4. Handling disclosures or suspicions of harm, including reporting guidelines

What do I need to do?
Your organisation must have policies and procedures for handling disclosures or suspicions of harm, including reporting guidelines.

Why do I need to have these policies and procedures?
Children and young people can only be protected from harm if it is reported and dealt with quickly and effectively. Therefore, your organisation must have policies and procedures in place to ensure staff and volunteers respond as quickly as possible to a disclosure or suspicion of harm. A lack of formal policies and procedures can impede the reporting of such matters.

You should consider including information within your risk management strategy about the reasons for having these policies and procedures in place.

How should I draft these policies and procedures?
When developing a policy in relation to handling disclosures or suspicions of harm, you should include information about:

- Defining ‘harm’
- Identifying ‘harm’
- Managing and recording a disclosure or suspicion of harm
- Reporting a disclosure or suspicion of harm, and
- Reviewing policies and procedures following an incident.

**Defining harm**

**Harm** is defined as ‘any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing’. Harm can be caused by physical, psychological, or emotional abuse or neglect; or sexual abuse or exploitation (section 9 of the Child Protection Act 1999).

Considerations when forming a reasonable suspicion about harm to a child include:

- whether there are detrimental effects on the child's body or the psychological state or emotional state
  - that are evident to the person, or
  - that the person considers are likely to become evident in the future, and
- in relation to any detrimental effects mentioned above
  - their nature and severity, and
  - the likelihood that they will continue, and
- the child’s age (section 13C of the Child Protection Act 1999).

It is also important to remember that harm can be caused by a single act or omission or a series of acts or omissions.
You should provide training and guidance to staff about the different types of abuse which can occur and the harm which can arise.

### TYPES OF ABUSE

#### Actions/behaviours by perpetrator

<table>
<thead>
<tr>
<th>Physical abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Hitting</td>
</tr>
<tr>
<td>- Shaking</td>
</tr>
<tr>
<td>- Burning/scalding</td>
</tr>
<tr>
<td>- Biting</td>
</tr>
<tr>
<td>- Causing bruise or fractures by excessive discipline</td>
</tr>
<tr>
<td>- Poisoning</td>
</tr>
<tr>
<td>- Giving children alcohol, illegal drugs or inappropriate medication</td>
</tr>
<tr>
<td>- Domestic and family violence</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Psychological or Emotional abuse</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Scapegoating</td>
</tr>
<tr>
<td>- Persistent rejection or hostility</td>
</tr>
<tr>
<td>- Constant yelling, insults or criticism</td>
</tr>
<tr>
<td>- Cultural affronts</td>
</tr>
<tr>
<td>- Teasing/bullying</td>
</tr>
<tr>
<td>- Domestic and family violence</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Neglect</th>
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</thead>
<tbody>
<tr>
<td>- Not giving a child sufficient food, housing, clothing, enough sleep, hygienic living conditions, health care and adequate supervision</td>
</tr>
<tr>
<td>- Leaving children unattended</td>
</tr>
<tr>
<td>- Children missing school</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Sexual abuse or exploitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Kissing or holding a child in a sexual manner</td>
</tr>
<tr>
<td>- Exposing a sexual body part to a child</td>
</tr>
<tr>
<td>- Exposing children to sexual acts or pornography</td>
</tr>
<tr>
<td>- Making obscene phone calls or remarks to a child</td>
</tr>
<tr>
<td>- Having sexual relations with a child or young person under 16 years of age</td>
</tr>
</tbody>
</table>

### RESULTING HARM

#### Impact experienced by the child

<table>
<thead>
<tr>
<th>Physical</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Refers to the body</td>
</tr>
<tr>
<td>- Bruising</td>
</tr>
<tr>
<td>- Fractures</td>
</tr>
<tr>
<td>- Internal injuries</td>
</tr>
<tr>
<td>- Burns</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Psychological</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Refers to the mind and cognitive processes</td>
</tr>
<tr>
<td>- Learning and developmental delays</td>
</tr>
<tr>
<td>- Impaired self-image</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emotional</th>
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</thead>
<tbody>
<tr>
<td>- Refers to the ability to express emotions</td>
</tr>
<tr>
<td>- Depression</td>
</tr>
<tr>
<td>- Hypervigilance</td>
</tr>
<tr>
<td>- Poor self esteem</td>
</tr>
<tr>
<td>- Self harm</td>
</tr>
<tr>
<td>- Fear/anxiety</td>
</tr>
</tbody>
</table>

This is not a complete list of the types of abuse and resulting harm that may be experienced by children and young people, however it is to be used as a predictive tool for potential signs of harm. Each child’s experience is different and depends on a range of factors, including the child or young person’s age, the nature of harm, how long the abuse has been occurring, their relationship to the abuser, and their support networks.
Your organisation’s risk management strategy should include information about the signs to help identify if harm is occurring.

