Student Protection Processes and Guidelines

Catholic Education Archdiocese of Brisbane

Student Protection is everyone's responsibility

Brisbane Catholic Education

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Publication Details

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Preface

The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ's teaching; that is why the promotion of the human person is the goal of the Catholic school.

The Catholic School on the Threshold of the Third Millennium #9

The Archdiocese of Brisbane Catholic Education Council Student Protection Policy reminds us that Jesus insisted on the primacy of love: love of God and love of each other. No one was excluded from his love. In fact, by word and deed He showed a special preference for the poor, the powerless and the vulnerable, those often relegated to the margins of society. He especially loved children 'for such are the Kingdom of heaven.' (Mt 19:14)

All people, like Jesus himself, are called especially to love and care for children, protecting them from anyone who would harm or abuse them. It is recognised that students are harmed, or could be at risk of harm, from many sources, including self-harm.

BCE is committed to ensuring the young people in our schools are safe and protected from harm by enabling a culture of safeguarding. Appropriate and responsive interventions by our Catholic schools can provide hope to, and foster resilience in, students who may be at risk by protecting them from harm and supporting their healing. Student protection is integral to learning and teaching. Safety, security, and nurture are fundamental human rights and needs. These rights and needs underpin students' capacity for learning and maximise potential for personal development, ultimately enhancing their wellbeing and life opportunities.

This document of processes for Catholic schools administered by Brisbane Catholic Education has been produced to ensure that appropriate responses are made whenever matters of student protection concern come to the attention of staff. The processes are intended to ensure that the steps taken at all levels will result in prompt, professional, sensitive, and appropriate action being taken by Brisbane Catholic Education personnel in schools and at the Brisbane Catholic Education Office.

These guidelines have been developed by the Queensland Catholic Education Commission (QCEC) in conjunction with Brisbane Catholic Education in order to provide information to support the implementation of the Student Protection Processes for Brisbane Catholic Education Schools. These guidelines may be subject to change in line with child protection practice developments, and are customised to reflect the resources and systems in place for Brisbane Catholic Education.

I feel confident that our staff members willingly undertake the requirement to know and understand the serious responsibilities that apply to them in this area. Please be assured of my prayerful support as we continue to implement our shared vision for Catholic schooling in each unique school community.

Sally Towns

Dr Sally Towns
Executive Director
Catholic Education,
Archdiocese of Brisbane

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Compliance

Preamble

These processes have been developed by the Queensland Catholic Education Commission (QCEC), in consultation with Brisbane Catholic Education (BCE), to assist BCE 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. These procedures form part of BCE's compliance with the 10 National Catholic Safeguarding Standards.

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

Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify the Queensland Police Service (QPS) 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 The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane. The Director of the Governing Body for The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane is the Most Rev Mark Coleridge, Archbishop of Brisbane.

Delegation

Pursuant to s366B of the *Education (General Provisions) Act 2006*, the Most Rev Mark Coleridge, Archbishop of Brisbane, as sole director of The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane, has delegated to the person performing the duties of Head of People & Culture, BCE (hereafter, Head of People & Culture), his obligations under s366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director 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* (Regulation 16(3)), schools administered by BCE as an agency of The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane have 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 (SPCs) are made known to staff, students and parents/carers and are published on the school's website, in the school's newsletter, on the Student Protection posters placed in prominent places in the school and maintained on a central register at the office of BCE.

Complaints procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (Regulation 16(5)), schools administered by BCE as an agency of The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane have a written complaints procedure to address allegations of non-compliance with student protection reporting processes. Information about the complaints procedure is available from BCE and published on its public website at **Complaints Procedure**.

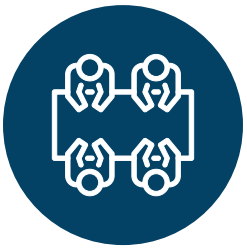
Awareness and implementation

If staff members, parents/carers 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 SPCs or Employee Relations and Student Protection team within the BCE Office.

BCE is responsible for ensuring the implementation and dissemination of the Student Protection Processes and Guidelines (SPPG) in line with section 16(4) *Education (Accreditation of Non-State Schools) Regulation 2017.*

All staff, students, parents/carers have access to Student Protection Processes and Guidelines (SPPG)

All staff trained in implementing processes at commencement of tenure and annually



Volunteers and other personnel are aware of and have access to SPPG as part of induction and training

This is achieved by Brisbane Catholic Education Office:

Ensuring an electronic copy of the Student Protection Processes and Guidelines (SPPG) is readily accessible on Spire and the BCE public website.

Developing and providing:

- safeguarding and student protection resources and student protection training materials for schools and staff to access
- Codes of Conduct for staff, volunteers and other personnel
- a system for recording and reporting student protection concerns (SPCMS)
- a Flowchart for Responding to Student Protection Concerns template for schools to document their individual school's processes for raising and documenting concerns
- monitoring and recording compliance with student protection training, and the implementation of student protection processes
- employing specialist student protection practitioners to support school staff.

This is achieved by school Principals:

- providing a link on the school's website to the SPPG, and making available a hard copy at the school
- informing staff members, students and parents/carers of the SPPG across a range of accessible ways such as:
  - school newsletter
  - school assemblies
  - parent/carer information sessions
  - parent/carer handbooks
  - staff induction and training
- ensuring student protection training compliance of all school staff, including new staff before commencing work with students
- ensuring all volunteers and other personnel are compliant with student protection training requirements
- utilising the Flowchart for Responding to Student Protection Concerns template to document their individual school's student protection process, and making the flowchart easily accessible to all staff, for example publishing:
  - in staffrooms
  - in staff handbooks
  - on staff portals
  - in induction materials
- utilising the BCE Student Protection Case Management System (SPCMS) to document and report student protection concerns.

Reminder: A Flowchart for Responding to Student Protection Concerns template and instructions is available on Spire for Principals to guide documentation of their individual school's student protection processes.

Training

All BCE employees must comply with the BCE Student Protection Policy and Procedure.

Student Protection Processes

1 Our responsibilities

Brisbane Catholic Education (BCE) as an agency of The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane and the schools administered by it are committed to creating and maintaining safe environments for students. The safeguarding of students requires active participation in preventing harm and responding to indicators of potential harm. This document sets out these safeguarding responsibilities and processes for all staff members. This document specifies:

Processes for reporting and responding to significant harm or allegations of significant harm to students, including physical, psychological, emotional or sexual abuse and neglect in accordance with legislative requirements.
Processes for dealing with alleged staff inappropriate behaviour (SIB) towards a student.
Processes for reporting a child sexual offence in accordance with *Education (General Provisions) Act 2006* & *Criminal Code Act 1899*.
Processes for responding to harm or risk of harm caused by students themselves or others as per S16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.

1.1 Guiding principles

The Student Protection Processes for BCE are based on the following principles and commitments which are to be observed when responding to student protection issues:

- every child and young person has a right to protection from abuse and/or neglect and protection from inappropriate behaviour by BCE staff members
- the welfare and best interests of the child/young person are paramount
- all adults have a responsibility to care for children and young people, to positively promote their welfare, and to protect them from any kind of harm
- the interactions of BCE staff with students take place in the context of the staff member being in a position of trust arising from the nature of their role
- in every preventative and/or protective action related to a student the total wellbeing of the student is the primary concern, while respecting the rights and welfare of others
- appropriate confidentiality should be observed relating to student protection matters, and relevant information should be stored securely and confidentially
- the cultural diversity of students and families in our schools (particularly Aboriginal and Torres Strait Islander students and their families) is to be recognised, acknowledged, and respected. The management of student protection issues needs to be carried out with sensitivity to cultural issues
- the special needs and vulnerabilities of students with disabilities and their rights to an educational and family environment free from abuse, discrimination, harassment, or victimisation must also be recognised, acknowledged, and respected
- the value of the family unit is to be respected but not in such a manner as to be detrimental to the wellbeing of the student

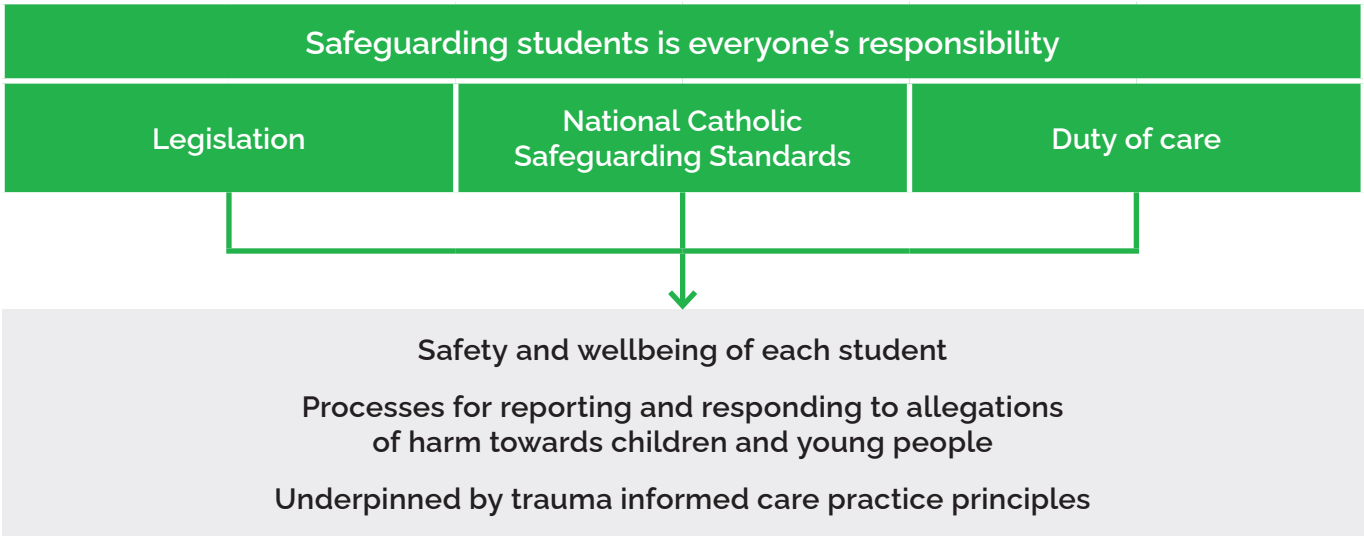
- all persons who are the subject of an allegation of improper conduct, abuse and/or neglect should be treated fairly, respectfully and with dignity and provided with access to support services as appropriate
- all persons who honestly and reasonably report a matter in good faith in accordance with these procedures should not be disadvantaged for doing so.

