



STUARTHOLME SCHOOL

Student Protection Processes for Queensland Catholic School Authorities

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Preface

These processes have been developed by the *Queensland Catholic Education Commission* (QCEC), in consultation with Catholic School Authorities, in order to assist Catholic School Authorities to meet legislative and procedural processes for responding to, and reporting, abuse, harm and behaviour of a staff member that a student considers is inappropriate.

Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify Queensland Police Service and/or the Department responsible for Child Safety, particularly if he/she believes that it is essential to act to ensure a student's safety.

Review Schedule

These processes shall be reviewed annually, or when necessary as required by changes to legislation, policy or procedure.

The Governing Body

The Governing Body is Stuartholme School (ACN 091 211 451), a company limited by guarantee (Company). The Directors of the Company for the Stuartholme School are:

- Dr Kerry Manton (Chair)
- Mr Brendan Delahunty (Deputy Chair)
- Sister Kathleen Muirhead rscj
- Dr Helen Madden
- Mr Greg Johnson
- Mr Ben Woodbridge
- Richard Manthey
- Adelaide Towler
- Jerome Quinn

Delegation

Pursuant to section 366B of the *Education (General Provisions) Act 2006*, the Directors of the Company have delegated to the person performing the duties of Chair, obligations under section 366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

Student Protection Contacts

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(3)), Stuartholme School has at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate. The names of these student protection contacts are made known to staff, students and parents and are:

- Elizabeth Foxover (Dean of Wellbeing)
- Eloise Conrad
- Natalie Morgan
- Jane Morris
- Brendan Downes

These details are maintained on a central register, updated regularly and published on the Company's website.

Complaints Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(5)), Stuartholme School has a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from Stuartholme School.

Awareness and Implementation

If staff members, parents or students require further information in relation to any of the processes described in this document, and/or other student protection compliance requirements, advice should be obtained from the Principal, the School's Student Protection Contacts or the Chair.

The Directors of the Company are responsible for ensuring that:

- This document is freely available to staff members, students and parents;
- Staff members, students and parents are made aware of the student protection processes;
- All staff are trained in implementing the processes on commencement of employment and then on at least an annual basis as part of their ongoing training requirements, and all volunteers and visiting service providers receive information regarding student protection processes as part of their induction and training; and
- The processes are being implemented within the school.

This is achieved by:

- The document is available to staff members, student and parents – online via the school website, in hard copy at the school and displayed on a noticeboard;
- Staff members, students and parents are made aware of the student protection processes, through their Teacher Mentor Group, on staff induction and through a Parent Handbook;
- Staff are trained in the processes, through annual compliance training. Staff beginning at the school after this date complete this training at Induction; and
- The processes are being implemented within the school and are monitored and updates implemented as they become available.

This document should be read in conjunction with the *Student Protection Guidelines for Queensland Catholic Schools*.

1. Our Responsibilities

Stuartholme School is committed to creating and maintaining safe environments for students. A critical area of importance is how to respond to, and report abuse, harm and the behaviour of a staff member that a student considers is inappropriate. This document sets out the responsibilities for staff members in schools where they have a concern for the protection of a student, including addressing processes required by law:

- Processes for how Stuartholme School will respond to harm, or allegations of harm, to students;
- A process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate;
- A process for how the information reported to the stated staff member must be dealt with by the stated staff member;
- A process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- A process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Stuartholme School.

2. Reporting Processes

This section of the processes sets out a summary of the actions that must be taken if a staff member has concerns or suspicions, or makes allegations about abuse of, or harm to, a student or if there is a report of behaviour by a staff member that a student considers is inappropriate. Further detail around these key child protection concepts are contained within the Student Protection Guidelines.

In general terms, the process for responding to and reporting student protection concerns is as follows:

Identify	Identify student protection concerns through recognising the signs of abuse and harm, and through disclosures or receipt of information;
Confer	Seek guidance and support – if necessary, confer with the Principal or Student Protection Contacts, or use resources such as the <i>Queensland Child Protection Guide</i> to establish whether a ‘reasonable suspicion’ has been formed;
Report	Where a reasonable suspicion of abuse, harm or inappropriate behaviour is formed – report the concerns according to the specific processes outlined in this document;
Support	Remain focussed on the support needs of the student and liaise with the Principal around any planning or actions that are required.

2.1 Conferral with colleagues and accessing support

Engaging in appropriate consultation processes is an important element of responding to concerns around the safety and well-being of students, in order that any decision-making process is fully informed.

Staff members may confer (meaning formally consult and document any agreed actions as a record. Confering is not reporting) with an appropriate colleague, for example the Principal or Student Protection Contacts, in order to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a student concern.