**GENERAL INDICATORS OF CHILD ABUSE**

Some general indicators of child abuse include:

- showing wariness and distrust of adults
- rocking, sucking or biting excessively
- bedwetting or soiling
- demanding or aggressive behaviour
- sleeping difficulties, often being tired and falling asleep
- low self-esteem
- difficulty relating to adults and peers
- abusing alcohol or drugs
- being seemingly accident prone
- having broken bones or unexplained bruising, burns or welts in different stages of healing
- being unable to explain an injury, or providing explanations that are inconsistent, vague or unbelievable
- feeling suicidal or attempting suicide
- having difficulty concentrating
- being withdrawn or overly obedient
- being reluctant to go home
- creating stories, poems or artwork about abuse.

**GENERAL INDICATORS OF NEGLECT**

Some indicators of neglect include:

- malnutrition, begging, stealing or hoarding food
- poor hygiene, matted hair, dirty skin or body odour
- unattended physical or medical problems
- comments from a child that no one is home to provide care
- being constantly tired
- frequent lateness or absence from school
- inappropriate clothing, especially inadequate clothing in winter
- frequent illness, infections or sores
- being left unsupervised for long periods.
**What is a ‘disclosure’ of harm?**

A *disclosure of harm* occurs when someone, including a child, tells you about harm that has happened, is happening, or is likely to happen to a child.

Disclosures of harm may start with:
- ‘I think I saw…’
- ‘Somebody told me that…’
- ‘Just think you should know…’
- ‘I’m not sure what I want you to do, but…’

It is important to act quickly and in the best interests of the child or young person after a disclosure of harm is received, irrespective of the alleged source of harm.

**What is a ‘suspicion’ of harm?**

A *suspicion of harm* is when someone has a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm. This includes circumstances which relate to an unborn child who may be in need of protection after he or she is born. A child who has been, or may be experiencing, abuse may show behavioural, emotional or physical signs of stress and abuse.

There may also be other circumstances where there is concern for a child’s welfare but it does not reach the threshold to be considered a disclosure or suspicion of harm.

You have a duty of care to follow up any suspicions of harm or potential risk of harm to children and young people in your care. You can do this by observing and recording the actions of children who might be at risk, and reporting your concerns to the relevant authority.

You can suspect harm if:
- a child or young person tells you they have been harmed
- someone else, for example another child, a parent, or an employee, tells you that harm has occurred or is likely to occur
- a child or young person tells you they know someone who has been harmed (it is possible that they may be referring to themselves)
- you are concerned at significant changes in the behaviour of a child or young person, or the presence of new unexplained and suspicious injuries, or
- you see the harm happening.
Managing and recording a disclosure or suspicion of harm

Your organisation must document how staff and volunteers should receive a disclosure of harm from a child or young person or manage a disclosure or suspicion of harm.

**IMPORTANT THINGS TO CONSIDER**

You should provide your staff with guidance about how to manage a disclosure of harm. For example you should advise them to:

- remain calm and listen attentively, actively and non-judgementally
- ensure there is a private place to talk
- encourage the person to talk in their own words and ensure just enough open-ended questions are asked to act protectively (e.g. ‘Can you tell me what happened’…or ‘Can you tell me more about that’). Don’t ask leading questions which tend to suggest an answer.
- Ensure the person is advised that the disclosure cannot remain a secret and it is necessary to tell someone in order to get help
- reassure the person they have done the right thing by telling you
- advise the child that you need to tell someone else who can help the child
- document the disclosure clearly and accurately, including a detailed description of:
  - the relevant dates, times, locations and who was present
  - exactly what the person disclosing said, using “I said,” “they said,” statements
  - the questions you asked
  - any comments you made, and
  - your actions following the disclosure
- not attempt to investigate or mediate an outcome, and
- follow any relevant process for reporting a disclosure of harm and consider whether there are requirements to report matters to the Queensland Police Service or Child Safety.