BCE seeks to fulfil its duty of care to all within its school communities and particularly its duty of care to students. To do this, BCE is committed to:

- upholding the right of students to a safe and supportive environment based on the belief that this is critical to students fulfilling their personal potential and critical to their overall wellbeing
- responding promptly and appropriately to information concerning student protection matters
- co-operating and working in partnership with the relevant State authorities that are involved in child/student protection
- ensuring that school pastoral care and wellbeing structures address and make appropriate provision for the support of students, families, and staff.

The regulatory framework includes the relevant legislation, the **National Catholic Safeguarding Standards** which have been developed and adopted by the Catholic Church in Australia to support the creation of a child safe environment, and the associated duty of care of staff. Underpinning our framework for responding to the safety needs of students is trauma informed practice principles. This is visualised below:

Diagram 1: Framework for protecting children and young people



1.2 Legislative framework

All Catholic schools are bound by a range of legislation that sets out our responsibilities for the safety and wellbeing of children and young people.

Fundamentally, it is the responsibility of each member of staff to prioritise the safety and wellbeing of every student. This includes responding to any reasonable suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering significant harm caused by abuse and/or neglect and alleged staff inappropriate behaviour (SIB) towards a student.

1.3 Key definitions

For a full overview of definitions and details about legislative requirements, refer to 'Resources to assist you'.

Staff members	A staff member is any person who is employed by BCE 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. This includes visiting teachers providing private tuition.
Harm ***As defined by section 9 of the Child Protection Act 1999***	Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional well-being. It is immaterial how the harm is caused. Harm can be caused by: • physical, psychological, or emotional abuse or neglect • sexual abuse or exploitation • a single act, omission, or circumstance • a series or combination of acts, omissions, or circumstances.
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: • the other person bribes, coerces, exploits, threatens or is violent toward the relevant person • the relevant person has less power than the other person • there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.
First person	This document uses the term First Person to refer to the staff member: • who reasonably suspects abuse, harm; or alleged staff inappropriate behaviour (SIB) towards a student. This includes seeing and/or hearing about the alleged abuse, and/or alleged staff inappropriate behaviour (SIB) towards a student The First Person fulfills their responsibilities by following the processes outlined in this document and immediately reporting abuse, harm, or alleged staff inappropriate behaviour (SIB) towards a student to: • the school Principal • a Student Protection Contact (SPC) at their school • a BCE Student Protection or Employee Relations team member. This responsibility cannot be delegated to someone else.
Source of concern	This means the person alleged responsible for the harm/abuse or inappropriate behaviour towards a student.
Safeguarding	Safeguarding means promoting the wellbeing of children and young people and creating safe environments that protect children and young people from abuse, exploitation and harm. It includes: • student protection and student wellbeing • expecting our people, operations and activities to promote the wellbeing of and do no harm to students • developing and maintaining systems and practices that prevent harm, alongside procedures to respond to and report effectively any concerns about the safety and wellbeing of students.

1.4 Trauma informed care principles

Trauma refers to the emotional, physical, and physiological impacts that result from heightened stress due to experiences of threat, violence, and life challenging events (Australian Childhood Foundation, 2010).

Trauma informed care (TIC) provides a framework for responding to students that understands, recognises, and acknowledges how trauma can impact on a person.

TIC involves showing sensitivity and awareness in considering how experiences of trauma can impact on a student in terms of their behaviour or responses.

Diagram 2: Key principles of trauma informed care

Resources to assist you:

- Appendix 1: Definitions
- Appendix 2: Legislative references
- Student Protection Guidelines:
  - section 5.3: Trauma informed care
  - section 9: Understanding staff inappropriate behaviour (SIB)
- BCE Code of Conduct

2. Responding to concerns

This section summarises the actions required if any staff member has concerns or suspicions of:

- abuse and harm to a student; and
- alleged staff inappropriate behaviour (SIB) towards a student.

2.1 Framework for responding

The Framework for responding to and reporting student protection concerns involves four steps: Identify, Confer, Report, Support (ICRS). This all occurs within a framework of trauma informed care.

Diagram 3: Framework for responding to protection concerns

Identify

Identify student protection concerns:
What are you worried about?
Have you noticed signs of abuse/harm?
What information has been disclosed?

↓

Confer

Seek guidance and support by **conferring** with appropriate staff to discuss the information, and whether it constitutes a 'reasonable suspicion' of abuse, harm or alleged staff inappropriate behaviour (SIB) towards a student.

Do not confer with the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).

↓

Report

Report the concerns as per student protection processes set out in this document.

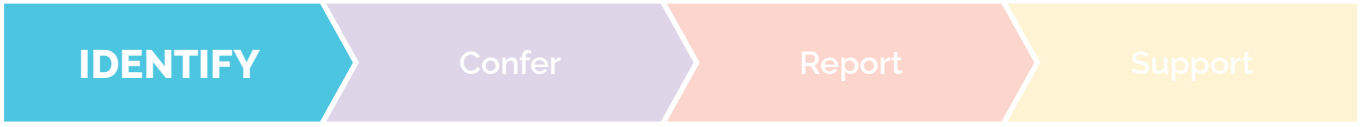
↓

Support

Remain focused on **supporting** the needs of the student, liaise with the Principal and/or a Student Protection Contact (SPC) at the school regarding ongoing actions and plans for supporting the student.

2.2 Identify

Diagram 4: Framework for responding to student protection concerns



2.2.1 Who is responsible for identifying concerns?

Once a staff member reasonably suspects abuse, harm or alleged staff inappropriate behaviour (SIB) towards a student, they are the First Person and have a responsibility to act. This responsibility cannot be delegated to someone else.

The First Person fulfills their responsibilities by following the processes outlined in this document and immediately reporting abuse, harm, or alleged staff inappropriate behaviour (SIB) towards a student to the Principal, SPC or BCE Employee Relations and Student Protection team member.

Other adults in the school community (such as volunteers and parents/carers) who identify concerns or suspicions of abuse, harm and/or alleged staff inappropriate behaviour (SIB) towards a student, share the responsibility for protecting students. They fulfill their responsibility by reporting their concerns to the Principal or a SPC at the school.

Reminder: Disclosing abuse can be very challenging for children and young people and is often not straight forward. When a student does disclose, actively listen, provide reassurance, and remain focused on protecting the child from harm.

2.2.2 What does identifying concerns mean?

Identifying concerns includes seeing, hearing, or receiving concerns about:

- alleged inappropriate behaviour towards a student by staff or other adult in the school community
- harm or risk of harm to a child by another person or the child themselves.

This includes:

- recognising the signs of abuse or harm
- recognising professional boundaries violations
- seeing or hearing something concerning
- receiving information from staff, parents/carers, or other community members about abuse/harm or alleged inappropriate behaviour towards a student by another person.

Important: The first step to preventing abuse is the early identification of high-risk behaviours towards a student by an adult or another student. Recoginsing high-risk behaviours, such as actions inconsistent with professional expectations or deviating from policies and procedures, can interrupt the escalation of potential harm. If you are unsure, seek advice and confer.

Reminder: Always confer with the Principal or a SPC at your school if you require assistance in identifying abuse, harm or alleged inappropriate behaviour towards a student by staff or other adult in the school community.

Resources to assist you:

- Appendix 5: Frequently asked questions
- Student Protection Guidelines:
  - section 1: Understanding abuse and harm
  - section 2: Types of abuse
  - section 3: Significant harm
  - section 4: Recognising abuse and harm
  - section 5: Forming a reasonable suspicion
  - section 9: Understanding staff inappropriate behaviour (SIB)

2.3 Confer

Diagram 4: Framework for responding to student protection concerns

2.3.1 What is conferring?

Conferring means formally consulting with appropriate colleagues, such as the Principal or SPC at the school, to establish whether the information received may constitute a '**reasonable suspicion**' of abuse, harm, or alleged staff inappropriate behaviour (SIB).

Conferral is an opportunity to seek guidance about the concerns and determine appropriate actions to address the student's safety and wellbeing.

Agreed actions and decisions must always be documented. This includes:

- whether a 'reasonable suspicion' has been identified
- if a report to Queensland Police and/or Department responsible for Child Safety is required
- what, if any follow up support is required.