When deciding who to confer with from those identified above, it is important that staff members consider whether any of those nominated colleagues could be involved in any way in the circumstances which give rise to the concern, as this may impact on their ability to be impartial and/or independent (for example, if the colleague is or could be the subject of the concern). If there is the potential that a colleague (who would otherwise be appropriate to consult with) may be involved in any way in the circumstances giving rise to the concern that may impact on their ability to be impartial and/or independent, the staff member must not confer with that person. Staff members must never notify the source of concern or a person potentially involved in the concern, that a student protection concern has been raised about them.

Confidentiality is an important element of conferral process. Information sharing should be limited to appropriate colleagues (as detailed above) and to the extent necessary to respond to the safety and well-being of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines contain further detail around confidentiality and information sharing.

Again, the purpose of the conferral process is to assist a staff member in determining whether there is a reasonable suspicion of abuse, harm or inappropriate behaviour which gives rise to an obligation to report. A Principal, for example, may have additional information about a student or their family, or another staff member, not known by the staff member, but which:

- Provides greater context to the concerns identified by the staff member;
- Changes the seriousness of the concerns, particularly as to whether the harm or risk of harm to a student is “significant”;
- Provides greater clarity around whether there is a parent able and willing to protect the student.

In addition to conferring with the Principal or Student Protection Contacts, a number of practical tools and resources exist to support staff members in their decision making, including the *Queensland Child Protection Guide* – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to Department responsible for Child Safety or other service providers in a timely manner.

Staff members should refer to their Code of Conduct to assist in understanding and responding to inappropriate behaviour by a staff member. The Queensland College of Teachers offers a range of professional standards resources that may also assist.

Staff members can also access Student Protection Contacts processes, guidelines and forms on the portal.

It is important for staff members to understand that while they may confer, conferring does not replace the staff member’s obligation to report as details in these Student Protection Processes.

2.2 Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service

In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*, if a staff member becomes aware or reasonably suspects in the course of the staff member’s employment at the school that a student has been sexually abused or is likely to be sexually abused by another person, the staff member must immediately provide a written report using the **student protection reporting form** to the Principal or Chair. The Principal or Chair is required by law to immediately forward a copy of the **student protection reporting form** to the Queensland Police Service. See Flowchart 1.

Where the first person is the Principal of the School, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and to the Directors of the Company using the **student protection reporting form**. See Flowchart 2.

Where the reasonable suspicion of sexual abuse or likely sexual abuse is against the **Principal**, the **student protection reporting form** must be submitted by the first person to the Chair, who must immediately forward a copy of the **student protection reporting form** to the Queensland Police Service.

The Principal or Director of the Company must, as a matter of urgency, advise the first person that the report has been forwarded to Police. This advice should be in writing where possible.

NOTE 1: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed, a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.

NOTE 2: Staff members have a legal obligation to report under sections 366 and 366A of the Education (General Provisions) Act 2006 ('the Act') which cannot be delegated or transferred. Failure by a staff member to comply with this legal obligation, as required in this document, may breach the Code of Conduct and may result in disciplinary action against the staff member. In addition, a staff member who fails to make a report in accordance with this obligation may also breach the Act and may be charged with this failure. A conviction of such an offence could result in a financial penalty in addition to investigation by the staff member's professional body.

2.3 Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm.

Mandatory reporting responsibilities for approved teachers

Approved teachers have a **mandatory reporting** obligation under section 13E of the *Child Protection Act 1999* to make a report to the Department responsible for Child Safety when a teacher forms a 'reportable suspicion' about a child.

A reportable suspicion is a reasonable suspicion:

- That a child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical abuse or sexual abuse; **and**
- There may not be a parent able and willing to protect the child from harm.

A teacher fulfils this mandatory reporting obligation by:

- Making a written report using the **student protection reporting form** to their Principal of the reportable suspicion (or if the allegation is against the Principal to the Chair and as a matter of urgency, receiving written confirmation from the Principal or Chair of the date and time that the report was submitted to the Department responsible for Child Safety; or
- Making a report directly to the Department responsible for Child Safety via the online reporting form.

When the Principal or Chair receives a report, where a teacher has formed a 'reportable suspicion', they **must**, as a matter of urgency, forward the report to the Department responsible for Child Safety.

Where a Principal themselves forms a 'reportable suspicion', they must make a report directly to the Department responsible for Child Safety.

Teachers are encouraged to make mandatory reports to the Department responsible for Child Safety through their Principal (as described above). However, if a teacher forms a 'reportable suspicion' about a student, the teacher **must** satisfy themselves, as a matter of urgency, that the Principal has provided a report to the Department responsible for Child Safety.

If the teacher does not reasonably suppose that the Principal has provided the report to the Department responsible for Child Safety, the teacher **must, as a matter of urgency**, make the report directly to the Department responsible for Child Safety. Teachers are encouraged to confer with the Stuartholme School student protection staff for support in making the mandatory report themselves.

