

Mandatory Reporting Requirements for Teachers

For some years in Queensland, teacher' obligations in relation to reporting abuse of children were set out under the Education (General Provisions) Act 2006, and were pretty limited. Recent changes to other Queensland legislation have fundamentally changed the obligations to report abuse of children. Whilst the old provisions still apply to staff of schools, new provisions mean that teachers have extra obligations.

What are the new obligations under the Child Protection Act 1999?

Traditionally, reporting requirements have been imposed on doctors and nurses to make mandatory reports in relation to both physical or sexual abuse pursuant to section 13E. These provisions have now been extended to teachers.

The new requirements are that teachers, if they form a reportable suspicion that the child 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 child, must provide a written report to the Department of Communities (Child Safety Services).

Interestingly, the risk of harm is not restricted to sexual abuse and now includes physical abuse. And as distinct from the provisions under the Education (General Provisions) Act, teachers are now required to report such suspicions whether they become aware of the harm during the course of their employment or in daily life.

There are certain requirements to be addressed in the written report which is required. Additionally, the provisions make it clear that:

- It is not necessary to make the report if they reasonably suppose that the matter has already been reported to the Department;
- Teachers may confer with colleagues or a lawyer if you are unsure whether there is a reportable suspicion.
- Reports to Police or the Department of Communities, or statements exchanged with Colleagues whilst discussing whether there is a reportable suspicion that are made honestly and reasonably will be protected at law – so you can't be held to have made defamatory comments in publishing the information

We recommend that teachers:

- be aware of, and keep, a copy of Chapter 2 Part 1AA of the Child Protection Act 1999 handy;

- ensure that they are aware of how to lodge a written report;
- check their school policies to make sure that they are up to date; and
- ensure that they keep reasonable diary notes to support any reports that are ultimately made.

In general, schools need to:

1. Ensure that all staff are aware of their obligations to report as required by the Education (General Provisions) Act;
2. Ensure all teachers under their employ are aware of their personal obligations to report as required by the Child Protection Act;
3. Review child protection policies, and reporting policies and structures to ensure that they are currently compliant with both the Education (General Provisions) Act, and the Child Protection Act, and if they are not compliant, update them urgently;

HOW CAN WE HELP?

It is essential that all staff of schools, and teachers are aware of their obligations, and that school policies are clear and up to date. If you are not sure about your obligations, or want your school policies reviewed, we can assist.

Our lawyers have extensive experience in advising both teachers and schools about obligations under the myriad of legal requirements you are likely to have to deal with, and are well placed to help you. Call today to get the expert help you need.