



Reporting Responsibilities for

Tasmania's new family day care policy was developed collaboratively between the Department of Community and Health Services (now called the Department of Health and Human Services) and the family day care coordinators. Based on this policy, all family day carers will receive a ready-reference document describing how to deal with concerns about children in their care. Both will be launched during the Southern Family Day Care Scheme's Annual Children's Week Picnic Day on 28 October 1998 at Tolosa Park in Glenorchy, near Hobart.

This policy provides the basis for the development of similar guidelines for groups and individuals who are mandated under the new legislation to report concerns. The language and information is designed to emphasise that the care and protection of children is a whole-of-community responsibility and that contact with our intake team does not necessarily constitute a 'notification of abuse', but rather the report of a concern and the commencement of a 'conversation' that should include family members, other support networks and professionals.

Purpose of the Policy

The purpose of this policy is to ensure that:

- there is a common understanding between service-providers in the Family Day Care Scheme and the Department of Community and Health Services of the concept of child abuse and neglect,
- carers and coordinators in the Family Day Care Scheme are informed about the requirement to report concerns about children to DCHS where there are reasonable grounds to believe that they have been abused or neglected or are at risk of abuse or neglect;
- family day carers and coordinators within the scheme are clear about the process for making a report to the Department of Community and Health Services;
- members of the Family Day Care Scheme understand what processes may occur after contact is made with the Department of Community and Health Services and what future involvement they may have with a case where a concern has been reported.

Background to the Policy

The Tasmanian Parliament passed two significant pieces of legislation in relation to children and families at the end of 1997. These were the *Youth Justice Act 1997* and the *Children, Young Persons and Their Families Act 1997*. These Acts will replace the *Child Welfare Act 1960* and the *Child Protection Act 1974*. While they have not yet been proclaimed and statutory intervention continues to be conducted under the previous legislation, policy and practice reform within the Department of Community and Health Services in Tasmania is taking place in accordance with the object and principles of the new Acts and anticipates their implementation.

Children, Young Persons and Their Families Act 1997

The *Children, Young Persons and Their Families Act* has major implications for the community and service delivery response to the protection of children from abuse and neglect. Children and young people have the right to be emotionally and physically safe at all times. All adults share the

Mandated reporters under the Act

The *Children, Young Persons and Their Families Act 1997* (part 3, section 14 [1]) defines a prescribed person (mandated reporter) as a person who falls into one or more of the following categories:

- registered medical practitioner;
- nurse, within the meaning of the *Nursing Act 1995*;
- dentist registered under the *Dental Act 1982*;
- registered psychologist, within the meaning of the *Psychologists Registration Act 1976*;
- police officer;
- departmental employee, within the meaning of the *Police Regulation Act 1898*;
- probation officer appointed under section 4 of the *Probation of Offenders Act 1973*;
- principal and teacher in any educational institution (including a kindergarten);
- person who provides child care, or a child care service, for fee or reward; and
- person concerned with the management of a child care service licensed under part 6 of the *Child Welfare Act 1960*; and
- any other person who is employed or engaged as an employee for, of, or in, or who is a volunteer in:
 - i a government agency that provides health, welfare, education, child care or residential services wholly or partly for children; and
 - ii an organisation that receives funding from the State Government for the provision of such services; and
 - iii any other person of a class determined by the Minister by notice in the *Gazette* to be prescribed persons.

Family Day Carers in Tasmania



Picture: Howard Birnstihl

responsibility for ensuring the safety and wellbeing of the children and young people in their community.

This concept of shared responsibility is enshrined in the new Act. Caring for and protecting children in a way that increases their opportunity to grow up in a safe and stable environment is the fundamental object of this legislation. The principles of the Act reinforce the importance of offering support to families in crisis and working collaboratively with all concerned parties as the best means of reducing child abuse and neglect.

Within the Act, the Government has called on all adults to take steps to prevent the occurrence or persistence of abuse or neglect. More specifically, there are identified mandated reporters – prescribed persons – who must inform the Secretary of their knowledge, belief or suspicion of child abuse or neglect. The Tasmanian Government recognises that no one agency acting alone can effectively ensure that families receive the support they need to fulfil their primary responsibility for the care and protection of their children. The combined effort of all members of the community and all sectors of government is required to keep children safe.

Mandatory Reporting in Tasmania

It has been a policy of the Tasmanian Government since the introduction of the *Child Protection Act* in 1974 to require legally that members of certain professions within the community report suspected abuse or neglect of children to a statutory authority.

Initially this applied only to concerns about children up to the age of twelve, but in 1986 the Act was amended to apply to all children up to the age of seventeen. The new Act defines a child as a person under eighteen years of age and the mandatory reporting requirement extends to concerns about the abuse or neglect of any child under eighteen by a parent or other adult responsible for their care and protection.