Again, the *Child Protection Act 1999* limits the mandatory reporting of reportable suspicions to those formed in the course of the teacher's engagement at the school. However, it is the policy of Stuartholme School that all reasonable suspicions that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm and may not have a parent able and willing to protect them from the harm, regardless of when they are formed, are reported to the Department responsible for Child Safety in accordance with these processes.

Where a staff member reasonably suspects a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, due to sexual, physical, emotional/psychological abuse or neglect *and may not have a parent able and willing to protect the student from the harm*, then the staff member must make a written report of the concerns to the Principal using the **student protection reporting form**, who in turn must immediately forward the **student protection reporting form** to the Department responsible for Child Safety. See Flowchart 3.

Where the allegation is against the **Principal**, the staff member must submit the **student protection reporting form** to the Directors of the Company, who in turn must immediately forward the **student protection reporting form** to the Department responsible for Child Safety.

The Principal or Director of the Company must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department responsible for Child Safety. This advice should be in writing where possible.

Where a Principal themselves reasonably suspects a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, due to sexual, physical, emotional/psychological abuse or neglect and may not have a parent able and willing to protect the student from the harm, they must make a report directly to the Department responsible for Child Safety.

Copies of all student protection reports are submitted to the Principal, and in cases where the report is against the Principal, the report must go the Chair.

NOTE 3: Teachers have a legal obligation to report under section 13E of the Child Protection Act 1999. This obligation cannot be delegated or transferred to another person. As stated, by policy this obligation is extended to all staff members (not just teachers). Failure by staff to comply with the obligation to report, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member.

2.4 Requirement to Report a Child Sexual Offence

In addition to the requirement to report sexual abuse or likely sexual abuse, section 229BC of the *Criminal Code Act 1899* mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a general requirement applying to all adults (18 years or over) when information causes, or ought reasonably to cause, the adult to believe that a child sexual offence is being or has been committed against a child by another adult (for more details see Legislative References).

A report does not have to be made under the *Criminal Code Act 1899* if a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting significant harm or risk of significant harm). Therefore, a report will only need to be made

under the *Criminal Code Act 1899* if a matter that would constitute a child sexual offence by an adult has not already been reported under the above two acts.

NOTE 4: Staff members have a legal obligation to report under section 229BC of the Criminal Code Act 1899. This obligation cannot be delegated or transferred. Failure to comply with this legal obligation, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member. Failure to report may also constitute a breach of the Criminal Code for which a staff member may be charged and subjected to a fine or imprisonment if convicted.

IMPORTANT NOTE: Failure to protect from a child sexual offence

In addition to the requirement to report a child sexual offence, under section 229BB of the *Criminal Code Act 1899* it is a criminal offence for an adult to fail to protect a child from a child sexual offence.

A failure to protect offence will be committed if an adult in a school:

- a) knows there is a significant risk that another adult associated with the school will commit a child sexual offence against a child; and
- b) they have the power or responsibility to reduce or remove the risk; and
- c) they wilfully or negligently fail to reduce or remove the risk.

2.5 Requirement to respond to harm or allegations of harm to students

In accordance with section 16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have written processes to respond to harm or allegations of harm to a student. Therefore, in addition to the requirements outlined in sections 2.2 and 2.3 above, staff members must respond to any reasonable suspicion in accordance with the required processes that a child has suffered, is suffering or is at unacceptable risk of suffering, significant harm caused by emotional abuse, neglect, self-harm, or harm caused by others – for example, by other students or by other persons in the community.

2.5.1 Harm or risk of harm to a student caused by self-harm

Where a staff member forms a reasonable suspicion that a student has self-harmed or is at risk of self-harm, the first priority is the immediate safety of the student and determining whether the self-injury or risk of self-injury is significant, for example an injury requiring medical attention. The priority in cases of significant self-harm is therefore meeting the immediate medical and psychological needs of the student, which may require the administration of first aid and/or immediate contact with emergency services or mental health services.

The staff member then raises the concern of self-harm with the Principal, and contact should be made with the student's parent/care-provider, unless doing so places the student at further risk of harm.

Where the staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care), then a written report must be made in accordance with the reporting processes detailed in section 2.3 as a concern of neglect.

2.5.2 Harm or risk of harm to a student caused by another student

Where a staff member forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by another student, the first priority is the immediate safety of the student, which will include determining whether the effect on the student is significant, for example, an injury requiring medical attention.

Where there is a significant injury or immediate risk of significant injury to a student, the priority is meeting the medical and safety needs of the student, which may require the administration of first aid, immediate contact with emergency services and contacting the student's parent(s) or care-provider(s).

Behaviour between students is managed in accordance with Stuartholme School's written processes for the conduct of students, or relevant behaviour support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through the Queensland Police Service. Stuartholme School will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with Stuartholme School's Student Peer Relations Policy bullying procedures.

Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of student to student behaviours AND may not have a parent able and willing to protect the student from harm, (for example an inability to provide supervision for the student), then a written report must be made in accordance with the reporting processes detailed in section 2.3.