2.3.2 Why confer?

Engaging in appropriate consultation to seek more information or guidance can:

- inform responses and assist with the rigour of the decision making
- identify contextual factors/information that may not otherwise be known. For example, the Principal or other SPC may have relevant information about a family
- aid in deciding whether a '**reasonable suspicion**' of harm has occurred
- assist in identifying if there is a parent who may be '**able and willing**' to protect the student in the case of harm
- determining if a report to Queensland Police Service and/or the Department responsible for Child Safety is required
- help minimise psychosocial risks to staff
- facilitate the best possible safety and support response for a student.

2.3.3 Who do I confer with?

Conferral with the Principal and SPC at the school is always recommended. The exception is if the Principal or SPC is identified as the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).

Conferral can also occur with:

- a BCE Employee Relations and Student Protection team member
- the Department responsible for Child Safety
- Queensland Police Service (QPS).

Conferral does not replace a staff member's responsibility to report and respond to the harm.

Important: Conferral must not occur with anyone allegedly involved in the concerns to maintain safety of the student and avoid conflicts of interest and bias.

Important: The First Person must **never notify** the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).

2.3.4 How do I maintain confidentiality?

Confidentiality is a crucial element of the conferral process. Any information sharing should consider:

- **The appropriateness of the person** you wish to confer with by considering their role, whether the concerns relate to them and/or their ability to be objective
- **Limiting information shared to what is necessary.** Consider what information will help respond to the immediate safety and well-being of a student without having to disclose too much personal information.
- **Focusing on the purpose,** identify why the information is being shared with others. Will it help identify abuse, harm or SIB? Will it assist in monitoring safety and wellbeing and/or minimise risk to the child or others?

Reminder: Maintaining confidentiality should never prevent staff from acting to protect a child from harm/abuse or reporting alleged inappropriate behaviour to a student by a staff member/other adult in the school community.

2.3.5 If I confer, do I still need to report?

Yes. Conferring does not replace the staff member's obligation to report as detailed in these Student Protection Processes.

Reminder: The source of concern is the person allegedly responsible for the harm, abuse, or inappropriate behaviour towards a student. You must not confer with or notify the source of concern.

Resources to assist you:

- Appendix 2: Legislative references
- Appendix 5: Frequently asked questions
- Student Protection Guidelines:
  - section 5: Forming a reasonable suspicion
  - section 7: Confidentiality, recordkeeping, and information sharing

2.4 Report

Diagram 4: Framework for responding student protection concerns

Reporting is about prioritising the safety and wellbeing of all students as per the National Catholic Safeguarding Standards and legislative requirements regarding the safety of children and young people in our care.

Our obligations include adherence to:

- Section 13E *Child Protection Act 1999*
- Section 16(1) and (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*
- Sections 366 and 366A of the *Education (General Provisions) Act 2006*
- Section 229BB and 229BC of the *Criminal Code Act 1899*

Reminder: A report under the *Criminal Code Act 1899* is only required if a matter has not already been reported under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting of significant harm/risk of significant harm where there may not be a parent able and willing to protect).

2.4.1 Who is responsible for reporting?

The staff member who becomes aware of the alleged abuse/harm or alleged staff inappropriate behaviour (SIB) is responsible for immediately reporting the concerns to the Principal or a SPC at the school.

Once a staff member has formed a reasonable suspicion of abuse/harm or staff inappropriate behaviour (SIB) towards a student; they are the First Person.

The First Person must immediately make a written report about the concerns to the Principal or a Student Protection Contact at the school. This responsibility cannot be delegated to someone else.

2.4.2 What does report mean?

Reporting is the act of providing a written report via a Record of Concern (ROC) in the Student Protection Case Management System (SPCMS) when there is a reasonable suspicion that a student has experienced:

- significant harm or is at risk of significant harm and does not have a parent willing and able to protect them from harm
- sexual abuse or is likely to be sexually abused
- been the subject of alleged inappropriate behaviour by a staff member or other person associated with the school, (e.g. a volunteer or contactor).

The First Person must not delay completing the ROC. The First Person is supported to complete and submit the ROC in a timely manner. Support can be provided by the Principal, a Student Protection Contact at the school or a BCE Employee Relations and Student Protection team member.

The Principal must immediately provide a written report of reasonable suspicion of abuse/harm to the relevant authorities. This involves submitting a State Authority Report (SAR) to the relevant authorities via the SPCMS.

Where possible, seek written confirmation that the report has been received by the relevant state authority.

The Principal or other relevant person must advise the First Person that the report has been forwarded to the relevant state authority. This advice should be provided in writing where possible.

2.4.3 How do I report if the Principal is the alleged source of concern?

Confer with an appropriate colleague such as a SPC at the school or a BCE Employee Relations and Student Protection team member. **Do not confer with or notify the alleged source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).**

Complete a ROC in the SPCMS with the assistance of a SPC at the school or a BCE Employee Relations and Student Protection team member.

Submit the ROC to the Head of People and Culture via the SPCMS.

The Head of People and Culture immediately provides a written report of reasonable suspicion of abuse/harm to the relevant state authorities. This involves submitting a SAR to the relevant authorities via the SPCMS.

Where possible, seek written confirmation that the report has been received by the relevant state authority.

The Head of People and Culture must advise the First Person that the report has been forwarded to the relevant state authority. This advice should be provided in writing where possible.

Reminder: It is important to recognise that reporting student protection concerns:

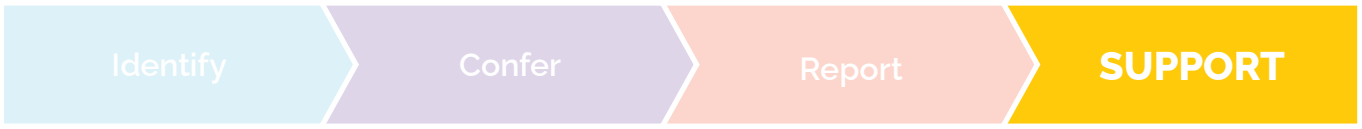
- can prevent a child from being significantly harmed, or continuing to experience harm
- can prevent immediate and long-term impacts on a child's health and wellbeing
- enable a family to receive the support they require promptly
- enable staff to fulfill their student protection reporting obligations
- address the student's safety and wellbeing needs and help the student engage in their learning.

Resources to assist you:

- Appendix 2: Legislative references
- Appendix 3: Reporting flowcharts
- Appendix 4: Key steps for reporting
- Appendix 5: Frequently asked questions

2.5 Support

Diagram 4: Framework for responding to and reporting student protection concerns



2.5.1 Why support?

Students who have experienced abuse, harm or alleged staff inappropriate behaviour (SIB) can be affected psychologically, emotionally, and physically. A focus on support is therefore essential. Support includes psychological and emotional care and safety planning.

At all times it is essential to remain focused on the support needs of the student. Support occurs in parallel with other steps taken; support must be trauma informed to best support the student's emotional, psychological, and physical wellbeing.

2.5.2 How do I support a student?

In the first instance consult with a SPC and/or the Principal at the school. If required, you may also consult with an Employee Relations and Student Protection team member to develop a plan for how to best support the student.

Key questions to ask include:

- have appropriate steps been taken to secure the student's safety and wellbeing?
- what support does the student need?
- who is best situated to provide this support?
- have we ensured a trauma informed approach to support the student?
- what support services would be appropriate?

2.5.3 How do I seek support for myself?

Responding to student protection concerns can elicit emotional responses, staff are encouraged to seek support from the school leadership team, a SPC at the school or BCE's Employee Assistance Program (EAP).

Resources to assist you:

- Appendix 4: Key steps for reporting
- Appendix 5: Frequently asked questions
- Student Protection Guidelines:
  - section 7: Confidentiality, recordkeeping, and information sharing
  - section 8: Support and referral services
- BCE Student behaviour support policy and procedures

3 Reporting requirements

This section provides specific information about the legislative reporting requirements and provides further guidance on the process for reporting.

3.1. Requirement to report to Queensland Police Service

3.1.1 What are our obligations?

In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- if a staff member becomes aware or reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person, they are considered to be the 'First Person'. The First Person must immediately provide a written report to the Principal or the Head of People and Culture. This involves completing and submitting a written Record of Concern (ROC) via the Student Protection Case Management System (SPCMS).
- if the Principal is the First Person, a written report must immediately be provided to the Queensland Police Service (QPS). This involves completing and submitting a State Authority Report (SAR) via the SPCMS
- on receipt of a written report from the First Person, the Principal or Head of People and Culture must immediately provide a written report to the QPS. This involves completing and submitting a SAR via the SPCMS.

In accordance with section 229BC of the *Criminal Code Act 1899*:

- all adults (includes students 18 years and over, parents/carers and volunteers) in Queensland are required to report to the QPS 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 irrespective of where the offence occurred.

Examples can include but not limited to: (a) A teacher coaching netball for a private non-school related team and a disclosure of a sexual offence is made to them. (b) A staff member becoming aware of a sexual offence of a child within their friendship network.

Non-abusive sexual relationships between students/peers may fall outside of the mandatory responsibilities under the *Child Protection Act 1999* and the *Education (General Provisions) Act 2006* but must be reported under the *Criminal Code Act 1899*.

Example: Student or peer (18 years or older) engaging in mutually agreeable sexual activity with another student/peer under the age of 16 years. Mutually agreed sexual activity between an 18 year student and a student under the age of 16 years could be considered a child sexual offence as in Queensland the legal age of consent for sexual activity is 16 years. **NOTE:** In this context, 'peer' means a young person who is not a student at the school.

