



St Ursula's College

TOOWOOMBA

Student Protection Processes

CRICOS No. 03033M

Student Protection Processes

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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.

Effective Date

These processes are effective from 30 March 2021.

Document Review

This document was reviewed and edited Nov 2022, Feb 2023 and Mar 2023.

Review Schedule

These processes shall be reviewed every 12 months, or when necessary, as required by changes to legislation, policy or procedure.

The Governing Body

The Governing Body is St Ursula's College, Toowoomba, a company limited by guarantee. The Member of the company is the Corporation of the Roman Catholic Diocese of Toowoomba, Most Reverend Bishop Robert McGuckin. The Directors are Ms Kathryn Finlayson (Board Chair), Ms Tanya Martin, Ms Sara Olive, Ms Deanne Bond, Mr Martyn Savage and Dr Joan Conway. The email address for the Board Chair is boardchair@st-ursula.qld.edu.au.

Delegation

Pursuant to section 366B of the *Education (General Provisions) Act 2006*, St Ursula's College Board delegated to the person performing the duties of Board 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)), St Ursula's College, Toowoomba 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:

1. Principal, Mrs Tanya Appleby – principal@st-ursula.qld.edu.au
2. Deputy Principal, Ms Bernadette Witham – deputyprincipal@st-ursula.qld.edu.au
3. Assistant Principal Mission & Identity, Miss Angela Collins - mission@st-ursula.qld.edu.au
4. Assistant Principal Pastoral Care, Mrs Maria Gibson - pastoral@st-ursula.qld.edu.au
5. Head of Boarding, Miss Jodi Marshall - HOB@st-ursula.qld.edu.au

Grievance Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(5)), St Ursula's College administered by the St Ursula's College Board has a written complaints procedure to address allegations of non-compliance with student protection processes. This is available on the College website and on PolicyConnect.

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 St Ursula's College Board is 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;
- Staff are trained in implementing the processes; and
- The processes are being implemented within the College.

This is achieved by:

- The Student Protection Policy: Guidelines and Student Protection Processes are published on the College website
- All College staff members are required to complete student protection induction training on commencement of employment, then participate in ongoing training on an annual basis
- All volunteers and visiting service providers receive professional learning regarding Student Protection processes as a part of induction
- Students are made aware of the School Protection Contacts through posters displayed throughout the school, and receive protective behaviours education through the school curriculum
- Parents and carers are provided with student protection information on enrolment, and through regular updates via newsletters and other school publications

This document should be read in conjunction with the *Student Protection Policy: Guidelines*.

1 Our Responsibilities

St Ursula's College 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 St Ursula's College 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 St Ursula's College, Toowoomba.

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 is 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 appropriate colleagues, or use resources such as the Queensland Child Protection Guide 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 focused 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 with colleagues, 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.

Confidentiality is an important element of conferral processes, where information sharing should be limited to appropriate persons 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. A Principal, for example, may have additional information about a student or their family, not known by the staff member that:

- Provides greater context to the concerns identified by the staff member;
- Changes the seriousness of the concerns, particularly as to whether 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 colleagues, 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.

The Queensland College of Teachers offers a range of professional standards resources that may assist in understanding and responding to inappropriate behaviour by a staff member.

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, found on the College’s Complispace, to the Principal or Board Chair (in accordance with the governing body’s delegation of directors’ reporting functions) as required by sections 366(2) and 366A(2) of the *Education General Provisions Act 2006 (EGPA)*. The Principal or the Board Chair is required by law to immediately forward a copy of the Student Protection Reporting Form under sections 366(2) and 366A(2) to the Queensland Police Service required by sections 366(4) and 366A(6) of the EGPA. 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 using the Student Protection Reporting Form and immediately forward a copy of the report to the Board Chair as required by sections 366(2B) and 366A(4) of the EGPA. 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 St Ursula’s College Board Chair, who must immediately forward a copy of the Student Protection Reporting Form the Queensland Police Service.

The Board Chair or delegate 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: 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/carer able and willing to protect the child from harm.

Whilst the legislation relating to the mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age, these processes extend the meaning to include students who are 18 years of age or above.

In addition, whilst the legislation limits the mandatory reporting of sexual abuse or likely sexual abuse of a student to reasonable suspicions formed in the course of the staff member's employment at the school, it is the policy of St Ursula's College that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

2.3 Reporting significant harm or risk of significant harm to a student where there may not be a parent/carer 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/carer 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 the Principal of the reportable suspicion (or if the allegation is against the Principal to the Board Chair and as a matter of urgency, receiving written confirmation from the Principal or the Board 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 the Board 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 Student Protection Contacts 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 St Ursula's College 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/carer 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/carer 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 Board Chair, who, in turn must immediately forward the Student Protection Form to the Department responsible for Child Safety.

