with a lump on the head, or a gash to the face; or they might communicate to the educator that their parent/carer has hurt them. For C&K these notifications should be straightforward, however, we must continue to reinforce the importance and process of making a report to Child Safety in these instances.

Benefits of mandatory child protection reporting in early childhood education and care

Mandatory reporting for ECEC workers will affect thousands of early childhood employees in Queensland. Similar to primary school teachers, early childhood educators are in a unique position, where they see continual and contextual changes in behaviour, physical presentations and distress levels that other people could miss.

To ensure that any introduction of mandatory reporting does not overwhelm the current Child Safety system, an increase in resources would be required across multiple areas outlined below.

- **Investment in additional Child Safety investigators**

Given children are at the core of what we do, ECEC services will likely support mandatory requirements to report any suspected child risk. For many organisations mandatory reporting helps to minimise the 'grey areas', and corporate risk, as it will encourage the implementation of an 'if in doubt, report it' practice. This increase in reporting would also reduce child care providers' litigation risks by transferring risk to the statutory authority.

As a result, mandatory reporting would also likely mean additional investment would be required in ensuring appropriate child protection assessment and investigations are undertaken given the additional reports generated.

- **More training on child protection for the ECEC sector**

It is expected that any introduction of mandatory reporting would mean the early childhood education and care sector would require thorough training and professional development opportunities that would support their new role. The Carmody Inquiry and other stakeholders, recommended a range of areas requiring clarification and/or on-going additional training:

- greater certainty about what constitutes child abuse and neglect and what should be reported
- alternatively, what are areas where a family could be offered help through appropriate referral to secondary services
- how the child protection system works
- how to report suspicions
- the levels of anonymity and protection afforded when reporting.
- responsibilities for each ECEC role^v

- **Investment to support the legal, insurance and HR implications of mandatory reporting**

Mandatory reporting is likely to necessitate increased financial support for ECEC providers. The ECEC sector is already experiencing increased scrutiny and premiums from insurance companies dealing with the liabilities emerging from evidence being presented at the current Royal Commission into Institutional Responses to Child Sexual Abuse.

Mandatory reporting requirements in Queensland would trigger the need for a level of additional support funding in order to maintain the viability of some services, and ensure they do not unnecessarily pass increased HR, legal and insurance costs onto families in the form of fee increases.

- **More investment in early intervention services and collaborations**

It is recommended that mandatory reporters in Queensland be able to discharge their legal reporting obligations by referring a family to a community-based intake service. The expansion of mandatory reporting to the ECEC sector would see a significant increase in the number of referrals to services such as Family and Child Connect. This increase is likely to necessitate further investment in child and family support services to ensure they are not overwhelmed.

While C&K and other not-for-profit organisations in the sector already invest resources to develop local relationships, such as through the new Local Level Alliances and other early intervention collaborations, many private or smaller child care operators may not be willing and/or able to allow this time for collaboration.

- **More investment into ICT, evaluation, research and social policy**

The addition of early childhood educators as mandatory reporters is likely to necessitate valuable additional investment in ICT interfaces, portals, or Hotlines in order to appropriately receive and respond to additional reports. As the number and frequency of notifications increase, the imperative to have an accurate, reliable real-time IT system, will also increase.

Mandatory reporting may also necessitate investment in research and program evaluations documenting improvements in child safety, and/or adjustments required in Queensland's National Quality Framework assessment and review processes.

C&K would be interested in contributing to policy development, research or evaluation that aimed to continue to improve child protection practice in early childhood education and care. Again, the private child care sector and small providers would rarely invest in this area requiring additional government investment.

- **A feedback system to reporters would improve the effectiveness of reporting**

Mandatory reporting could be more effective if legislative and system changes were expanded to enable feedback.