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).

If a report is required under the *Criminal Code Act 1899* contact the Principal, a Student Protection Contact (SPC) at the school or BCE Employee Relations and Student Protection team member for assistance to complete a **Report to Queensland Police Service under the *Criminal Code Act 1899* form**.

Without a **reasonable excuse** (see Appendix 2: Legislative References), an adult who fails to report a child sexual offence to the QPS commits a misdemeanor with a maximum penalty of three years imprisonment.

An adult who, in good faith, discloses information about a child sexual offence to the QPS is not liable civilly, criminally or under an administrative process for making the disclosure.

Important: The First Person **cannot** delegate or transfer the reporting requirements to another person. It is the responsibility of the First Person to make the report as per legal requirements. **Remember** the First Person can first confer and seek guidance from appropriate personnel.

Diagram 5: Process for reporting sexual abuse/likely sexual abuse

First Person (this refers to a staff member who identifies or reasonably suspects sexual abuse or likely sexual abuse of a student)	The First Person may confer with the Principal, SPC at the school or a BCE Employee Relations and Student Protection team member. The First Person must not inform or confer with the source of concern (person allegedly responsible for abuse).
	The First Person immediately completes and submits the ROC to the Principal in the SPCMS.
	On receipt of the written report from the First Person, the Principal MUST submit a SAR to the QPS.
	The Principal advises the First Person in writing that a SAR has been submitted to the QPS.
Where the alleged source of concern is the Principal	First Person may confer with a SPC at the school or a BCE Employee Relations and Student Protection team member. The First Person must not inform or confer with the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).
	First Person immediately completes and submits a ROC to the Head of People & Culture.
	The Head of People & Culture MUST submit a SAR to the QPS and advise the First Person in writing that a SAR has been submitted to the QPS.

The First Person must satisfy themselves that the Principal or Head of People and Culture has provided a report to the QPS. If the First Person is not able to progress a report to the QPS through the process detailed above, they are able to meet their mandatory reporting obligation by seeking the assistance of a BCE Employee Relations and Student Protection team member to progress their report; or reporting directly to the QPS and documenting that the name of the QPS Officer and QPS station in SPCMS.

Important: The legislation relating to mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age. Please contact a BCE Employee Relations and Student Protection team member to discuss staff responsibilities where a reasonable suspicion of sexual abuse or likely sexual abuse of a student aged 18 years has been identified.

Important: Failure of a staff member to report sexual abuse/likely sexual abuse may breach the Code of Conduct and BCE may needed to take appropriate 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 members' professional body.

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 **Accountable Person**, that is an adult, to fail to protect a child from a child sexual offence.

A failure to protect offence will be committed if an Accountable Person:

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

Failing to report sexual abuse also breaches the *Education (General Provisions) Act 2006*, and BCE's student protection reporting requirements.

Resources to assist you:

- Appendix 1: Definitions
- Appendix 2: Legislative references
- Appendix 3: Reporting flowcharts
- Appendix 4: Key steps for reporting
- Appendix 5: Frequently asked questions

3.2. Requirement to report to the Department responsible for Child Safety

3.2.1 What are our obligations?

Section 13E (1) of the *Child Protection Act 1999* requires teachers to report reasonable suspicion of significant harm or risk of significant harm caused by physical or sexual abuse where there may not be a parent able and willing to protect the child from the harm.

As BCE is committed to protecting students from harm, all BCE staff members are required to report significant harm or risk of significant harm to a child caused by any type of abuse/and or neglect where there may not be a parent able and willing to protect to the Department responsible for Child Safety.

It is always recommended that the staff member confer and seeks guidance from the Principal, and/or SPC at the school.

Diagram 6: Reporting process for significant harm or risk of significant harm

First Person (this refers to a staff member who reasonably suspects significant harm or risk of significance harm to a student; and believes that there may not be a parent able and willing to protect the student from the harm)	Following conferral, the First Person immediately completes and submits a ROC to the Principal.
	The Principal must submit a SAR to the Department responsible for Child Safety without delay. If the First Person is the Principal the steps remain the same – the Principal completes a ROC and submits a SAR to the Department responsible for Child Safety.
	The Principal advises First Person in writing that a SAR has been submitted to Department responsible for Child Safety.
Where the alleged source of concern is the Principal	Following conferral, the First Person immediately completes and submits a ROC to the Head of People and Culture.
	The Head of People and Culture submits a SAR to the Department responsible for Child Safety as soon as possible.
	The Head of People and Culture advises the First Person in writing that a SAR has been submitted to Department responsible for Child Safety.

The First Person must satisfy themselves that the Principal or Head of People and Culture has provided a report to the Department responsible for Child Safety. A teacher who is unable to progress a report to the Department responsible for Child Safety through the process detailed above can meet their mandatory reporting obligation by seeking the assistance of a BCE Employee Relations and Student Protection team member to progress their report; or reporting directly to Child Safety via the online reporting form and documenting that this action has been taken in a casenote in SPCMS.

Important: 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 a requirement of Brisbane Catholic Education 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 as per the processes set out in this document.

Resources to assist you:

- Appendix 3: Reporting flowcharts
- Appendix 5: Frequently asked questions
- Student Protection Guidelines:
  - section 5: Forming a reasonable suspicion
  - section 6: Considering whether there is a parent able and willing to protect a child

3.3 Requirement to respond to all harm allegations

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 3.1 and 3.2 above, staff have a responsibility to respond to all harm or allegations of harm to a student irrespective of the cause and source of the harm. This section outlines our responsibilities.

3.3.1 Allegations of harm or risk of harm by an adult associated with the school (staff member, volunteer or other personnel)

Staff who form a reasonable suspicion that a student has suffered or is at risk of harm by the Principal, a staff member or adult associated with the school, must follow the processes outlined in this document at 3.1 and 3.2.

Considerations must also be taken with regards to BCE processes for risk management and support to address the safety and wellbeing of students.

Reminder: Conferral with appropriate colleagues is an opportunity to discuss and establish whether the information you have received may constitute harm to a student.

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

All BCE staff must respond to students who deliberately cause pain or damage to their own body which can be suicidal or non-suicidal in intent. The priority is the immediate safety of the student. This includes determining if medical attention such as first aid is required and/or an immediate response from emergency services or mental health services is required.

Self-harm can take on different forms and its frequency, persistence and lethality can vary from student to student.

Self-harm is normally a sign that a student is feeling intense emotional pain and distress. Therefore, self-harming behaviour by a student must be reported immediately to the Principal and/or a SPC at the school.

Staff have a responsibility to report the harm/risk of harm to the Department responsible for Child Safety as per section 3.2 if they form a reasonable suspicion that a student:

- has suffered, is suffering or is at unacceptable risk of significant harm, because of their 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 or unable to take protective action).

Diagram 7: Key steps for responding to self harming behaviour by a student

Staff identifies student has engaged in self harm or at risk of self-harming behaviour

Immediately respond to the medical and psychological needs of the student.
This may include but not limited to administering first aid, contacting emergency services, contacting mental health services, requesting Guidance Counsellor support.

↓

Report concerns to the Principal or a SPC at the school

Has significant harm or risk of significant harm occured?
Yes ➔ Refer to section 3.2 for reporting to the Department responsible for Child Safety.
No ➔ focus on supporting student

↓

Contact the student's parent/carer if appropriate

Confer with the Principal or SPC at the school to determine if this is appropriate and who is best placed to do this.

Note this should not occur if contacting the parent/carer places the student at further risk of harm

Reminder: The first priority is always to ensure the immediate safety and wellbeing of the student.

Resources to assist you:

- Student Protection Guidelines section 2.5: Self harm

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

Where a First Person suspects that a student has been harmed or is at risk of being harmed by another student, the concerns must be reported to the Principal or SPC at the school. With the guidance of the Principal and/or SPC, appropriate response to the concern include:

- prioritising the safety of the student, this includes attention to any medical treatment
- responding to the student's behaviour in accordance with BCE's Student Behaviour Support policy and procedure
- developing a risk assessment to identify and mitigate risks to both students and inform decision making
- responding to alleged bullying behaviour, (including online bullying) in accordance with BCE's policy and procedures for preventing and responding to student bullying and harassment
- where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, advising parents/carers of the option to pursue action through the QPS and reassuring the parents/carers that BCE will cooperate with any resulting investigation
- making a written report to the QPS if a staff member forms a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by another student as outlined in section 3.1 of this document
- making a written report to the Department responsible for Child Safety if a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm by another student AND may not have a parent able and willing to protect the student from harm as outlined in section 3.2 of this document.

Diagram 8: Process for responding to harm caused by another student

Staff identifies student has experienced or is at risk of harm by another student

Immediately respond to the medical and psychological needs of the student.
This may include but not limited to administering first aid, contacting emergency services, contacting mental health services, and/or contacting a parent/carer.

↓

Report concerns to the Principal or a SPC at the school

Responding to the student's behaviour in accordance with BCE's Student Behaviour Support policy and procedure. Following student protection reporting requirements as outlined in sections 3.1 and 3.2 of this document where required.

↓

Contact the student's parent/carer

Confer with the Principal or SPC at the school. to determine if this is appropriate and who is best placed to do this.

Note this should not occur if this would place the student at further risk of harm.

Resources to assist you:

- BCE Behaviour support procedures and practices
- BCE Student Behaviour Support policy

3.3.4 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 typical and 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).