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

Hard Copies of all student protection forms submitted are to be kept by the Principal in a secured location. Electronic copies are also to be stored in a password protected web storage account, only accessed by the Principal or Board Chair.

2.4 Requirement to report a child sexual offence

In addition to the requirement to report 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. 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.

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 willfully 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-harm 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/carer 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 the St Ursula's College 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. St Ursula's College will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with St Ursula's College 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 exhibit 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.

2.7 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 below designated process without delay.

School Responsibilities

Following the provision of a mandatory report to Police, an investigation into the suspected sexual abuse must not be conducted by or on behalf of the School pending the result of Police inquiries. However, the Principal (or delegate) will take immediate steps to ensure that a risk assessment is undertaken to determine whether the staff member or volunteer subject to the allegations should continue to be allowed to work in the School. As a result of the risk assessment, and following consultation with Police, the staff member or volunteer may be stood aside (down) from his/her duties or have his/her duties restricted. If the staff member is not an employee of St Ursula's College, the appropriate steps in this regard will be taken by the Principal (or delegate) in association with that person's employer.

After discussions with Police and upon their advice, the Principal (or delegate) will inform the parent(s)

or carer(s) of the student involved, stressing the confidentiality of the matter that a report has been made in relation to suspected sexual abuse of the student by a staff member or volunteer.

If the report of suspected sexual abuse/likely sexual abuse by a staff member or volunteer relates to the behaviour of a member of the student's family, the Principal will not inform the parent(s) or carer(s) of the student concerned without prior consultation with the Police. The Principal (or delegate) will only inform the parent(s) or carer(s) of the student if on the advice of the Police he/she believes that this will not jeopardise an official investigation.

The Principal (or delegate) will keep a copy of the mandatory report in a separate confidential file and may establish liaison with the [Queensland Police Service](#) to assist in the management of the issue.

On receiving a copy of a mandatory report in which the suspected sexual abuse/likely sexual abuse is by a registered teacher, the Principal (or delegate) will without delay make a written notification of this to the [Queensland College of Teachers](#).

If the mandatory report concerns the behaviour of a staff member or volunteer who is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Principal will inform the Director of [Professional Standards, Queensland](#), as soon as possible.

[Notifying the staff member or volunteer](#)

The Principal will seek advice from the Police as to when the staff member or volunteer should be informed of the allegation. As soon as it is deemed appropriate to inform the staff member or volunteer, a meeting will be held between the staff member or volunteer and the Principal. The staff member or volunteer will be advised that he/she can have a support person at this meeting. At the meeting, the staff member or volunteer will be informed that a suspicion of sexual abuse/likely sexual abuse has been reported about him/her and that this information has been handed to the Police. The staff member will be advised that he/she may access confidential counselling services available to St Ursula's College staff members, through the [Employee Assistance Program](#). He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. If the staff member is not an employee of St Ursula's College, the appropriate steps in this regard will be taken in association with that person's employer.

[Standing aside \(down\) from duties](#)

If, as the result of a risk assessment, it is decided by the Principal that the staff member or volunteer should be stood aside (down) from his/her duties, or have them restricted, the Police should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The staff member or volunteer concerned will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the staff member or volunteer in writing following the meeting at which this information has been communicated verbally. The staff member will be reminded that they may access confidential counselling services available to St Ursula's College through [Employee Assistance Program](#). He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken

and to facilitate the accessing of other support.

A staff member will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external authority. The Principal will discuss with the person what statement, if any, will be made to staff concerning his/her absence from School. The contents of any such statement may be limited by legislation.

If the employee is not a staff member or volunteer of St Ursula's College, the appropriate steps will be taken in association with that person's employer in this regard.

Pastoral care and support

Pastoral care and support will be offered to the student and his/her family, to the staff member or volunteer against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice will be sought from the Student Protection Contacts about appropriate support for the student and her family.

2.7.1 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.

There may also be circumstances where police inform St Ursula's College of a criminal investigation involving a staff member or volunteer, which may not be the result of a report submitted by a school. In addition, Child Safety Services may be involved, dependent on the nature of the allegations.

2.7.2 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 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 Board Chair, not the Principal.