2.5.3 Responding to student sexual behaviour

Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development. Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). Resources such as those published by the Department responsible for Child Safety can assist in identifying age inappropriate sexual behaviour.

Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. In these circumstances, a report to the Queensland Police Services is required as outlined in section 2.2 and an assessment of the requirement to report made under section 2.3 is also required.

2.5.4 Harm or risk of harm to a student caused by a person not associated with the school or family

There may be some circumstances where a staff member becomes aware of a concern that a student has been harmed, or is at risk of harm, by a person not associated with the school or family. As with the broader responses to harm, consideration must first be given to whether the harm or risk of harm is significant and whether there is a parent able and willing to protect the student from harm.

In circumstances where there is a parent able and willing to protect the student from harm, then the parents must be notified of the concerns as soon as possible. Where there is not a parent able and willing to protect the student and there is a reasonable suspicion of significant harm or risk of harm, then the reporting process detailed in section 2.3 must be followed.

Where the risk is immediate, for example the abduction of a student walking to school, then the Queensland Police Service must be contacted immediately.

2.6 Responding to concerns that do not meet the threshold for reporting

A staff member may identify concerns regarding a student that ultimately do not form a reasonable suspicion of sexual abuse, likely sexual abuse or significant harm, however, indicate that without support or intervention a student and/or their family are at risk of entering the child protection system.

These concerns should be raised with the Principal, who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the School Counsellor, or to community-based options such as Family and Child Connect.

The Student Protection Guidelines provide detail around the options that are available to support students and families.

2.6.1 Responding to allegations against staff members, including the Principal, and volunteers

In accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have a process for the reporting of staff behaviour that a student considers to be inappropriate.

Additionally, a school must have a process to respond to the reported staff inappropriate behaviour.

Therefore, if a staff member becomes aware of staff behaviour that a student considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay.

A staff member's failure to report may constitute a breach of the Code of Conduct and disciplinary action may be taken against the staff member.

2.6.2 Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by a staff member or volunteer.

In these circumstances, the reporting processes detailed in section 2.2 must be followed.

The Principal and the Directors of the Company will co-operate with the police.

2.6.3 Allegations of sexual abuse or likely sexual abuse against a Principal

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by the school Principal.

In these circumstances, the reporting processes detailed in section 2.2 must be followed and the report from the staff member must be made to the Chair, not the Principal.

IMPORTANT NOTE: Sexual activity between staff members and students

The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as sexual abuse.

2.6.4 Allegations of harm against a staff member or volunteer

A staff member may form a reasonable suspicion that a staff member or volunteer has harmed a student. In these circumstances, follow these processes:

- The Principal or the Student Protection Contact must assess (only to establish responsible suspicion) the information and decide course of action.
- If the Principal, Student Protection Contact or Board delegate are also aware or reasonably suspect that harm has been caused, he or she must report to the police and/or Department of Child Safety, Youth and Women.

2.6.5 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, follow these processes:

- The Student Protection Contact makes a report directly to the Board delegate.
- If the Student Protection Officer is unavailable, the staff member with the information makes a report directly to the Board delegate.

2.6.6 Allegations of inappropriate behaviour against a staff member or volunteer

A staff member may form a reasonable suspicion that a staff member or volunteer has behaved inappropriately towards a student. In these circumstances, refer to Stuartholme School's Code of Conduct.

- The staff member may confer with one of the Student Protection Contacts or the Principal for guidance.
- The staff member completes Form 1.

- The Student Protection Contact or the Principal informs the staff member who has reported the information that the form has been received.
- The Principal investigates the information and manages as appropriate in the situation.

2.6.7 Allegations of inappropriate behaviour against a Principal

A staff member may form a reasonable suspicion that a Principal has behaved inappropriately towards a student. In these circumstances, follow Stuartholme School's processes for dealing with allegations against the Principal.

- The staff member may confer with one of the Student Protection Contacts or the Principal for guidance.
- The staff member completes Form 1.
- The staff member submits Form 1 to one of the Student Protection Contacts or to the delegated Board member.
- The Student Protection Contact or the delegated Board member informs the staff member who has reported the information that the form has been received.
- The delegated Board member investigates the information and manages as appropriate the situation.

3. After the report is made

Once a report is made under these processes, consideration must be given to any ongoing or resulting action that is required. This includes:

- Follow up by the Principal with Queensland Police Service and/or the Department responsible for Child Safety to confirm both receipt of the report, and any action that these agencies may take;
- Implementing any risk management and pastoral support processes to address the safety and well-being of students, particularly in relation to allegations of sexual abuse between students, and maintain as far as possible, supportive relationships with parents, carers and families;
- Ensure that all parties involved respect the confidentiality and privacy of students and families involved; and
- Where relevant, make any preparation for the interview of a student by Queensland Police Service and/or the Department responsible for Child Safety at school – see the QCEC guideline and sample record of interview form.