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, the staff member must follow:

- the Framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support, and
- reporting requirements outlined in section 3.1 and 3.2 where required.

Resources to assist you:

- BCE's Understanding and responding to student sexual behaviour resource
- Student Protection Guidelines:
  - section 2.1: Sexual abuse and likely sexual abuse
  - section 4: Recognising abuse and harm
  - section 5: Forming a reasonable suspicion
  - section 6: Considering whether there may be a parent able and willing to protect a child

3.3.5 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. For example, a partner or ex-partner of a student; another person in the student's social network such as a medical or allied health professional, support worker, tutor or extracurricular service provider or a stranger.

Reminder: The **first priority** is the **safety** of the student.

Diagram 9: Key steps for responding to harm or risk of harm caused by a person not associated with the school or family

Ensure Safety

The first step is to ensure the safety and wellbeing of the student.

↓

Identify

Consider if the harm or risk of harm is significant and if there is a parent able and willing to protect the student from the harm.

If Yes → Notify parent/carer as soon as possible.

If No → Confer and report as outlined in Student Protection Processes section 3: Reporting requirements.

↓

Confer

Confer with the Principal, SPC at the school, or a Employee Relations and Student Protection team member.

As part of conferral determine if it is appropriate to inform the parent/carer.

↓

Report

Follow the reporting process detailed in Student Protection Processes sections 3.1 Requirement to report to Queensland Police Service; 3.2 Requirement to report to the Department responsible for Child Safety.

In the case of immediate risk of harm, e.g. abduction of a student immediately contact the QPS on 000.

↓

Support

Ensure all appropriate support is offered to the student.

Staff member seeks own support as required.

3.4 Responding to concerns that do not meet the threshold for reporting harm

A staff member may identify concerns regarding a student that do not form a reasonable suspicion of sexual abuse, likely sexual abuse, or significant harm. However, the assessment or professional judgement of the First Person may 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 and SPC, who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the Guidance Counsellor, or to community-based options such as Family and Child Connect.

The Student Protection Guidelines outline options available to support students and families.

Concerns and decision making must be documented and retained by the Principal and/or SPC.

Resources to assist you:

- Student Protection Guidelines section 8: Support and referral services

4 Allegations of staff inappropriate behaviour (SIB) towards a student

Inappropriate behaviour by a staff member is defined as violations of professional boundaries. A description of professional boundaries can be found at section 9 of the Student Protection Guidelines and section 16 of the Code of Conduct.

Our obligations include adherence to 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
- a process to respond to the reported staff inappropriate behaviour (SIB).

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

Diagram 10: Reporting responsibilities of staff

Staff responsible	Actions
All staff	Identify staff-student interactions that may be contrary to the BCE Code of Conduct. Confer with the Principal, Student Protection Contact (SPC) at the school or a BCE Employee Relations and Student Protection team member. Complete and submit a Record of Concern (ROC) in the SPCMS. Support the student and family as advised by Principal or BCE Employee Relations and Student Protection team member.
Principal	Confer with relevant personnel in BCE, e.g. Senior Leader, Employee Relations and Student Protection team member. Complete and submit a ROC in the SPCMS if not already created by the staff member. Assess the ROC in the SPCMS. Facilitate support for the student and the family as appropriate. Seek advice from BCE Employee Relations team member regarding appropriate risk management and support.

Reminder: Staff members must not notify the source of concern (person allegedly responsible for the alleged inappropriate behaviour) or confer with a person potentially involved in the concern.

Most importantly, if you identify concerns about alleged inappropriate behaviour by a staff member to a student, your responsibility is to report this to the Principal, SPC or Head of People & Culture by completing a SIB ROC in the SPCMS. The concerns will be investigated in accordance with the relevant BCE procedure.

Your responsibility is to report. See also section 9 of the Student Protection Guidelines about why reporting is important.

4.1 Responding to alleged staff inappropriate behaviour (SIB) towards a student

There are two intervention levels that may be considered when responding to alleged inappropriate behaviour by a staff member towards a student. Each intervention level has a different management process. An Employee Relations and Student Protection team member will assess the appropriate level in responding to the concerns reported in the ROC and will consult with the Principal of the school.

Diagram 11: Responses to alleged staff inappropriate behaviour (SIB)

Intervention for responding to concerns about alleged minor inappropriate behaviour by a staff member towards a student (Level 1 intervention)	Intervention for responding to reports of repeated, serious, or more complex inappropriate behaviour by a staff member towards a student (Level 2 intervention)
• Responses are coordinated and managed at the school level by the Principal with the advice and support of BCE Employee Relations. Where the concerns relate to the Principal, the responses will be coordinated by the Head of People & Culture who will advise the Senior Leader.	• The management of the process and gathering of responses are coordinated and managed by BCE Employee Relations, with the support of the Principal. Where the concerns relate to the Principal, the responses will be coordinated by the Head of People & Culture who will advise the Senior Leader. • Where the concerns relate to allegations or reasonable suspicion of sexual abuse or likely sexual abuse of a student, a mandatory report will also be made to the Queensland Police Service (QPS) and consideration will be given whether a State Authority Report (SAR) is required to be sent to the Department responsible for Child Safety. • Where the concerns relate to allegations or reasonable suspicion of, or likely physical, psychological, or emotional abuse of a student, a mandatory report will also be made to the Department responsible for Child Safety and the QPS and Queensland College of Teachers if appropriate. • Where the alleged inappropriate behaviour is by a staff member who is a cleric or member of a religious order, the Catholic Education processes for reporting will be followed by the Principal. The Principal will inform the Head of People & Culture as soon as possible.

The following resources will assist you in managing matters relating to alleged SIB matters:

- **Employee Misconduct Procedure**
- Unsatisfactory Conduct Management Process and Misconduct/Serious Misconduct Management Process

Important: Sexual activity between staff members and students

The involvement of **any** BCE staff member or volunteer or other personnel in sexual activity with, or sexual exploitation of a student **is sexual abuse**. This must be immediately reported as per section 366 and 366A of the *Education (General Provisions) Act 2006* and/or 229BC of the *Criminal Code Act 1899*.

Resources to assist you:

- Student Protection Processes section 3.1: Requirement to report to Queensland Police Service
- Student Protection Guidelines section 9: Understanding staff inappropriate behaviour (SIB)

4.2 Responding to alleged inappropriate behaviour towards a student by a volunteer or other adult associated with the school

If alleged inappropriate behaviour by a volunteer or other personnel towards a student has been identified, the Principal will take appropriate steps, with the relevant employer if necessary, to deal with the matter.

Principals or their delegates are encouraged to seek advice from a BCE Employee Relations or Student protection team member in managing these matters.

5 Writing effective student protection records

Accurate and comprehensive student protection records helps BCE keep students safe. Ineffective records can create delays and failures in identifying and managing risks and incidents of abuse, harm and other inappropriate behaviours.

Effective records means accurate documentation:

- about the incident, complaint, allegation or disclosure
- details of conversations and follow up actions taken by staff
- details of reasons for decisions/outcomes
- details of communications with other persons such as state authorities and/or a BCE Employee Relations and Student Protection team member.

Effective record keeping assists with:

- information sharing to protect students
- monitoring the safety and wellbeing of the students
- making the most appropriate decisions about safety and wellbeing for students
- assisting in the identification of risks and incidents of abuse, harm or inappropriate behaviour towards a student by a staff member, volunteer or other personnel
- recording actions taken to ensure the safety of students and demonstrate accountability and transparency.

Resources to assist you:

- BCE Record Management policy
- BCE Record keeping for student protection guidelines

6 After the report is made

The school's responsibility does not end with the report. The report is one step in an ongoing process that focuses on the safety and wellbeing of our students.

Diagram 12: Parallel process of safeguarding and supporting

Following submission of the State Authority Report (SAR)	Throughout the process
Confirm receipt of the SAR and seek information from the QPS and/or Department responsible for Child Safety about their proposed response.	Provide support to address students going safety and wellbeing needs. Arrange for an appropriate staff member to follow up with the student regularly to check on the student's safety and wellbeing. Enable the child to inform safety and support measures as age and developmentally appropriate.
Conduct, review, and record risk management strategies to address ongoing safety needs of the student and others in the community where required.	As appropriate, maintain supportive relationship with parents/carers.
Where relevant prepare the student for child protection interviews by the Department responsible for Child Safety or Queensland Police Service (QPS).	Ensure all parties involve understand the importance of respecting the confidentiality and privacy of the students and families involved.

Resources to assist you:

- Appendix 5: Frequently asked questions
- Child Safety and/or Police interview on school premises
- BCE Interviews on school premises

7 Advising parents/carers

When a State Authority Report (SAR) to the Queensland Police Service (QPS) and/or the Department responsible for Child Safety is required, BCE staff must consider when or if parents/carers are advised of the report.

It is recognised that in some situations parents/carers should be advised that a SAR has been submitted.

The following guidelines are recommended to support decision making:

- confer with appropriate staff to help assess if informing parents/carers that a SAR has been submitted has a detrimental impact on the student's safety and wellbeing
- consider whether advising the family may jeopardise an investigation. Factors for consideration include whether:
  - the alleged source of concern is one of the student's parents/carers
  - the alleged source of concern may abscond with the student
  - the parent/carer may confront or harm the child or young person allegedly responsible for harming their child
- advising the parent/carer may have a detrimental impact on the student's safety or wellbeing
- advising the parent/carer may expose staff to harm.