Where the allegation is that a student has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by the Principal and may not have a parent/carer able and willing to protect the student from harm, the reporting processes details in section 2.3 must be followed.

School responsibilities

Following the provision of a mandatory report to Police, an investigation into the suspected sexual abuse must not be conducted by or on behalf of the School pending the result of Police inquiries. However, the Board Chair or delegate will take immediate steps to ensure that a risk assessment is undertaken to determine whether the Principal should continue to be allowed to work in the School. As a result of the risk assessment, and following consultation with Police, the Principal may be stood aside (down) from his/her duties or have his/her duties restricted.

After discussions with Police and upon their advice, the Board Chair or delegate will inform the parent(s)

or carer(s) of the student involved, stressing the confidentiality of the matter that a report has been made in relation to suspected sexual abuse of the student by the Principal.

The Board Chair or delegate will keep a copy of the mandatory report in a separate confidential file and may establish liaison with the [Queensland Police Service](#) to assist in the management of the issue.

On receiving a copy of a mandatory report in which the suspected sexual abuse/likely sexual abuse is by the Principal, the Board Chair or delegate will, without delay, make a written notification of this to the [Queensland College of Teachers](#).

If the Principal is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Board Chair or delegate will inform the Director of [Professional Standards, Qld](#), as soon as possible.

Notifying the Principal

The Board Chair or delegate will seek advice from the Police as to when the Principal should be informed of the allegation. As soon as it is deemed appropriate to inform the Principal, a meeting will be held between the Principal and the Board Chair or delegate. The Principal will be advised that he/she can have a support person at this meeting. At the meeting, the Principal will be informed that a suspicion of sexual abuse/likely sexual abuse has been reported about him/her and that this information has been handed to the Police. The Principal will be advised that he/she may access confidential counselling services available to St Ursula's College staff members. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing.

Standing aside (down) from duties

If as the result of a risk assessment it is decided by the Board Chair or delegate that the Principal should be stood aside (down) from his/her duties, or have them restricted, the Police should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The Principal will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the Principal in writing following the meeting at which this information has been communicated verbally. The Principal will be reminded that he/she may access confidential counselling services available to St Ursula's College staff through [Employee Assistance Program](#). He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The Principal will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external authority. The Board Chair or delegate will discuss with the Principal, what statement, if any, will be made to staff concerning his/her absence from School. The contents of any such statement may be limited by legislation.

Pastoral care and support

Pastoral care and support will be offered to the student and her family, to the Principal (against whom the allegation has been made), and any others involved. The welfare and best interests of any students

involved will be paramount and advice will be sought from the Student Protection Contacts about appropriate support for the student and her family.

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.

2.7.3 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 process detailed below.

[St Ursula's College Staff member or Volunteer](#)

Following submission to the Police of a compulsory report alleging that harm to a student has been caused or is likely in the future as a result of the behaviour of a staff member or volunteer, an investigation into the matter must not be conducted by or on behalf of St Ursula's College pending the result of Police inquiries. However, the Principal will take immediate steps to ensure that a risk assessment is carried out to determine if the staff member or volunteer subject to the allegations should continue to be allowed to work in the School. As a result of the risk assessment, the staff member or volunteer may be stood aside (down) from his/her duties or have his/her duties restricted. If the employee is not a staff member of St Ursula's College, the appropriate steps in this regard will be taken by the Principal.

The parent(s) or carer (s) of the student about whom a report has been made in relation to suspected or likely harm by a staff member or volunteer (unless the suspected or likely harm relates to the behaviour of a family member) will be informed by the Principal (or delegate) as soon as practicable that a compulsory report has been provided to Police, stressing the confidentiality of the matter.

After discussions with Police and upon their advice, the Principal will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter, that a report has been made in relation to suspected harm/likely harm of the student by a staff member or volunteer.

On receiving a copy of a compulsory report in which the suspected or likely harm arises from the behaviour of a registered teacher, the Principal will, without delay, make a written notification of this to the [Queensland College of Teachers](#).

The Principal will keep a copy of the compulsory report in a separate confidential file and may establish liaison with the [Queensland Police Service](#) to assist in the management of the issue.

If the compulsory report concerns the behaviour of a staff member or volunteer who is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Principal (or delegate) will inform the Director of [Professional Standards \(Qld\)](#) as soon as possible.