Currently, reporters into the child protection system (whether they are mandatory or not) do not hear the outcome of their report. While mandatory reporting purports to develop more skill

in people to better support children, these people can in fact become disempowered and unable to 'learn' from this practice: Did they do the right thing, was the child better off; how did the family respond; was help offered; which help was useful; would something else have been more successful?

Concerns about mandatory child protection reporting in early childhood education and care

If mandatory child protection reporting for ECEC workers were implemented in Queensland – *with* the above-mentioned additional investment into the child protection and early childhood sectors – the key remaining concerns held by C&K are:

- **The practice has fallen down in other jurisdictions – how does Queensland better prepare?**

As stated, early childhood educators and carers work in a vital space, akin to school teachers, where they have regular opportunities to see changes and concerns others may miss. However, interestingly, some literature states that teachers are “also responsible for failing to report most cases”^{vi}

“One study of referrals in nursery schools in Sweden, and a study of teachers’ self-reported practice in the USA, showed that only 30-37% of cases of child maltreatment known to school personnel were formally reported, although reports were often made within the school to principals, counsellors or nurses”.^{vii}

These statistics are extremely concerning. Queensland’s implementation would need to be preceded by an examination of the processes, accountabilities and workflows that seem critical in reaping the benefit of mandatory reporting.

- **Ensuring vital gains in early education participation are not lost – particularly for Aboriginal and Torres Strait Islander and culturally and linguistically diverse families**

Should the ECEC sector be required to become mandatory reporters, there is a possibility that we risk alienating some groups that are currently under-represented in early education and over represented in child protection reporting and out of home care, because they are known to be fearful and or distrustful of government and/or the child protection system.

We know that vulnerable children benefit most from early childhood education and care. Early childhood education participation provides the building blocks that lead to good learning outcomes that can help break the cycle of poverty and disadvantage.

The Queensland Government has introduced many effective programs (such as Kindy Plus) that have transformed early childhood education participation in this state. The past five years have seen Queensland preschool participation rates increase significantly from 29% in 2008 to 77% in 2012 and 97.4% in 2013^{viii}.

However many groups are still missing out and C&K is aware that the Palaszczuk Government is keen to improve this.

While, overall 3% of Queensland children are missing out on kindergarten - an unacceptably high 23% of Aboriginal and Torres Strait Islander children are not enrolled in kindergarten. This participation rate must be improved to support improved longer term outcomes for Aboriginal and Torres Strait Islander children.

Increasing participation in kindergarten must not be put at risk unintentionally by other initiatives related to a child protection system where Aboriginal and Torres Strait Islander children experience significant over-representation. In Queensland, 1 in 7 children and 1 in 4.5 Aboriginal and Torres Strait Islander children have had some form of contact with the child protection system.

- **The creation of a more state-by-state approach to mandatory reporting creates complexity and could increase the risk for children.**

Although the creation of a consistent national child protection system is beyond the purview of this review, adding mandatory reporting to the requirement for early childhood educators where it may differ from other states, could add an additional layer of complexity.

Many educators will work in different states during their careers. Inconsistencies across borders may lead to increased confusion and, in turn, a higher likelihood that the protection of children could be overlooked or incorrectly responded to.

Professionals (teachers, doctors, nurses, and child protection workers themselves) are currently dealing with large state-by-state differences in relation to *who* is required to report. They also must report differently according to the *type* of abuse that is to be reported: in Queensland this is currently two types: physical and sexual; while in Tasmania, mandatory reporting applies to five different types: physical, sexual, emotional, neglect, and witnessing family violence.

Differences also relate to the legal terminology that describes the 'state of mind' of the potential reporter: having 'a concern' or 'a suspicion' or 'becoming aware' or having 'a belief based on reasonable grounds' are all different thresholds in different states.

C&K questions whether this added complexity is an effective way of helping the busy, young, low-income early childhood educator, or the parent who is a voluntary committee member in a rural service, to support an at-risk child.

Should mandatory reporting be introduced in Queensland, it would be important to consider the need for a national approach and leadership to harmonise mandatory reporting legislation.