It is recommended that the Principal or Head of People and Culture seek guidance from the QPS and/or the Department responsible for Child Safety as to when it is appropriate before discussing the matter with the student's parent/carer.

The priority of all BCE staff must remain on the safety and wellbeing of the student, and ensuring they have access to appropriate support including by parents/carers.

Appendix 1: Definitions

Accountable person	In accordance with s229BB of the Criminal Code Act 1899, an "Accountable Person" means an adult who is associated with an institution such as BCE, who becomes aware that there is a significant risk that another adult, that is, the 'alleged offender' will or has committed a child sexual offence to a child. The Accountable Person is someone who has the power or responsibility to reduce or remove the risk. An Accountable Person is **responsible** for **safeguarding** students from sexual offences and **must act** to reduce or remove the risk. It a criminal offence for an Accountable Person to fail to protect a child from a child sexual offence.
Alleged staff inappropriate behaviour (SIB) towards a student	Alleged staff inappropriate behaviour (SIB) towards a student 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 BCE *Code of Conduct*. Further, any report from a person, 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. This must be responded to in accordance with the processes contained within this document.
Child	A child is a person under 18 years of age.
Child in need of protection	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 (b) does not have a parent able and willing to protect the child from the harm.
Child sexual offence (Criminal Code 1899 Chapter 22)	Section 207A of the Criminal Code defines child sexual offence as an offence of a sexual nature committed in relation to a child. Child sexual offence means an offence of a sexual nature committed in relation to a child.

Child 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 – – the other person bribes, coerces, exploits, threatens or is violent toward the relevant person – the relevant person has less power than the other person – there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.
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*: (a) 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.
Failure to protect	Section 229BB of the Criminal Code defines Failure to protect a child from child sexual offence as follows. (1) An accountable person commits a crime if: (a) the person knows there is a significant risk that another adult (the "alleged offender") will commit a child sexual offence in relation to a child (b) the alleged offender (i) is associated with an institution (ii) is a regulated volunteer (c) the child is under the care, supervision or control of an institution; and (d) the child is either— (i) under 16 years (ii) a person with an impairment of the mind (e) the person has the power or responsibility to reduce or remove the risk (f) the person wilfully or negligently fails to reduce or remove the risk. **Maximum penalty—5 years imprisonment.**

Failure to report	As per s229BC of the Criminal Code states a criminal offence is committed when any adult in Queensland, including students who are 18 years or older, fails to report to the Queensland Police Service (QPS) a reasonable belief that a child sexual offence is being or has been committed against a child by another adult without a reasonable excuse. A reasonable excuse not to make a report 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). **Maximum penalty—3 years imprisonment**
First Person (s366-366A Education *(General Provisions) Act 2006)*	• The First Person is a staff member who reasonably suspects, during 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. • In addition, for the purposes of this document, the First Person is defined as any person who is part of the school community who reasonably suspects that a student attending the school has experienced or is at significant risk of experiencing all harm because of abuse, including alleged staff inappropriate behaviour (SIB) towards a student. • The First Person has **responsibility** for commencing the reporting processes once they reasonably suspect significant abuse, harm or the risk of significant abuse, harm to a student and/or another child in the community. This responsibility **cannot** be delegated to someone else.
Harm	As defined by section 9 of the *Child Protection Act 1999:* • Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional well-being. • It is immaterial how the harm is caused. • Harm can be caused by – – Physical, psychological, or emotional abuse or neglect – Sexual abuse or exploitation. • Harm can be caused by – – A single act, omission, or circumstance – A series or combination of acts, omissions, or circumstances.
Head of People & Culture	The Head of People & Culture is the person appointed and holding the office of the Head of People & Culture within BCE: otherwise, the person who has been appointed to act in the role of Head of People & Culture.
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. 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*, a reportable suspicion 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 doctor • a registered nurse • a teacher • a police officer who, under a direction given by the commissioner of the QPS under the *Police Service Administration Act 1990*, is responsible for reporting under this section • a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.
Safeguarding	Safeguarding means promoting the wellbeing of children and young people and creating safe environments that protect children and young people from abuse, exploitation and harm. It includes: • student protection and student wellbeing • expecting our people, operations and activities to promote the wellbeing of and do no harm to students • developing and maintaining systems and practices that prevent harm, alongside procedures to respond to and report effectively any concerns about the safety and wellbeing of students.
Source of concern	This means the person alleged responsible for the harm/abuse or inappropriate behaviour towards a student.
Staff member	A staff member is any person who is employed by BCE 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.
State Authority Report	A State Authority Report (SAR) is the official report completed by the Principal or Head of People and Culture that is submitted to the QPS or the Department responsible for Child Safety.

Student	A student is any person enrolled as such at BCE. This includes a 'relevant person' for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*: • a student under 18 years attending the school • a kindergarten age child registered in a kindergarten learning program at the school • a person with a disability who – – under section 420(2), is being provided with special education at the school, and – is not enrolled in the preparatory year at the school.
Student Protection Case Management System (SPCMS)	The Student Protection Case Management System (SPCMS) is the BCE database for the collection and storage of all information relating to a concern, complaint or allegation about abuse or harm of a student or inappropriate behaviour towards a student. The SPCMS enables any staff member to record the details of any student protection concern using the Record of Concern (ROC) and for mandated staff to make a State Authority Report (SAR). The SPCMS is used by Principals to administer the processes required regarding allegation of inappropriate behaviour towards a student by a staff member.
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.
Volunteer	A volunteer is any person who provides assistance or support at a Queensland Catholic Education site on a voluntary basis.

Appendix 2: 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 (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 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 (ii) that the person considers are likely to become evident in the future (b) in relation to any detrimental effects mentioned in paragraph (a) – (i) their nature and severity (ii) the likelihood that they will continue (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 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 able and willing to protect the child from the harm (a "reportable suspicion"). Section 13G(5) states that a person does not commit an offence under the *Child Protection Act 1999* or any other act for failing to make a mandatory report under section 13E.

Conferral with colleagues	Section 13H – 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 provides Department responsible for Child Safety and QPS officers with the legislative authority to have contact with a child at a school prior to the parents/carers 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

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 include 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 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.

Staff making a report in accordance with 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 establishes a general requirement that applies to all adults (18 years or over) in Queensland to report to the QPS 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 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 protect child from sexual offence s229BB

(1) An accountable person commits a crime if –

(a) the person knows there is a significant risk that another adult (the "alleged offender") will commit a child sexual offence in relation to a child

(b) the alleged offender –

(i) is associated with an institution

(ii) is a regulated volunteer

(c) the child is under the care, supervision, or control of an institution

(d) the child is either –

(i) under 16 years

(ii) a person with an impairment of the mind

(e) the person has the power or responsibility to reduce or remove the risk

(f) the person wilfully or negligently fails to reduce or remove the risk.

Penalty – Maximum penalty – 5 years imprisonment

Failure to make a report s229BC. It is a criminal offence when any adult in Queensland, including students who are 18 years or older, fails to report to the QPS a reasonable belief that a child sexual offence is being or has been committed against a child by another adult without a reasonable excuse. A reasonable excuse not to make a report includes that a report has already been made under:

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

Penalty – Maximum penalty – 3 years imprisonment

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 allegations of harm to a child because of the conduct of a teacher as soon as practicable, after commencing investigating the allegations (section 76)
- about the outcome of allegations of harm because of the conduct of a teacher where the teacher has been dismissed or resigned within 14 days (section 77)
- if the teacher has been dismissed in circumstances that call into question the teacher's competency as a teacher within 14 days (section 78).

Evidence Act 1977

Section 93A provides the legislative authority for the QPS 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.

Appendix 3: Reporting flowcharts

Flowchart A: Reporting sexual abuse & likely sexual abuse

A staff member identifies a concern regarding a student

The staff member may confer with an appropriate colleague, being the Principal, a Student Protection Contact (SPC) or a BCE Employee Relations and Student Protection team member or use resources such as the Child Protection Guide to determine whether the concern forms a reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person.

In accordance with the *Education (General Provisions) Act 2006* the staff member is a 'First Person' once a reasonable suspicion is formed and is required to make a written report to the Principal or the Head of People and Culture.

The First Person immediately completes the Record of Concern (ROC) and submits it to the Principal or the Head of People and Culture if the Principal is the alleged the source of concern.

The Principal or Head of People and Culture immediately submits a State Authority Report (SAR) to Queensland Police Service (QPS).

The Principal or Head of People and Culture as a matter of urgency, advises the First Person in writing that a SAR has been submitted to the QPS.

The Principal or Head of People and Culture undertakes any required risk assessment, and considers support and/or referral as appropriate in the circumstances.

A reasonable suspicion is **NOT** formed by the staff member.

Does the concern meet the definition of a child sexual offence under the *Criminal Code Act 1899*.

YES

Seek assistance from the Principal or a SPC at the school to:

- complete a Report to the QPS under the *Criminal Code 1899* Form
- email the form to the QPS
- upload the form to the SPCMS

NO

The staff member refers the concerns to the Principal.

The Principal considers any support and/or referral as appropriate in the circumstances.

Important: 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 C must also be followed.

Flowchart B: Reporting sexual abuse & likely sexual abuse where the First Person is the Principal

The Principal identifies a concern regarding a student

The Principal may confer with an appropriate colleague, being a Student Protection Contact (SPC) or a BCE Employee Relations and Student Protection team member, or use resources such as the Child Protection Guide, to determine whether the concern forms a reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person.