[Notifying the staff member or volunteer](#)

The Principal will seek advice from the Police as to if, and when the staff member or volunteer should

be informed of the allegation. As soon as it is deemed appropriate to inform the staff member or volunteer, a meeting will be held between the staff member or volunteer and the Principal. The staff member or volunteer will be advised that he/she can have a support person at this meeting. At the meeting, the staff member or volunteer will be informed that a report of suspected harm or likely harm has been made about him/her and that this information has been handed to the Police. The staff member or volunteer being the subject of the report, he/she will be reminded that he/she may access the confidential counselling services available to St Ursula's College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. If the employee is not a staff member of St Ursula's College, the appropriate steps will be taken in association with that person's employer in this regard.

Standing aside (down) from duties

If as the result of a risk assessment it is decided by the Principal that the staff member or volunteer should be stood aside (down) from his/her duties, or have them restricted, the Police should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The staff member or volunteer concerned will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the staff member or volunteer in writing following the meeting at which this information has been communicated verbally. The staff member or volunteer being the subject of the report, he/she will be reminded that he/she may access the confidential counselling services available to St Ursula's College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

A staff member will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external body. The Principal will discuss with the person what statement, if any, will be made to staff concerning his/her absence from School. The contents of any such statement may be limited by legislation.

If the staff member is not a staff member of St Ursula's College, the appropriate steps in this regard will be taken in association with that person's employer.

Pastoral care and support

Pastoral care and support will be offered to the student and her family, staff member or volunteer against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount.

2.7.4 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a Principal has harmed a student.

Where the allegation does not constitute a criminal offense, for example emotional harm to a student, and the information indicates that there may be a parent able and willing to protect the student, the allegation must be reported and dealt with in accordance with the inappropriate behaviour processes described in section 2.7.5.

2.7.5 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, follow process below.

Reporting of inappropriate behaviour

The reporting of inappropriate behaviour by a staff member towards a student is a requirement of St Ursula's College. This requirement is in accordance with St Ursula's College responsibilities under the provisions of the *Education (Accreditation of Non-State Schools) Act 2017 and Regulation 2017*. A staff member may be subject to disciplinary sanction from the employer should he/she fail to act. A staff member who reasonably suspects inappropriate behaviour by another staff member or volunteer towards a student is required to report this matter to the Principal or Student Protection Contact.

If a staff member or volunteer suspects inappropriate behaviour towards a student by a person other than another staff member or volunteer, he/she is responsible for acting upon this in accordance with School policies and guidelines.

Situations involving inappropriate behaviour by a staff member or volunteer

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 St Ursula's College Codes of Conduct.

If a student, parent or other person makes a complaint in relation to a staff member's behaviour towards a student that the student or parent or other person considers to be inappropriate, this must be responded to in accordance with the processes detailed within this document.

Such an allegation might constitute inappropriate behaviour of a physical, sexual, emotional or psychological nature.

Inappropriate behaviour – reporting responsibilities

i) **Staff member or volunteer**

A staff member or volunteer who:

- observes or reasonably suspects inappropriate behaviour by a staff member towards a student, which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm; or
- becomes aware of a complaint or allegation in relation to behaviour by a staff member towards a student that a student (or a student's parent/carer) considers to be inappropriate, but which does NOT involve sexual abuse, harm/likely harm must make a written report to the Principal or Student Protection Contact at the School and keep appropriate records.
- The fact that a complaint or allegation is not presented formally or in writing is not a valid reason to fail to follow the processes outlined below.

ii) Student Protection Contact

If reported to a Student Protection Contact other than the Principal, the Student Protection Contact must provide a copy of the report to the Principal as soon as practicable and keep appropriate records, unless the allegation of inappropriate behaviour is made against the Principal, in which case the Student Protection Contact must provide a copy of the report to the Board Chair.

iii) Principal

If a Principal:

- observes or reasonably suspects inappropriate behaviour by a staff member or volunteer towards a student, which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm; or
- becomes aware of a complaint or allegation in relation to a staff member's or volunteer's alleged behaviour towards a student that a student (or a student's parent/carer) considers to be inappropriate, but which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm the Principal must take action in relation to the matter and document it in accordance with the following requirements for a Level 1 or Level 2 intervention.
- the fact that a complaint or allegation is not presented formally or provided in writing is not a valid reason to fail to follow the processes outlined below.

iv) Intervention and reporting levels

There are two intervention levels that may be used when responding to alleged inappropriate behaviour by a staff member or volunteer towards a student:

a) Level 1 - Allegations of minor inappropriate behaviour

b) Level 2 - Allegations of more complex or serious inappropriate behaviour

The Principal (or Board Chair where the allegation is against the Principal) will determine as quickly as possible the level of response required (Level 1 or Level 2 as below) and the appropriate procedures to be followed.