- **Implementing mandatory reporting could come at the expense of government investment in *preventing* child abuse**

Queensland has significantly increased investment in the child protection system. Between 2003-04 and 2012-13, expenditure on child protection services more than tripled from \$182.3

million in 2003–04 to \$735.5 million in 2011–12 at an average year on year increase of about 19 per cent per annum^x Past expenditure has been prioritised at the crisis end (which is understandable because Queensland began as one of the lowest spending states in Australia and is now leading in some areas).

Currently, however, Queensland is lagging behind most other states in its investment in preventative and/or early intervention. The Report on Government Services 2013 table (below) shows Queensland leading Australia’s ‘real expenditure per child’ at the crisis end. Although the 2014 commitment of \$406m^x from the Queensland Government to implement the Carmody Inquiry reforms does increase investment in family support services, should mandatory reporting be extended to the ECEC sector it is likely that demand for these services will increase.

Table 3.3: Real recurrent expenditure on child protection services per child, Queensland and Australia, 2011–12

	Real expenditure per child		Qld ranking in the 8 jurisdictions (1 = lowest, 8 = highest)
	Qld	Aust	
Child protection	\$283	\$203	7
Out-of-home care	\$367	\$382	5
Intensive family support	\$31	\$73	4
Family support services	\$53	\$92	5
Total	\$734	\$750	6

Source: Steering Committee for the Review of Government Service Provision 2013, *Report on government services 2013*, Table 15A.1

If additional mandatory reporting requirements were to be introduced, it is expected that expenditure at the crisis end would increase further. Will this investment in expanding mandatory reporting come at the cost of earlier intervention family support services (which are known to be the most effective way to protect children)?

COMMISSION QUESTION RESPONSES

In addition to our response above, please see below C&K's direct responses to the Commission's questions.

The Commission seeks submissions (including reasons) in relation to the following questions:

8-1 What considerations should be taken into account in determining whether the mandatory reporting requirements under the *Child Protection Act 1999 (Qld)* should be extended to apply to the ECEC sector?

C&K notes that the fundamental pros and cons of child protection mandatory reporting are well-researched and available for consideration in determining Queensland's decision.

A summary from The Lancet is provided^{xi}.

Further considerations (as outlined in our submission) include:

- Could the quality improvements instigated under the NQF since 2012 have prevented the 2011 death?
- What is the Government's capacity for implementation – including the commensurate additional investment that will be required for the child protection and early childhood sectors?

8-2 If the mandatory reporting requirements under the *Child Protection Act 1999 (Qld)* are extended to apply to the ECEC sector, what is the likely impact:

- on the ECEC sector; and
- on the ability of Child Safety to detect and respond appropriately to children in need of protection?

C&K considers the impact on the **ECEC sector** may be positive if it is accompanied by investment in professional development, and in early intervention services that better support families.

The impact on the **Child Safety system**, according to the evidence as cited, may be detrimental.

Panel: Arguments for and against mandatory reporting

Mandatory reporting laws have existed in the USA since 1967²⁶ and Australia since the late 1970s (with the exception of Western Australia). Considerable variations exist between jurisdictions. Overall, the laws require designated professionals to report actual and suspected cases of child abuse to the statutory child-protection agency, the police for investigation, or both. Penalties for failure to report are stipulated, although these are mainly intended to encourage reporting rather than police it.