In accordance with the *Education (General Provisions) Act 2006* the Principal is a 'First Person' once a reasonable suspicion is formed and is required to make a written report to Queensland Police Service (QPS).

The Principal immediately completes the State Authority Report (SAR) and submits it to the QPS.

The Principal undertakes any required risk assessment, and considers support and/or referral as appropriate in the circumstances.

A reasonable suspicion is **NOT** formed by the Principal in accordance with the requirements of the *Education (General Provisions) Act 2006.*

Does the concern meet the definition of a child sexual offence under the *Criminal Code Act 1899?*

YES

Complete a **Report to Queensland Police under the *Criminal Code 1899* Form**;

- email the form to the QPS
- upload the form to the SPCMS

NO

The Principal considers any support and/or referral as appropriate in the circumstances

Important: 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 C must also be followed.

Flowchart C: Reporting significant harm to the Department responsible for Child Safety

A staff member identifies a concern regarding a student

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The staff member may confer with an appropriate colleague, being the Principal, Student Protection Contact (SPC) or a BCE Employee Relations and Student Protection team member, or use resources such as the Child Protection Guide, to determine whether the concern forms a reasonable suspicion that the 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 the student from the harm.

↓

A reasonable suspicion is formed by the staff member.

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The staff member completes and submits the Record of Concern (ROC) to the Principal or the Head of People and Culture if the Principal is the alleged the source of concern.

↓

The Principal or Head of People and Culture immediately forwards the State Authority Report (SAR) to the Department responsible for Child Safety.

↓

The Principal or Head of People and Culture, as a matter of urgency, advises the staff member that the SAR has been submitted to the Department responsible for Child Safety.

↓

The Principal or Head of People and Culture undertakes any required risk assessment, and considers support and/or referral as appropriate in the circumstances.

A reasonable suspicion is **NOT** formed by the staff member.

↓

The staff member refers the concerns to the Principal or seeks advice from a BCE Employee Relations and Student Protection team member.

↓

The Principal, SPC at the school or a BCE Employee Relations and Student Protection team member considers any support and/or referral as appropriate in the circumstances.

Important: 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 A must also be followed, or Flowchart B if the First Person is the Principal.

Reminder: Mandatory Responsibilities for Teachers (CPA 1999)

If a teacher is not able to progress a report through the process detailed in the flowchart above, they are able to meet their mandatory reporting obligation by:

- seeking the assistance of a BCE Employee Relations and Student Protection team member to progress their report
- through reporting directly to Child Safety Services via the online reporting form and documenting that this action has been taken via a casenote in SPCMS.

Appendix 4: Key steps for reporting

Key steps for reporting sexual abuse/likely sexual abuse and significant harm or risk of significant harm

First Person Reporter	**Where the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour) is NOT the Principal:** • confer with appropriate colleagues, such as the Principal, Student Protection Contact (SPC) or where appropriate, BCE Employee Relations and Student Protection team member. Do not notify or confer with the the source of concern • complete and submit the Record of Concern (ROC) to the Principal • if the mandatory requirements to report to Queensland Police Service (QPS) and/or the Department responsible for Child Safety is met, the Principal MUST immediately submit a State Authority Report (SAR) to the QPS and/or the Department responsible for Child Safety • the Principal must provide written advice to the First Person that the report has been sent to the relevant state authority. **Where the Principal is the source of concern:** • confer with an appropriate colleague, which includes a BCE Employee Relations and Student Protection team member. Do not notify or confer with the source of concern • complete and submit a ROC to the Head of People and Culture • if the mandatory requirements to report to the QPS and/or the Department responsible for Child Safety is met, the Head of People and Culture MUST immediately submit a SAR to the QPS and/or the Department responsible for Child Safety • the Head of People and Culture must provide written advice to the First Person that the report has been sent to the relevant state authority.

Student Protection Contact (SPC)	**Where the source of concern is NOT the Principal:** • confer with Principal, and/or a BCE Employee Relations and Student Protection team member as required • support the First Person Reporter to complete a ROC • facilitate appropriate support to address immediate safety and wellbeing needs of the student/s • if assessed as meeting the requirements to report to the QPS and/or the Department responsible for Child Safety support the Principal to complete SAR and immediately submit to the QPS and/or Department responsible for Child Safety • provide appropriate support to address wellbeing needs of First Person Reporter. **Where the Principal is the source of concern:** • confer with a BCE Employee Relations and Student Protection team member to support the First Person Reporter to complete a ROC in the SPCMS • if assessed as meeting the requirements to report to the QPS and/or the Department responsible for Child Safety provide support as needed to Head of People and Culture to complete SAR and immediately submit to the QPS and/or Department responsible for Child Safety • facilitate appropriate support to address immediate safety and wellbeing needs of the student/s • provide appropriate support to address wellbeing needs of First Person Reporter • communicate with parent/carers where appropriate to do so.
Principal	**Where Principal is the First Person:** • where needed, confer with the SPC or where appropriate a BCE Employee Relations and Student Protection team member • complete a ROC in the SPCMS • if assessed as meeting the requirements to report to the QPS and/or the Department responsible for Child Safety immediately submit the SAR to the QPS and/or Department responsible for Child Safety • complete post reporting actions (see **section 5** of the Student Protection Guidelines). **Where Principal is NOT the First Person:** • where needed, confer with SPC or a BCE Employee Relations and Student Protection team member • complete a ROC in the SPCMS • if assessed as meeting the requirements to report to the QPS and/or the Department responsible for Child Safety complete a SAR and immediately submit to the relevant state authority • complete post reporting actions (see **section 5** of the Student Protection Guidelines).
Head of People and Culture	• upon receipt of ROC complete SAR if a assessed as meeting the requirements to report to the QPS and/or the Department responsible for Child Safety immediately submit to the relevant state authority • inform First Person as soon as possible that the SAR has been submitted to the QPS and/or the Department responsible for Child Safety • complete post reporting actions (see **section 5** of the Student Protection Guidelines).

Appendix 5: Frequently asked questions

Identifying harm or abuse

What is my responsibility once I have become aware of abuse, harm, or alleged staff inappropriate behaviour (SIB) by a staff member towards a student?

Your responsibility is to take every concern seriously and confer with an appropriate person to help you identify if there a reasonable suspicion of abuse, harm, or alleged staff inappropriate behaviour (SIB). From there, follow the requirements outlined in Student Protection Processes section 2: Responding to concerns and section 3: Reporting requirements.

What is the difference between gathering information and investigating?

Gathering information is the process of seeking more information to determine if you have reasonable grounds to suspect abuse, harm, or alleged staff inappropriate behaviour (SIB) towards a student (see definition at **Appendix 1**). You can do this by speaking to the student and conferring with Principal and Student Protection Contact (SPC) or BCE Employee Relations and Student Protection team member. You do not have to determine if the concerns are true or false.

Who has responsibility for investigating?

Investigations are undertaken by the appropriate authorities, the Department responsible for Child Safety and the (QPS). The Principal and SPC or BCE Employee Relations and Student Protection team member can provide guidance about the scope of your responsibilities.

If in doubt, can I talk with the source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour) just to confirm?

No, the safety and wellbeing of students is your priority, this means ensuring your focus is on safeguarding them.

Talking with the source of concern can place students at greater risk, and potentially obstruct the investigation by the relevant authorities.

What is meant by 'reasonable suspicion'?

A reasonable suspicion is a suspicion that would be formed based on a reasonable view of the information/evidence available to you. Generally, the ways in which a reasonable suspicion can be formed are as follows:

- a student makes a direct and clear disclosure to you
- someone reports information of concern about a student and/or another person's behaviour to you
- you directly observe abusive or inappropriate behaviour towards a student
- you observe concerning changes in a student's appearance (e.g. bruises or cuts) and/or behaviours (e.g. withdrawn, or angry) and/or see them in concerning situation/s (e.g. a teacher swearing at them).

If I am unsure whether I have formed a 'reasonable suspicion' of child abuse and/or neglect, do I need to do anything further?

Yes. You should speak to your Principal or the SPC for the school. They can help you work out whether the information you have constitutes a reasonable suspicion of child abuse and/or neglect and work out how best to support the student.

Can I take photographs or videos or audio recording of the child abuse and or neglect for evidence?

No. You must not photograph students' injuries or audio/video record the discussion with the student. This is the role of the QPS. Your role is to take detailed and relevant notes based on facts and record this information in the Record of Concern (ROC).

Do I have any obligations if a student is harmed by another student?

Yes. Your first priority is the safety of the student, which means attending to their immediate safety needs (e.g. first aid and seeking mental health support from the Guidance Counsellor).

You can achieve this by:

- immediately informing the Principal or the SPC for the school that a student has been harmed by another student
- following the processes set out in this document.

Conferral regarding harm or abuse or alleged staff inappropriate behaviour (SIB) towards a student

What happens if during the conferral process, there is disagreement between the First Person and the Principal?

Seek another point of conferral. This may include a BCE Employee Relations and Student Protection team member or the Senior Leader.

Does conferral involve talking to the alleged source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour)?

No, the safety and wellbeing of students is your priority, this means ensuring your focus is on safeguarding them.

Talking with the alleged source of concern can place students at greater risk, and potentially obstruct an investigation by the relevant authorities.

When can I advise the parents/carers?

Parents/carers are an important support in student's lives, and we acknowledge the importance of working with and supporting them to support their children. However, an assessment must be made about the safety of the student. Therefore, confer with appropriate personnel to determine if and when to advise parents/carers.