[Level 1 intervention – situations that constitute minor inappropriate behaviour](#)

Level 1 interventions relate to allegations of minor inappropriate behaviour by a staff member, or towards a student. A typical incident covered by a Level 1 intervention could include a one-off allegation of inappropriate behaviour by a staff member where there is no physical injury and there is no suggestion of sexual misconduct or criminal behaviour. A Level 1 intervention must **not** be undertaken if there is an allegation or reasonable suspicion of sexual abuse/likely sexual abuse of a student or an allegation or reasonable suspicion of harm/likely harm.

Level 1 incidents relate to allegations that, if substantiated, may constitute a minor breach of the Code of Conduct. When allegations relate to repeated or multiple possible minor breaches, they may need to be seen differently as explained in Level 2 intervention.

Examples of minor inappropriate behaviour requiring Level 1 interventions include, but are not restricted to:

- using unprofessional language or otherwise inappropriate comments to or in the presence of a student;
- making disrespectful personal comments about a student and/or a student's family to or in the presence of a student;
- shaming, humiliating or embarrassing a student;
- pushing or grabbing a student (no injury) *;
- disclosing inappropriate personal information to a student;
- inappropriate questioning of a student about personal and private matters;
- unreasonable, unfair and/or unjust disciplinary measures;
- failing to follow a school's behaviour support policy and procedures;
- the imposition of manifestly unreasonable expectations;
- exerting power over a student through the use of fear, threats, or unwarranted moral pressure.

** Even minor assaults can be criminal offences. The management of these matters will depend on factors such as the seriousness and circumstances of the allegation, the wishes of the parties involved, whether the Police have become involved, and whether the staff member has a previous history of similar conduct. If it is reasonably suspected that harm has been caused or if it is likely harm may occur in the future the Principal **must** report such a matter to the Police as a compulsory report.*

Level 2 intervention – situations that constitute more complex or serious inappropriate behaviour

Level 2 interventions relate to allegations of repeated, more complex, or serious inappropriate behaviour by a staff member or volunteer towards a student. Such behaviour, if substantiated, would constitute professional misconduct, and would justify a formal disciplinary sanction against the staff member or volunteer. A Level 2 intervention must not be undertaken if there is an allegation of reasonable suspicion of sexual abuse of a student, or an allegation or reasonable suspicion of harm / likely harm to a student.

Examples of more complex or serious inappropriate behaviour requiring Level 2 intervention(s) include, but are not restricted to:

- repeated behaviour of a kind that has previously been dealt with by a Level 1 intervention(s);
- multiple instances of behaviour, reported at or about the same time, of a type that would normally be dealt with by a Level 1 intervention, but which taken together could justify a formal disciplinary sanction;
- inappropriate physical contact causing minor injury *;
- harsh verbal (including digitally transmitted) abuse or belittling of a student that may include derogatory language and demeaning names;
- significant or repeated victimisation;
- exposing or subjecting a student to threats and/or intimidation;
- exposing a student to material that is offensive or inappropriate to her age/maturity;
- verbal (including digitally transmitted) or non-verbal communication that significantly breaches professional boundaries.

** Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the Police have become involved, and whether the staff member, has a previous history of similar conduct. If it is reasonably suspected that harm /likely harm has been caused the Principal **must** report such a matter to the Police as a Compulsory Report.*

Situations involving volunteers or staff members who are not employees of St Ursula's College

If the person against whom an allegation of inappropriate behaviour has been made is a staff member who is not an employee of St Ursula's College, the Principal will take appropriate steps to deal with the matter in a manner that is consistent with the procedures outlined in this document.

All staff members are encouraged to report any concerns of inappropriate behaviour towards a student to the Principal or to the Board Chair if the concerns are about the Principal.

2.7.6 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 process detailed for allegations of inappropriate behaviour against a staff member or volunteer (2.7.5), however, this process would be carried out by the St Ursula's College Board Chair or delegate.

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/carers

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/carers 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 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/carer to support the student and take steps to protect them.

Definitions

Child

A child is a person under 18 years of age.

Child in Need of Protection is a whole 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/carer 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 St Ursula's College *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/carer 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; or
- (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; or
- (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 St Ursula's College 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 St Ursula's College. 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 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) are staff who are nominated into this role by the Principal 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.