**Suspicion of harm (or other concern for a child’s welfare)**

In relation to a ‘suspicion’ of harm, you may, for example, advise your staff that they should:

- remain alert to any warning signs or indicators
- pay close attention to changes in the child’s behaviour, ideas, feelings and the words they use
- make written notes of observations in a non-judgemental and accurate manner
- assure a child that they can come to talk when they need to, and listen to them and believe them when they do, and
- follow any relevant process for reporting a suspicion of harm and consider whether there are requirements to report matters to the Queensland Police Service or Child Safety, or consider what support services could be offered to the family if the concern does not meet the relevant threshold to make a report.

It is helpful to provide a template to assist staff in recording a disclosure or suspicion of harm.
Specifying a contact officer
It is worthwhile considering appointing a contact officer who can deal with child protection issues in your organisation and act as a point of contact should someone wish to raise concerns. You can include the contact officer’s details in the information you give to parents and carers.

A contact officer should be honest, mature, ethical and have enough experience to deal with difficult and sensitive issues if they arise. You need to define the contact officer’s duties and ensure they are trained to deliver them.

A contact officer’s duties might include:
- reviewing and managing your policies and procedures for handling disclosures or suspicions of harm
- inducting and training paid employees and volunteers in handling disclosures or suspicions of harm
- providing paid employees and volunteers with a copy of your policies and procedures for handling disclosures or suspicions of harm, as well as the phone numbers of key contacts
- offering assistance and support when a person in the organisation receives a disclosure of harm
- organising external support to assist parties following a disclosure or suspicion of harm
- developing processes for minor corrective issues that don’t need to be reported to an outside authority, and
- dealing with the media.

Reporting a disclosure or suspicion of harm

Your organisation should document clear policies in relation to reporting a disclosure or suspicion of harm. These policies should outline the timeframes and relevant processes for reporting a disclosure or suspicion of harm.

Reporting of a disclosure or suspicion of harm involves a 3-step-process, namely:

1. Considering whether the disclosure or suspicion needs to be reported to the Queensland Police Service

   Your policy should be clear about the circumstances in which a report should be made to the Queensland Police Service, for example, where a child is at imminent risk of harm or a child has been the victim of a criminal offence. You should ensure that you outline any applicable legislative obligations which apply to individuals working in your organisation to report matters to the Queensland Police Service.
2. Considering whether the disclosure or reasonable suspicion of harm needs to be reported to Child Safety

*Mandatory reporters*

Your policy should be clear about whether or not you have any mandatory reporters within your organisations.

If applicable, your policy must provide information about the obligations which apply to mandatory reporters.

**IMPORTANT THINGS TO NOTE**

People with mandatory reporting obligations include doctors, registered nurses, approved teachers employed at a school and police officers with child protection responsibilities.

These individuals MUST report to Child Safety a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by physical or sexual abuse AND does not have a parent able and willing to protect the child from the harm.

Mandatory reporters should also report to Child Safety a reasonable suspicion that a child or unborn child may be in need of protection where the harm or risk of harm relates to any other type of abuse or neglect under s13A of the Child Protection Act 1999.

Your policies and procedures should provide clear guidance about:

*How to determine if there is significant harm*

Section 13C of the Child Protection Act 1999 provides guidance when forming a reasonable suspicion about whether a child has suffered significant harm, is suffering significant harm, or is...
at an unacceptable risk of suffering significant harm. The matters that a person may consider include:

- whether there are detrimental effects on the child’s body or the child’s psychological or emotional state:
  - that are evident to the person, or
  - that the person considers are likely to become evident in the future, and

- in relation to any detrimental effects to the child the reporter may consider:
  - their nature and severity, and
  - the likelihood that they will continue, and

- the child’s age.

The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.

*How to determine if there is a parent willing and able to protect the child*

A parent may be willing to protect a child, but not have capacity to do so and therefore they are not considered ‘able’. This may include parents suffering from a severe mental health condition or physical illness/injury.

Alternatively, a parent may have the capacity to protect a child (i.e. they may be able), but may choose not to do so (i.e. they are not willing). This may include a parent continuing a relationship with a person who is sexually abusing their child.

In some circumstances, a parent may be both not able and not willing to protect the child from harm.

In some cases, the circumstances in which the harm occurred will be so serious that it can be presumed there is no parent able or willing to protect the child.

If there is considered to be at least one parent both ‘able’ and ‘willing’ to protect the child, the child is considered to not be in ‘need of protection’.

