

ACT Health Child Protection Fact Sheet

Fact Sheet 2 – PRENATAL REPORTING, PRENATAL INFORMATION SHARING, PRE BIRTH ALERTS

Prenatal reporting

If in your contact with a pregnant woman you are concerned that the child once born may be at risk, as an ACT Health employee you may make a voluntary prenatal report to Care and Protection Services (CPS).

Possible indicators of situations of concern for a baby yet to be born may include:

- Domestic violence
- Parental ambivalence towards child/pregnancy
- Indication that parent/s may have been abused as children
- Family suffering financial stress
- Family living in an unstable housing situation
- Indications of social isolation and lack of support
- Significant learning difficulty or intellectual disability
- Substance misuse problems, Mental health problems
- Failure to engage in adequate prenatal care
- A history of CPS involvement in relation to other children
- Previous removal of siblings from parents by CPS
- Pregnant woman is a young person in foster care or kinship care

What is the relevant legislation? (*Children and Young People Act 2008*)

- **Section 362** allows a person to make a voluntary report to CPS regarding a suspicion or belief that a child may be in need of care and protection once born– known as a Prenatal Report.
- **Section 365** protects the identity of the prenatal reporter from being disclosed.
- **Section 874:** If a report is made honestly and without recklessness under section 874, it is not a breach of confidence, professional etiquette, ethics or professional conduct and the reporter is protected from criminal or civil liability.

<http://www.legislation.act.gov.au/a/2008-19/current/pdf/2008-19.pdf> page: 266

How is a Prenatal report made to CPS?

Prenatal Reports are made in the same way as other Child Protection reports:

1. Telephone the CPS Centralised Intake Service on **1300 556 728**
2. As soon as possible, confirm the report in writing using the ACT Health Child Protection Reporting Form. The reporting form may be accessed at <http://inhealth.acthmr/Clinical%20Record%20Forms%20NEW/Reporting%20form%20for%20Care%20and%20Protection%20Services.pdf>
3. Email (childprotection@act.gov.au) or fax (6205 0641) the form to CPS's Centralised Intake Service.

The pregnant woman's consent **is not** required prior to making a prenatal report.

Additional Reporting Requirements

ACT Health staff **are required** to make a report if:

- The staff member suspects or believes that siblings of the unborn child are at risk of abuse or neglect.
- The pregnant woman is under the age of 16 **and** the alleged father is more than 2 years older than the pregnant woman.

What can CPS do?

CPS, upon receiving a report can only provide support to the pregnant woman and her family with her consent. If the woman does consent, she has the right to withdraw consent to engage with CPS at any time during the pregnancy. With the pregnant woman's consent CPS may provide a voluntary assessment of needs, referrals to other agencies, case conferencing and coordination of services.

CPS, as far as practicable, must ensure that any action taken is consistent with the pregnant woman's human rights. For example CPS cannot make a pregnant woman attend Antenatal appointments against her will. The legislation does not allow CPS to make a decision / court application regarding parental responsibility for the baby prior to its birth. These decisions may only be made after the baby is born.

Prenatal Information Sharing

There are 2 ways that information Prenatal information may be shared:

- 1. With the pregnant woman's consent,** this is the preferred option
- 2. Without the pregnant woman's consent:** if CPS forms a reasonable belief that the child may be in need of care and protection upon birth, CPS may request and share information that is relevant to the safety, wellbeing and development of the child after the child is born with a prenatal information sharing entity (an example is a health facility employee or a person who will be involved in the care of the child after the child's birth).

An ACT Health employee is required to give the requested information.

What does this mean for ACT Health workers?

Making a prenatal report to CPS does not replace or diminish the important role of those services already involved with a pregnant woman. Your engagement with the pregnant woman is a vital component of working towards reduced risk for a child once born.

Pre Birth Alerts

As part of the CPS response to a prenatal report CPS may at times issue a Prebirth Alert to Maternity Services in the ACT. The Prebirth Alert (PBA) may request that CPS be notified by the maternity service of the pregnant woman's attendance at antenatal appointments and /or that CPS be notified of the baby's birth.

Pre Birth Alerts are official documents and as such are filed in the pregnant woman's notes as per the particular Hospital's Prebirth Alert Management SOP.

All ACT Health responses to Prebirth Alerts are to be notified to CPS on 1300 556 728.

Support for ACT Health Workers:

If you are unsure about prenatal issues you can discuss your concerns with:

- Your manager or supervisor
- Child Protection Liaison Officers 0434 603 702 (CPS) or 0439 415 820 (ACT Health)
- Prenatal Liaison Officer (CPS) 0423 846 412