Legislative references

Child Protection Act 1999

Reporting of a child in need of protection	<p>Section 13A states</p> <p><i>“(1) Any person may inform the chief executive if the person reasonably suspects—</i></p> <p><i>(a) a child may be in need of protection; or</i></p> <p><i>(b) an unborn child may be in need of protection after he or she is born.</i></p> <p><i>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</i></p>
Forming a reasonable suspicion of significant harm	<p>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:</p> <p><i>(2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state—</i></p> <p><i>(i) that are evident to the person; or</i></p> <p><i>(ii) that the person considers are likely to become evident in the future; and</i></p> <p><i>(b) in relation to any detrimental effects mentioned in paragraph (a)—</i></p> <p><i>(i) their nature and severity; and</i></p> <p><i>(ii) the likelihood that they will continue; and</i></p> <p><i>(c) the child’s age.</i></p> <p><i>(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.</i></p>
Reportable suspicions	<p>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/carer willing and able to protect the child from the harm (a “reportable suspicion”).</p> <p>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.</p>
Conferral with colleagues	<p>13H of the <i>Child Protection Act 1999</i> - Conferrals with colleague and related information sharing, states that:</p> <p><i>(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—</i></p> <p><i>(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;</i></p> <p><i>(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/carer able and willing to protect the child from harm mentioned in paragraph (a);</i></p> <p><i>(c) for the relevant person to give a report under section 13G or keep a record about giving a report;</i></p> <p><i>(d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.</i></p>
Interviews with Children at School	<p>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 parent(s)/carer(s) being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.</p>

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.

Education (Queensland College of Teachers) Act 2005

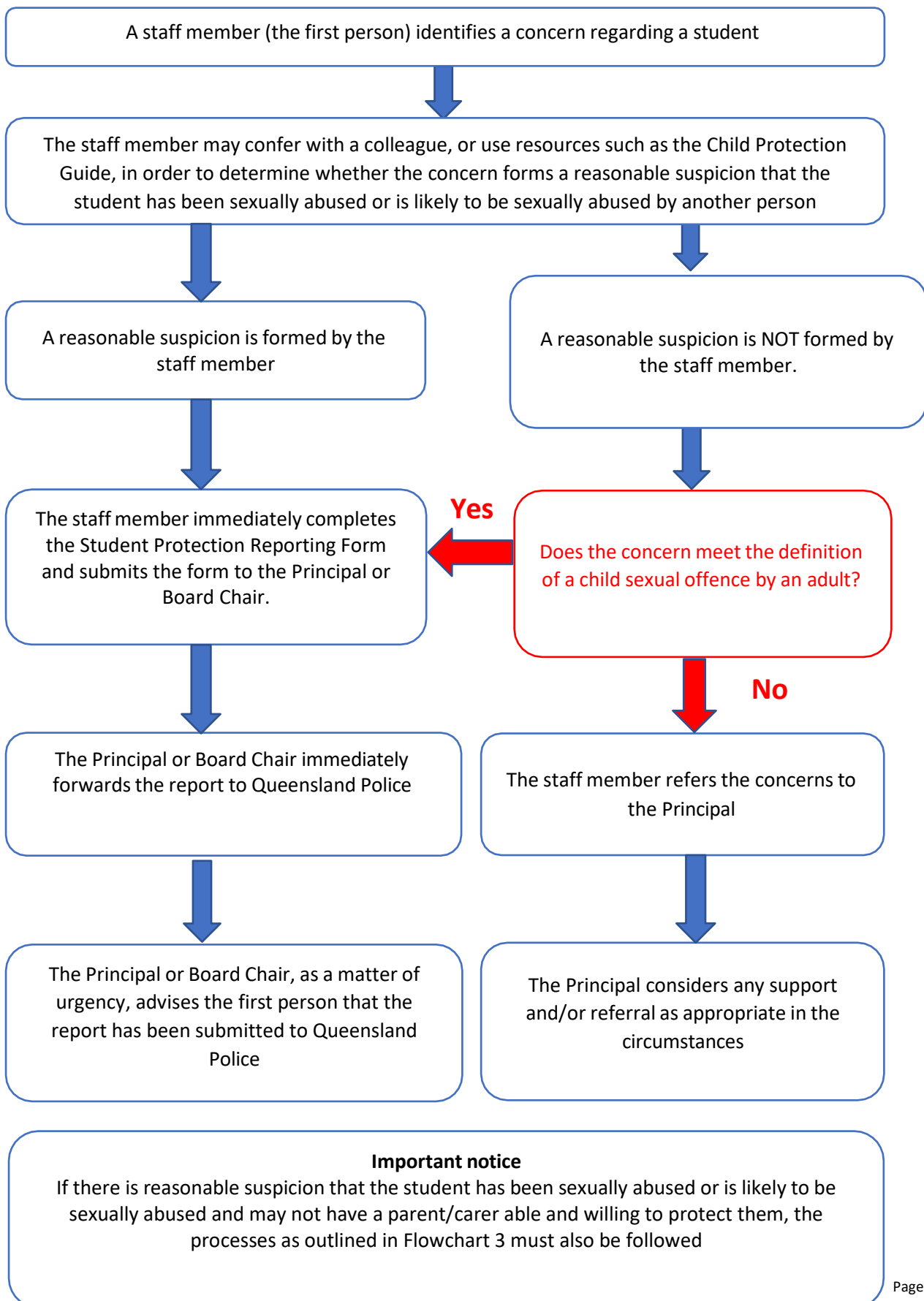
The *Education (Queensland College of Teachers) Act 2005* requires an employing authority to notify the Queensland College of Teachers (QCT):