Benefits of mandatory reporting²⁷

- Clearly states that governments take child abuse seriously
- Encourages early notification to protect children and prevent child deaths
- Leads to increased reporting to child-protection agencies
- Provides a standardised and uniform database on the nature and size of the problem
- Raises awareness about the importance of tackling child abuse and the appropriate processes for reporting
- Addresses legal (privacy) and ethical (confidentiality) obstacles to reporting without compromising integrity of professionals²⁸

Disadvantages^{27,29-33}

- Overloads child-protection services³³
- Inhibits self-referrals by children and parents because they will lose control of what happens to them
- Discriminates towards vulnerable populations who are over-reported
- Reactive rather than proactive, which is against contemporary understanding of the need to develop supportive communities that care for children
- Resources are dominated by the need to investigate and little remains for intervention
- Encourages professionals to pass the buck rather than to share responsibility
- Mandate is open to interpretation, with respect to designated mandated reporters; types of abuse and neglect; degree of suspicion or suspected harm; or current or future risk that is needed to activate the reporting duty³⁴

8-3 Should mandatory reporting apply to the ECEC sector?

C&K's internal policy requires all C&K educators to report suspicions of child abuse.

If additional investment were to be made into early intervention services that supported families, C&K would have no overt objections to mandatory reporting by the ECEC sector. C&K however cautions that once implemented it would be difficult to roll back, particularly if the system were to become overloaded.

8-4 If yes to Question 8-3, why should mandatory reporting apply to the ECEC sector?

C&K supports initiatives that have been shown, through evidence, to improve the safety and well-being of children.

If mandatory reporting were supported with sufficient on-going training for staff, systems improvements, and support services for families, **C&K** considers that it could lead to improvements in the protection of children.

If yes to Question 8-3, which particular types of services should mandatory reporting apply to? For example, should it apply to:

- a) an approved education and care service under the *Education and Care Services National Law*, such as:
 - (i) long day care services;
 - (ii) family day care services;
 - (iii) kindergarten services;
 - (iv) outside school hours care services;
- b) a Queensland education and care service under the *Education and Care Services Act 2013 (Qld)*;
- c) a stand-alone service under the *Education and Care Services Act 2013 (Qld)*;
- d) any other services (please specify)?

C&K recommends aligning with the objectives and timeframes of other reforms.

The Queensland ECEC sector is a complex arrangement of government, private and not-for-profit providers; operating a range of service types; some of which fall outside the National Quality Framework.

Currently significant work is being undertaken at both state and national levels to reform and streamline many aspects of the sector and as a result some service types will change. For this reason, should mandatory reporting in Queensland be expanded to ECEC, C&K recommends it be attributed to the sector in the broadest possible way and for all service types listed.

If yes to Question 8-3, which particular professionals, office holders and workers within the early childhood education and care sector should be required to report? For example, should it apply to:

- a) approved providers;
- b) supervisors;
- c) educators;
- d) other staff members;
- e) volunteers?

Without seeing the draft legislation, **C&K** finds it difficult to suggest the most appropriate roles that should assume the responsibility. We would suggest it is probably approved provider and supervisors.

C&K points out that many kindergarten services are small, one-group services with only two staff.

C&K employs trainees, including school-based trainees and has volunteers that work within our services. C&K expects all people who work within our services to work within our child protection policy.

As a Central Governing Body for kindergartens in Queensland, C&K provides advice and support to Parent Management Committees who operate kindergartens across the state. Although these parents are volunteers, they are legally accountable for all the operations of the kindergarten and would therefore be required to become Mandatory reporters, should there be a change. Parent Management Committee's often have not had experience in running an early childhood education and care organisation and typically turn over each year as children move through the kindergarten program and on to primary school. This lack of experience and the consistent turn over creates complexity in the operations of kindergartens and the introduction of mandatory reporting would add to this complexity. Clear support and ongoing training would be required to ensure that all Parent Management Committee understand their obligations, should mandatory reporting be introduced.

C&K further notes that current national ECEC reforms include the introduction of nannies. In a similar way to in-home care and family day care educators, specific considerations for mandatory reporting would need to be developed for nannies, given the greater isolation and independence afforded these educators within these service models.

8-6 If no to Question 8-3, why should mandatory reporting not apply to the ECEC sector?
Please give reasons.

C&K supports initiatives that are known through evidence to improve the safety and well-being of children.