4. Advising parents

When a student protection report to the Queensland Police Service and/or the Department responsible for Child Safety is required, it is important that parents are not contacted before the student protection report is made.

If a student protection report submitted to Queensland Police Service and/or the Department responsible for Child Safety relates to suspected abuse or neglect by a member of the student's family, the Principal will only inform the parent(s) or carer(s) of the student protection concern once confirmed as appropriate with the Queensland Police Service or the Department responsible for Child Safety. This is to ensure that any potential child protection or criminal investigation is not comprised.

In order to assist at the school level in the management of any situation and to ensure the immediate safety of any students involved, the school should request from the Queensland Police Service and/or the Department responsible for Child Safety feedback on the possible timing of their intervention and obtain some guidance about when the school may discuss the matter with the student's parent(s) or carer(s). This is particularly significant in cases of student to student sexual behaviour where it is important for the student's well-being to enable the parent to support the student and take steps to protect them.

5. Definitions

Child

A child is a person under 18 years of age.

Child in Need of Protection is a child who

- (a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- (b) does not have a parent able and willing to protect the child from the harm.

Colleague

As defined by section 13H of the *Child Protection Act 1999*, colleague, of a relevant person, means a person working in or for the same entity as the relevant person.

Director of the Governing Body

As defined by section 364 of the *Education (General Provisions) Act 2006*:

director, of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

First Person

The "first person" is a staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused by another person or is likely to be sexually abused by another person.

Harm

As defined by section 9 of the *Child Protection Act 1999*:

- (1) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional well-being.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by –
 - (a) Physical, psychological or emotional abuse or neglect; or
 - (b) Sexual abuse or exploitation.
- (4) Harm can be caused by –
 - (a) A single act, omission or circumstance; or
 - (b) A series or combination of acts, omissions or circumstances.

Inappropriate behaviour

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the Stuartholme School's *Code of Conduct*. Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour and must be responded to in accordance with the processes contained within this document.

Reasonable suspicion

A reasonable suspicion is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances.

Reportable suspicion

As defined by section 13E of the *Child Protection Act 1999*, means 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 may not have a parent able and willing to protect the child from the harm.

Relevant person (Child Protection Act 1999)

A relevant person for the purposes of mandatory reporting under section 13E of the *Child Protection Act 1999*, is any of the following–

- (a) A doctor;
- (b) A registered nurse;
- (c) A teacher;
- (d) A police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
- (e) A person engaged to perform a child advocate function under the *Public Guardian Act 2014*.

Sexual abuse

As defined by section 364 of the *Education (General Provisions) Act 2006*:

Sexual abuse, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances–

- (a) The other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- (b) The relevant person has less power than the other person;
- (c) There is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

Staff member

A staff member is any person who is employed by Stuartholme School on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order.

Student

A student is any person enrolled as such at Stuartholme School. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- (a) A student under 18 years attending the school;
- (b) A kindergarten age child registered in a kindergarten learning program at the school;
- (c) a person with a disability who–
 - (i) under section 420(2), is being provided with special education at the school; and
 - (ii) is not enrolled in the preparatory year at the school.

Student Protection Contact (SPC)

A Student Protection Contact (SPC) is one of at least two persons who are nominated in each school in compliance with the *Education (Accreditation of Non-State Schools) Regulation 2017*, (section 16(3)) to whom a student can report behaviour by a staff member that the student considers inappropriate.

Teacher

Means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

6. Legislative references

Child Protection Act 1999

Reporting of a child in need of protection	Section 13A states “(1) Any person may inform the chief executive if the person reasonably suspects— (a) a child may be in need of protection; or (b) an unborn child may be in need of protection after he or she is born. (2) The information given may include anything the person considers relevant to the person’s suspicion.”
Forming a reasonable suspicion of significant harm	Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm: (2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state— (i) that are evident to the person; or (ii) that the person considers are likely to become evident in the future; and (b) in relation to any detrimental effects mentioned in paragraph (a)— (i) their nature and severity; and (ii) the likelihood that they will continue; and (c) the child’s age. (3) 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.
Reportable suspicions	Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department responsible for Child Safety, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a “reportable suspicion”). Section 13G(5) states that a person does not commit an offence under the <i>Child Protection Act 1999</i> or any other act for failing to make a mandatory report under section 13E.
Conferral with colleagues	13H of the <i>Child Protection Act 1999</i> - Conferrals with colleague and related information sharing, states that: (1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes— (a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; (b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a); (c) for the relevant person to give a report under section 13G or keep a record about giving a report; (d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.
Interviews with Children at School	Section 17 of the <i>Child Protection Act 1999</i> provides Department responsible for Child Safety and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017

The *Education (Accreditation of Non-State Schools) Act 2017* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria.