- 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).

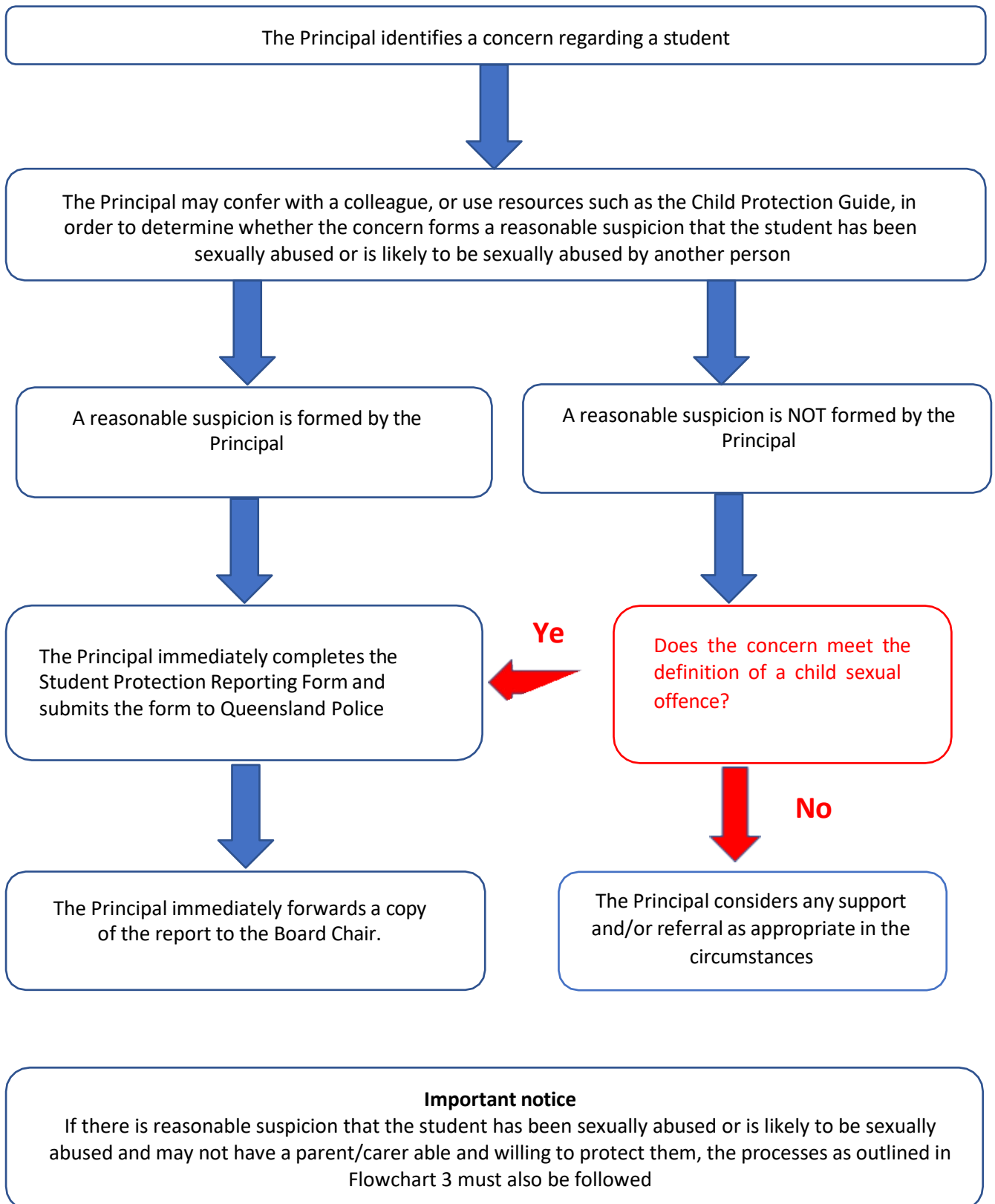
Evidence Act 1977

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.