If mandatory reporting is supported with sufficient on-going training for staff, systems improvements, and support services for families, **C&K** sees no reason why mandatory reporting should not apply to the ECEC sector.

C&K's Child Protection Commitment Statement



C&K acknowledges protecting children is a fundamental responsibility for the organisation, team members, families and communities.

C&K will:

- Advocate the importance of child protection both internally and externally of C&K.
- Work collaboratively with statutory child protection agencies, early childhood health agencies, family support services and the Office for Early Childhood Education and Care.
- Ensure all team members have access to annual child protection training specific to the education and care sector.
- Provide team members with cultural awareness training to assist in developing an understanding of cross cultural child protection issues in Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse families.
- Review child protection policy documents to ensure they reflect current best practice, recommended guidelines and legislation.
- Investigate allegations of child harm within services in a timely and professional manner, according to C&K policy.
- Periodically record and report on child protection matters and incidents.
- Use child protection data to implement preventative strategies to minimise the incidents of child harm.
- Ensure the importance of child protection is highlighted in recruitment, selection and induction processes.

All team members will:

- Ensure protecting children is an integral part of all decision-making.
- Use preventative and risk management strategies to minimise harm to children.
- Raise the awareness of child protection matters with C&K families and the community.
- Participate in annual child protection training and maintain an understanding of C&K policy.
- Strive to continually improve child protection prevention and management practices.
- Report any incidents of child harm according to policy and legislation requirements.
- Follow C&K policy to ensure child and family information is kept confidential.
- Work together with families and support them in their parenting role and ensure that children receive any specialist support they require.
- Respect, acknowledge and honour the diversity of children and families and ensure practices are inclusive and equitable, recognising the complex challenges that impact upon families.
- Maintain an awareness and understanding of the cross-cultural issues relating to child abuse and neglect in Aboriginal and Torres Strait Islander and Culturally and Linguistically Diverse families.
- Understand their professional, legal and moral obligations in relation to protecting children.
- Seek support and guidance from C&K to ensure best practice in relation to child protection matters.

Educators will:

- Provide an education and care program that supports children's physical, emotional, social, intellectual, cultural and familial safety.
- Ensure teaching practices promote child safety at all times.
- Empower and support children who may be experiencing difficulty in their lives with sensitivity, warmth and security.
- Cater for the needs of children who require specialist intervention or have additional needs.
- Ensure practices reflect a 'strengths based model' that supports children and families and reflect the United Nations Convention on the Rights of the Child.
- Liaise and collaborate with early intervention and prevention services to provide holistic services that work towards improving outcomes for all children and families.



Response to QLRC Review of Child Protection Mandatory Reporting for the ECEC Sector - 14

Where children come first

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- ⁱ Gregory, H. 2008 Playing for keeps: C&K's first Century 1907-2007
- ⁱⁱ <https://aifs.gov.au/cfca/publications/mandatory-reporting-child-abuse-and-neglect>
- ⁱⁱⁱ (Harries & Clare 2002; Melton 2005)
- ^{iv} [Professor Bob Lonne, School of Public Health and Social Work, Queensland University of Technology](#)
- ^v http://www.childprotectioninquiry.qld.gov.au/___data/assets/pdf_file/0008/164951/ACT_for_Kids_1.pdf
- ^{vi} The Lancet, Vol 373, January 10, 2009
- ^{vii} The Lancet, Vol 373, January 10, 2009
- ^{viii} National Partnership Agreement on Early Childhood Education – annual report. (2012). Qld.
- ^{ix} Queensland Child Protection Commission of Inquiry Taking Responsibility: A roadmap for Queensland Child Protection 2013 www.childprotectioninquiry.qld.gov.au
- ^x 2014-15 Budget Estimates, Report No. 52 Health and Community Services Committee August 2014
- ^{xi} The Lancet, Vol 373, January 10, 2009



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