*The information which must be provided to Child Safety*

Under section 13G(2) of the *Child Protection Act 1999*, the written report about a ‘reportable suspicion’ must contain the following details:

- the basis on which the person has formed the reportable suspicion, and
- the information prescribed by regulation, to the extent of the person’s knowledge.

*Non-mandatory reporting*

Your policies should clearly outline the expectations for staff who are not mandatory reporters.

Child protection is everybody’s responsibility and every person SHOULD report to Child Safety if that person forms a reasonable suspicion that a child (including an unborn child) has suffered, is suffering, or is at unacceptable risk of suffering significant harm AND does not have a parent able and willing to protect the child from the harm.
**Making a report**

You should provide clear guidance about how a report should be made to Child Safety and the relevant contact details.

### CONTACT INFORMATION

If an individual working with your organisation needs to make a report to Child Safety Services, this can be done as follows:


- **After hours and on weekends** - contact the Child Safety After Hours Service Centre on **1800 177 135** or **(07) 3235 9999**. The service operates 24 hours a day, seven days a week.

If individuals working with your organisation are not sure who to call, or for assistance to locate their nearest Child Safety Service Centre, contact Child Safety Services' Enquiries Unit on **1800 811 810**. Child Safety Service Centres have professionally trained child protection staff members who are skilled in dealing with information about harm or risk of harm to children.

A person making a report is protected from liability under the *Child Protection Act 1999* from civil or criminal legal actions and is not considered to have broken any code of conduct or ethics.
3. Consider whether referral is required to other support services, including Family and Child Connect

You should provide clear guidance for your staff about how to deal with concerns for a child that do not amount to a **reasonable suspicion** of harm by considering what support services could be offered to the family, for example, a Family and Child Connect service can provide information and advice about connecting families with support services and the circumstances in which a referral can and should be made to one of these services.

**IMPORTANT THINGS TO NOTE**

Anyone can contact Family and Child Connect for information, advice and support for connecting families with support services.

A mandatory reporter can refer a family without their consent, but others require the consent of the family to make a referral.

The criteria for Family and Child Connect service to work with the family is:

- the referred family has a child from unborn to 18 years of age, and
- the child is not currently in need of protection, and
- without support the child, young person and family are at risk of entering or re-entering the statutory child protection system, and
- the family would benefit from access to intensive and specialist support services, and
- the family has multiple and complex needs.

The Family and Child Connect website provides useful materials, including Training resources in relation to family support services, which can assist you further:


**Other important aspects of managing a report**

You should also provide clear guidelines to staff which address the following:

- a clear process for reporting within your organisation, particularly where a disclosure is made concerning a person within your organisation. While it is important for you to have designated people and reporting guidelines within your organisation, please be aware that the person receiving the information is also able to report this to the relevant authorities and is encouraged to be involved in the reporting process. This is important as:
  - the integrity of the information is retained when the person receiving the disclosure is the person reporting the matter to the authorities
  - information is not accidentally mishandled in the internal reporting procedures, prior to the matter being reported to the authorities, and
- where there is immediate risk of harm to a child, all staff or volunteers are aware they can act immediately to protect that child and contact the authorities.

- Processes to ensure appropriate confidentiality is maintained in relation to the issues and any relevant documents.

- Procedures to access appropriate support or counselling for the child or young person and the person who receives the disclosure should be detailed.

- The importance of obtaining clear guidance and advice from the Queensland Police Service or Child Safety as to:
  - who should tell the child or young person’s parents or carers about the disclosure and the action taken, and
  - who can give ongoing help and trained support to the child or young person.

**Reviewing current policies and procedures**

You should undertake a review of the operation of your policies and procedures following a disclosure or suspicion of harm being actioned to:

- consider the application of the policies and whether there are any changes necessary, for example, whether they are suitable for:
  - responding to a child or young person when a disclosure is made
  - protecting children and young people from harm, and
  - assisting involved parties within your organisation, and

- identify any additional training requirements.

Your review must not interfere with court processes, and it may be a good idea to seek legal advice before starting a review. During the review, record what worked well and what may need to be improved upon. If you need to develop new policies and procedures, remember to provide information regarding the changes to your stakeholders.

**Media attention**

A disclosure or suspicion of harm may attract media notice. It is critical to avoid giving out protected or potentially damaging information. Consider limiting contact with the media to one person in your organisation. If you are uncomfortable dealing with the media, refer them to your legal agent.