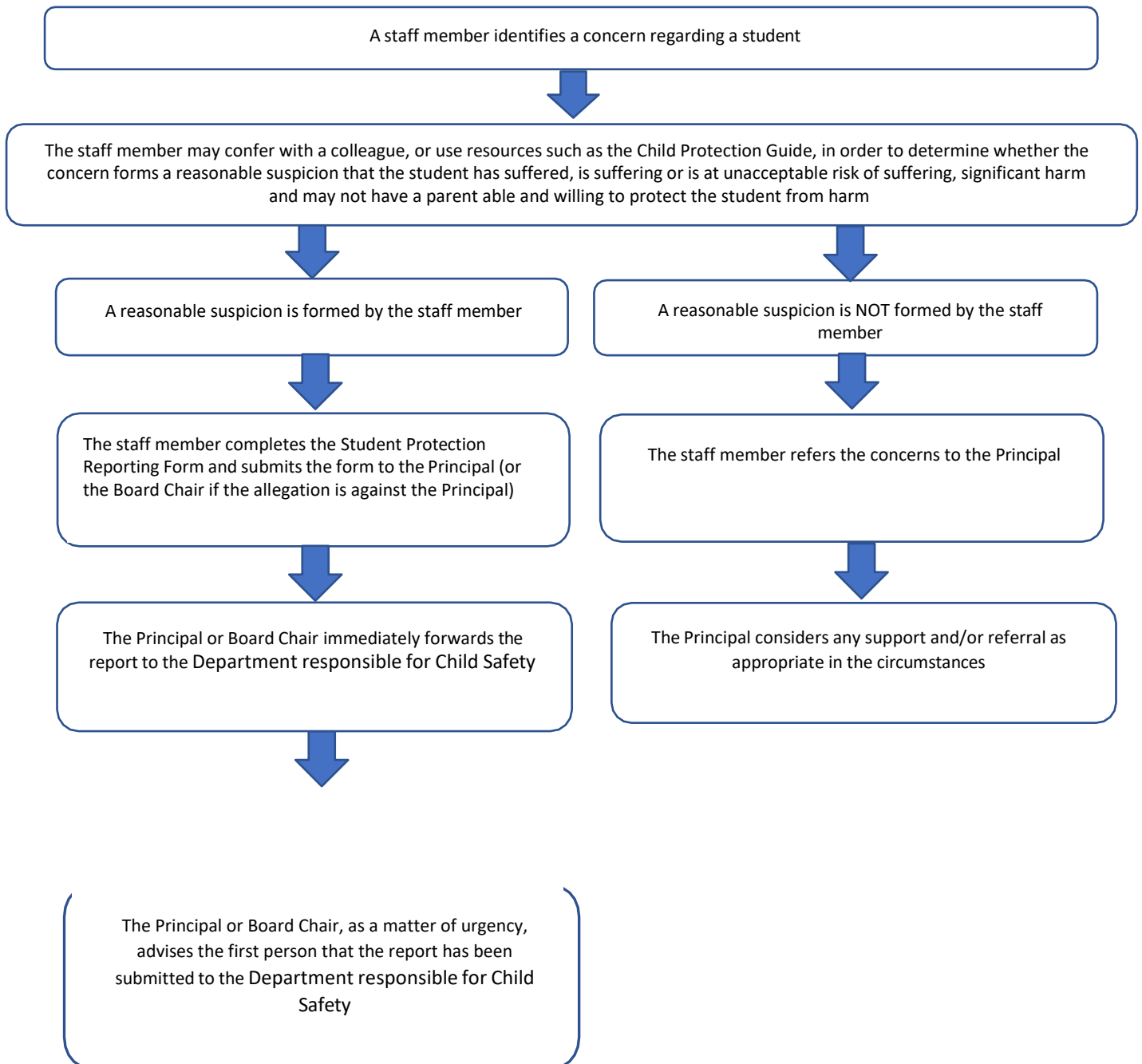
Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse



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



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/carer 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>