The *Education (Accreditation of Non-State Schools) Regulation 2017* prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 11 of the Act. Sections 16(1) to 16(7) of the Regulation deal with the accreditation requirements relating to the conduct of staff and students and response to harm.

Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017

The *Education (General Provisions) Act 2006* contains mandatory reporting requirements for all non-state school staff who become aware of or who reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person (sections 366 and 366A).

These requirements are designed to capture sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the *Education (General Provisions) Act 2006* and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the *Education (General Provisions) Act 2006*.

Staff making a report pursuant to the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g. from defamation or breach of confidence. However, staff making a knowingly false, malicious or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

Criminal Code Act 1899

Section 229BC of *Criminal Code Act 1899* establishes a general requirement that applies to all adults (18 years or over) in Queensland to report to the Queensland Police Service any information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult.

At the relevant time of the offending behaviour, the child victim must be under 16 years of age or a person with an impairment of the mind. A 'child sexual offence' means an offence of a sexual nature [whether or not it meets the definition of sexual abuse under the *Education (General Provisions) Act 2006*] committed in relation to a child, including for example, an offence against a provision of chapter 22 and 32 of the *Criminal Code Act 1899*.

Failure to make a report, without a reasonable excuse, is a criminal offence. A reasonable excuse not to make a report under the *Criminal Code Act 1899*, includes that a report has already been made under:

- a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)
- b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

Education (Queensland College of Teachers) Act 2005

The *Education (Queensland College of Teachers) Act 2005* requires an employing authority to notify the Queensland College of Teachers (QCT):

- about particular allegations
 - as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)
- about the outcome of particular allegations
 - as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)

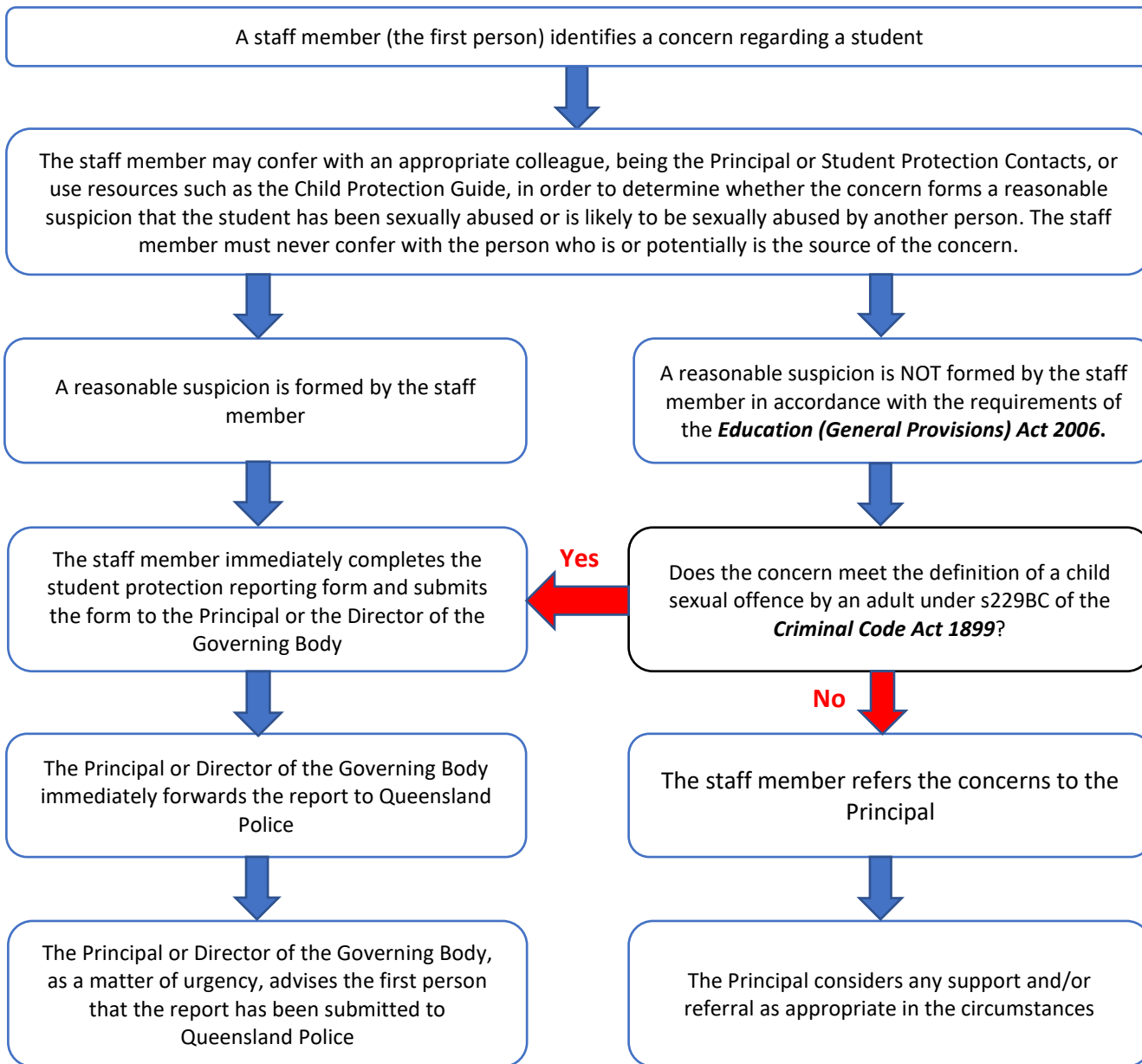
- about certain dismissals
 - an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call the teacher's competence to be employed as a teacher into question (section 78).