The *Children, Young Persons and Their Families Act 1997* includes an expanded list of prescribed persons; that is, those people in the community required or mandated by the Act to inform the appropriate authority of their knowledge, belief or suspicion that a child is suffering, has suffered or is likely to suffer abuse or neglect (part 3, section 13 [1]).

The decision by the Tasmanian Government to maintain and extend

mandatory reporting follows the pattern of most other Australian states and territories. It also follows a period of community consultation and careful consideration of the issues by the Parliamentary Joint Select Committee established to oversee the development of the *Children, Young Persons and Their Families Act*.

The Act is based on the United Nations Convention on the Rights of the Child which was ratified by Australia in 1990. Mandating professionals to report suspected child abuse and neglect in the Tasmanian community is an expression of the Government's commitment to the Convention. It also recognises that children are vulnerable and that they need special protection in law. The Act recognises that families have the primary responsibility for the care and protection of their children, but stresses that it is incumbent upon government to assist in supporting and strengthening families to carry out this role.

Responsibility of All Adults to Report Child Abuse or Neglect

While mandated reporters have a legal responsibility to report, everyone has a moral responsibility to report their

Key Elements of the Family Day Care Scheme policy for reporting concerns about the care and protection of children

- The welfare and safety of children is the principal consideration.
- All carers and staff have a legal and moral responsibility to make sure children are protected from abuse or neglect.
- When there is conflict between the rights of the care provider and the rights of the child, then the child's best interest is paramount.
- Confidentiality is important but this must not override the safety of children; confidentiality must not be maintained where the safety and wellbeing of a child is threatened.
- To ensure that the needs of children are met in the best way, carers should work collaboratively with other professionals and families in a relationship of mutual trust and respect.
- Carers and staff are mandated to report a concern and the grounds for any belief that abuse or neglect may exist.
- Carers or staff are not mandated to establish or prove that abuse or neglect has taken place.
- Investigation of suspected abuse or neglect is the responsibility of the Department of Community and Health Services or the police.
- Reasonable grounds for making a report conveying concern can arise from a child telling you that abuse is occurring, someone else telling you, or your own observation of the child.

concern about suspected child abuse or neglect of children. This is made explicit in the provisions of the Children, Young Persons and Their Families Act. In addition to identifying specific prescribed persons required to report, the Act (Part 3 section 13[1]) states that:

An adult who knows, or believes or suspects on reasonable grounds, that a child is suffering from, has suffered or is likely to suffer abuse or neglect has a responsibility to take steps to prevent the occurrence or further occurrence of the abuse or neglect.

The Act suggests that one strategy to prevent abuse is to inform the Department of Community and Health Services of his or her knowledge, belief or suspicion that a child is suffering or is at risk of suffering child abuse or neglect. Child and Family Services provide the first point of contact.

Child-Centred Family-Focused Practice in the Department of Community and Health Services

In line with national and international trends, practice in the area of child and family services in Tasmania is moving away from the child rescue model of intervention towards a more family-focused approach which perceives the client as the child within the family, within the community. It also acknowledges that children suffer harm as a result of many factors other than maltreatment by a parent or carer which is rightly classified as abuse.

A partnership approach between community members, statutory

services and families, even where abuse is suspected, has been recognised through research as a vital factor in enhancing the wellbeing of children and protecting them from abuse and neglect in the long term. This is reflected both in the object and principles of the new legislation and in its explicit inclusion of family group conferencing as a technique for involving extended family members, community networks and support services in the planning for the care and protection of children at risk.

Object And Principles of the Act

The object and principles of the Act reflect a significant change in practice from a child rescue model (which tended to favour investigation of specific incidents, removal of children and placement out of home) to a proactive family- and community-focused

approach where early intervention, support and resourcing of vulnerable families and family decision-making are emphasised.

The Act is concerned with providing a response before crises occur. To be successful, this approach depends on the establishment of a partnership between government agencies and other service providers. As practice is directed towards primary prevention, increased importance is placed on community education, training and support.

New service delivery directions in the Child, Youth and Family Support Division of the Department of Community and Health Services have included the introduction of new intake processes, the gradual increase in the adoption of family group conferencing and a focus on improved information-sharing, collaborative case management and advocacy for clients, especially children.

The Building Bridges Project

The new Building Bridges project, which will strengthen the mutual understanding and cooperation between the Family, Child and Youth Health Service and the Intake and Assessment Service. The development of a protocol between the two services for joint assessment and case planning is a crucial component of this project and it is hoped that it will strengthen the continuum of support offered to families where there is a high risk of abuse or neglect, to prevent it occurring.

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