Evidence Act 1977

Section 93A provides the legislative authority for the Queensland Police Service and the Department responsible for Child Safety to conduct an interview and obtain a recorded statement from a child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness, or an intellectually impaired person who has personal knowledge of the matters dealt with by the statement.

7. Reporting Flowcharts

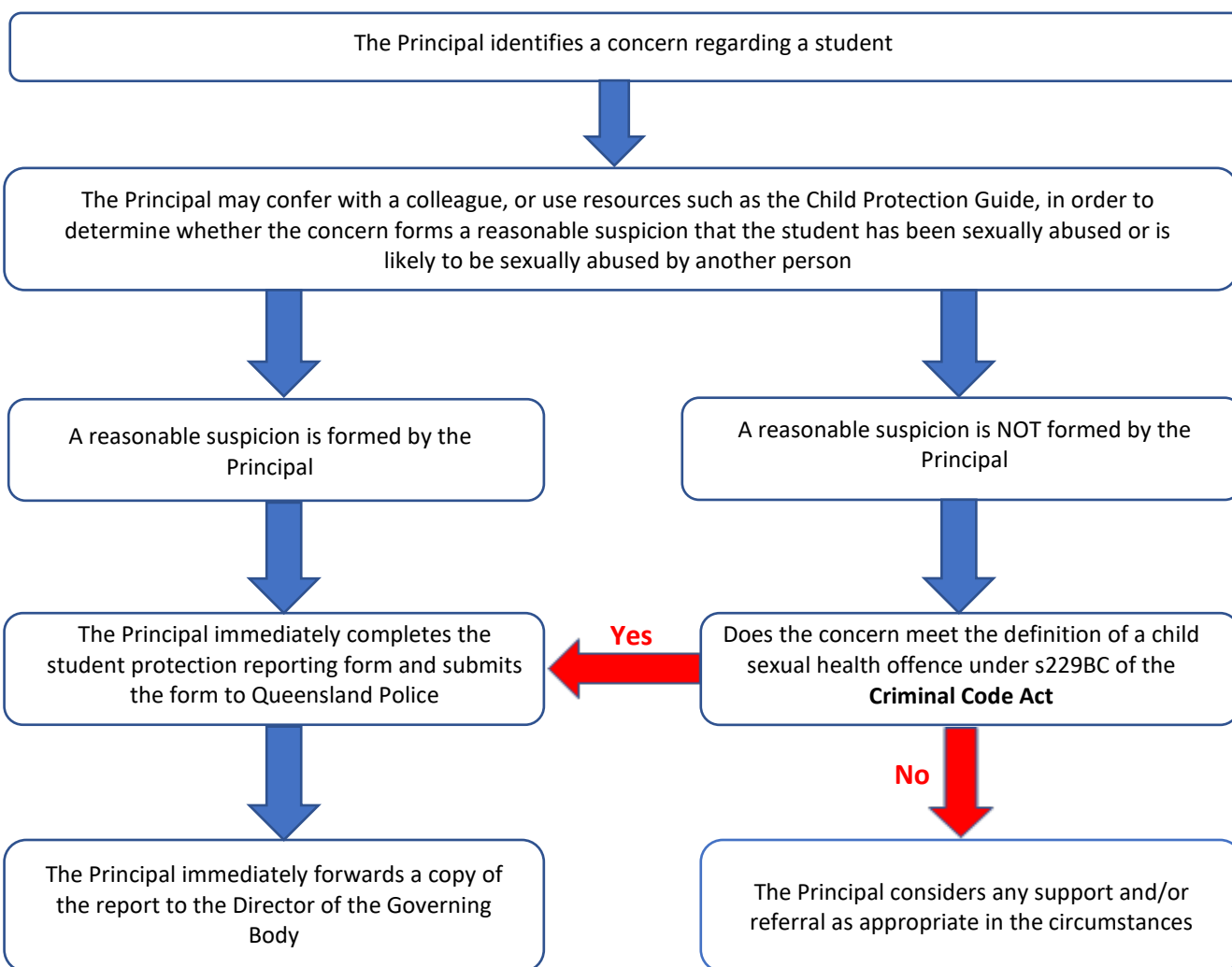
7.1 Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse



Important notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused **or has been the victim of child sexual offence perpetrated by an adult** and may not have a parent able and willing to protect them, the processes as outlined in Flowchart 3 must also be followed

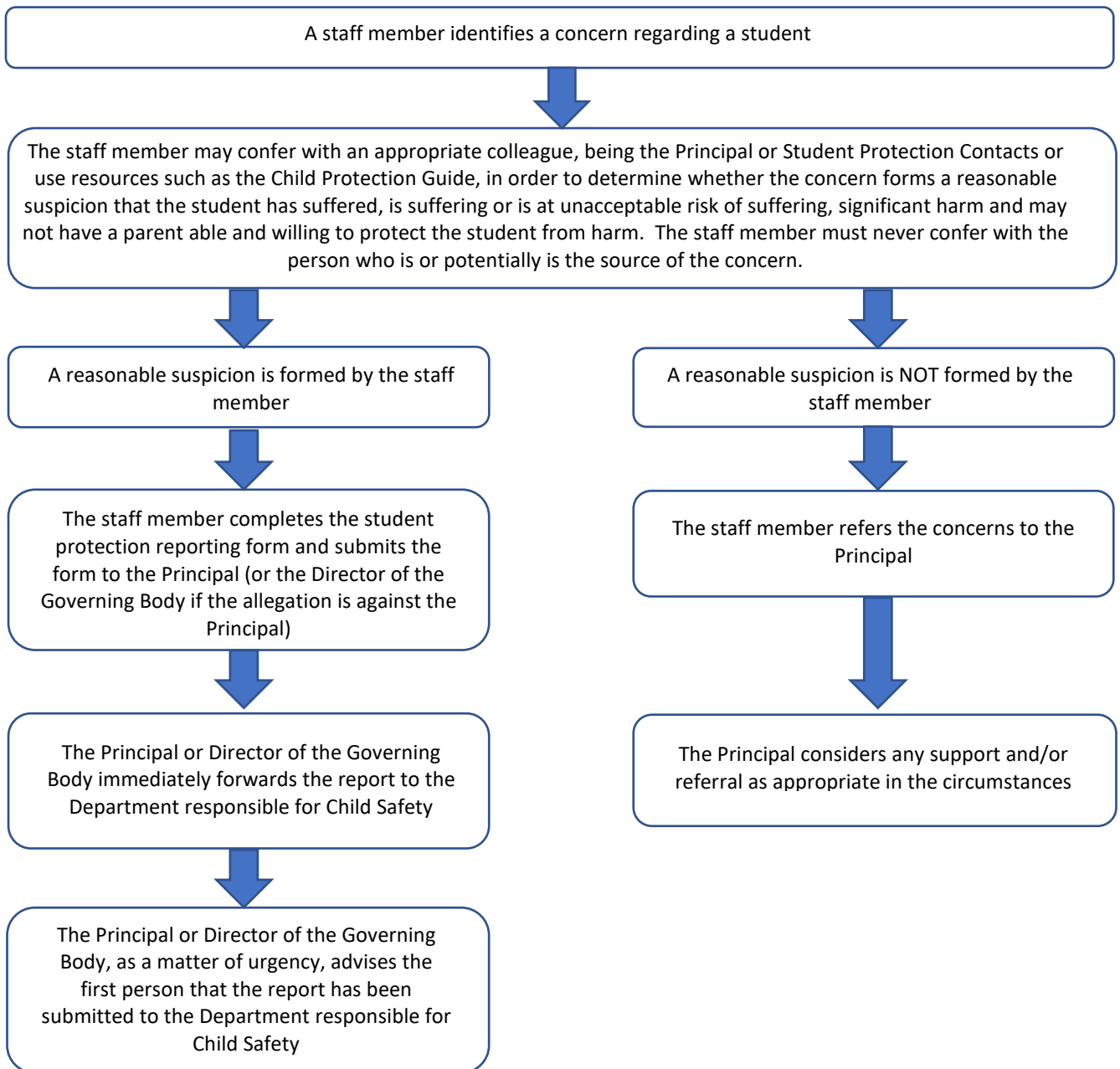
7.2 Flowchart 2: Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal



Important notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused and may not have a parent able and willing to protect them, the processes as outlined in Flowchart 3 must also be followed

7.3 Flowchart 3: Reporting Significant Harm to Department responsible for Child Safety



Important notice

If there is a reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person, then the processes as outlined in Flowchart 1 must also be followed, or Flowchart 2 if the first person is the Principal

Mandatory Responsibilities for Teachers

If the staff member is a teacher, and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the teacher is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department responsible for Child Safety, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the Flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to the Department responsible for Child Safety via the online reporting form: <https://secure.communities.qld.gov.au/cbir/ChildSafety>