Where can I find information about the SPC for the school?

The names of the SPC for the school are published on the school's website, in the school's newsletter and on the student protection posters displayed around the school.

Principals are responsible for ensuring the names of these SPC for the school are made known to staff, students, and parents/carers.

How do I know who to communicate with and when?

In most circumstances, your first point of contact should be your Principal or the SPC for the school. Exceptions to this include the following:

- the concerns relate to the Principal or the SPC for the school
- you are concerned about the Principal's or SPC for the school's ability to be impartial and/or independent.

In these instances, you are encouraged to consult with the BCE Employee Relations and Student Protection team.

What if I do not agree with the Principal's response to a student protection concern and feel I cannot discuss it with them?

If the Principal is not available or you feel you cannot discuss your concerns with the Principal, contact the BCE Employee Relations and Student Protection team for advice.

Reporting harm or abuse

As a Teacher what is my responsibility?

Teachers are mandatory reporters and have a duty to report any concerns of abuse/harm to a student as per these processes.

As a Principal what is my responsibility?

In addition to being a mandatory reporter, Principals have a responsibility for ensuring the processes set out in this document are followed.

Principals are responsible for maintaining a culture of safety and have a duty to report any concerns of harm to a student as per these processes.

As a staff member what is my responsibility?

All staff members are responsible for safeguarding students, this includes identifying and responding to concerns about abuse, harm or alleged staff inappropriate behaviour (SIB) and ensuring the processes in this document are followed.

The requirements for volunteers are in their own document

What happens if the online form is not available?

Where there are IT issues, you must still report without delay. This will involve:

- making a verbal report to the relevant authority as a matter of priority
- writing out the report using the headings specified in this document
- following up with completing the report and submitting this.

What happens when the Principal is not available?

Do not delay. Remember the safety and wellbeing of the students is of paramount importance.

Every school has a designated delegate, you must confer with this person and follow the reporting procedures.

What happens if I don't have time to make the report because I am teaching or busy?

Prioritising the safety and wellbeing of the student is the priority.

Staff members can seek support from the Principal and SPC or BCE Employee Relations and Student Protection team member to ensure they have the time to confer, report and support.

The staff member should be provided with support that may include having someone else take over their teaching responsibility or other duties.

What happens if it is an emergency?

Immediate safety concerns require immediate attention, do not delay. Call 000 and speak with the relevant authority, for example the QPS or the Department responsible for Child Safety.

In a medical emergency contact 000 and ask for an Ambulance.

What happens if I am worried about a student, it is Friday afternoon, and I cannot find an appropriate person to confer with?

If you cannot locate any appropriate member of staff as outlined in this document, you can contact the Department responsible for Child Safety Regional Intake Service or Child Safety After Hours Service, or the QPS and confer.

What if I am worried about ruining a relationship with a student, peer, or parent/carer by reporting a student protection concern?

The safety of students is a priority. When you report a student protection concern, you are prioritising the safety of students, and this will likely result in the student and/or their family receiving support.

If you are worried that reporting a concern may have a negative impact on your relationship with a student, peer, or parent/carer, seek support and guidance from your Principal, the SPC for the school and/or the BCE Employee Relations and Student Protection team.

What if I believe that reporting to the QPS and/or the Department responsible for Child Safety will make the situation worse for the student?

Focus on what is in your control. The best thing for the student is that you report the concern.

Reporting your concerns allows the appropriate authorities to assess the risk and determine how to respond.

The Student Protection Processes and Guidelines are in place to keep the student safe.

How do I know if something is serious enough to report to the QPS and/or the Department responsible for Child Safety?

If you have a concern, no matter how big or small, confer with the SPC for the school or the Principal. One bruise or a comment that sounds 'a bit off' may be part of the bigger picture.

Further information may need to be gathered to ascertain whether you need to make a report to the QPS and/or the Department responsible for Child Safety. Conferral with the SPC for the school and/or Principal and other relevant people helps you work together as a school community to respond appropriately to student protection concerns.

What happens if I do not report abuse, harm, or alleged inappropriate behaviour by a staff member towards a student?

All staff have a responsibility to report abuse, harm, or alleged inappropriate behaviour by a staff member. Failure to do so breaches the BCE Code of Conduct and can result in disciplinary action. This may be in addition to legal consequences.

What do I do if I make a report and the source of concern assumes it was me and approaches me about it?

The best thing to do is to suggest the person speak to the Principal. Say, 'Student protection is a confidential process. If you have any questions, I suggest speaking to the Principal.'

You may be emotionally impacted by a situation like this. You can access support from your Principal, the SPC for the school or Employee Assistance Program.

Will a student's family know that I have made a report?

If the QPS or Department responsible for Child Safety are notified about a suspicion that a child has been or is likely to be harmed, staff involved in the notification cannot be identified unless certain exceptions apply. This includes, where a State Authority Report results in a criminal court proceeding and the report forms part of the prosecution's evidence. In this instance, the staff member who made the report may be required to give evidence.

Do I need to do anything else after I have reported the harm or abuse?

Yes, your responsibility does not end with the report. Remember we need to ensure the wellbeing of the student; this means considering whether they need to be linked with support services such as counselling or other specialised supports. Seek guidance from the Principal or SPC at your school.

Completing a Record of Concern (ROC)

What if I am not confident in writing an effective ROC?

Your Principal or the SPC for the school can support you in completing the ROC.

You can also use the ROC tip sheet for guidance.

Can I ask my peers for advice before submitting a ROC?

No. You must only discuss your concerns with your Principal or the SPC for the school and/or the BCE Employee Relations and Student Protection team. You may breach confidentiality by sharing private and sensitive information with other people.

Information sharing about student protection concerns should be limited to appropriate persons and to the extent necessary to respond to the safety and well-being of a student.

What do I do if I believe my Principal has not taken action after I have completed a ROC?

Firstly, check if your ROC has been assessed, it might still be pending or not submitted correctly.

If the ROC has been correctly submitted and you believe it has not been actioned, talk to the SPC for the school. The SPC for the school can check the status of the ROC in the SPCMS.

How do I know if my ROC has resulted in a State Authority Report (SAR) to the QPS and/or Child Department responsible for Safety?

Once your ROC has been assessed, you will receive an email informing you whether a report to the QPS or the Department responsible for Child Safety has been made by your Principal.

What is the difference between a Record of Concern (ROC) and a State Authority Report (SAR)?

A ROC is a written report completed by a staff member in the BCE SPCMS when they have a student protection concern.

A SAR is created by the Principal in the SPCMS when a report to the QPS and/or the Department responsible for Child Safety is required.

Alleged staff inappropriate behaviour (SIB) towards a student

If a student discloses staff inappropriate behaviour (SIB) but I do not think it is inappropriate, do I still need to report it?

Yes. You must report this behaviour without delay as per the Student Protection Processes and Guidelines.

If a student agrees and willingly enters a sexual relationship with a staff member, do I still need to report it?

Yes. You must report this behaviour without delay as per section 4.1 of these Processes and section 9 of the Student Protection Guidelines.

The involvement of any staff member or volunteer in sexual activity with a student is considered sexual abuse.

What if a student crosses a professional boundary with me or if I accidentally cross a professional boundary?

You must notify your Principal immediately. For example, if a student attempts to interact with you on social media, personal email, personal mobile phone, or home telephone, inform your Principal immediately.

Similarly, if you mistakenly communicate or interact with a student on social media, personal email, personal mobile or home telephone, let your Principal know immediately.

Supporting students

What is my responsibility in supporting a student?

The wellbeing of our students is our priority. This means that the school responds to and implements the necessary support to ensure the wellbeing and safety of the student is met.

Confer with the Principal and SPC or a BCE Employee Relations and Student Protection team member as appropriate about the best way to do this.

Disclosures of harm

What happens if a student starts to disclose something to me, but I am unable to have a conversation at that time?

It is important not to dismiss a student or make them feel that what they shared is not important. Reassure the student that their safety and well-being is important to you and that you want to ensure they receive support right away.

You can for example say, 'What you're saying is important and your safety and well-being is important to me. I need to get to my next class, so let me call someone who can talk more with you now'.

Call on your Principal, the SPC for the school or the Guidance Counsellor for support.

What if the student expects me to solve their problem but I know I cannot?

Explain to the student that you have a responsibility to make sure that they are safe and get the support they need. To do this, you need to talk to someone who knows how best to support them.

Explain which staff members have the expertise to assist them (e.g. Guidance Counsellor, the SPC for the school or Principal) and invite the student to choose from the options provided to them.

Play an active role in linking the student to the appropriate person.

What if the student does not want me to tell anyone?

It is vital at the beginning of any conversation to set expectations, so students know that you have a responsibility to make sure they are safe and get the support they need.

For example, "If you tell me something that causes me to worry, I'm going to need to get some advice to make sure that you're safe".

What do I do if I'm upset and struggling with what's been disclosed to me?

Sometimes what we hear from students, parents/carers and other staff can be distressing. You can access support through your Principal and/or Employee Assistance Program.

How can I support students after a disclosure?

Principals and staff need to work together to plan the next steps for supporting the student. For example, referring the student to the Guidance Counsellor for support, considering the need for educational adjustments and/or development of support plans.

Remember to consult and include students in the development of their support plan.

To maintain the confidentiality and privacy of all students and families, only discuss the situation with appropriate persons and to the extent necessary to respond to their safety and well-being.

What do I do if I am dealing with a complex student protection issue and do not know how to respond?

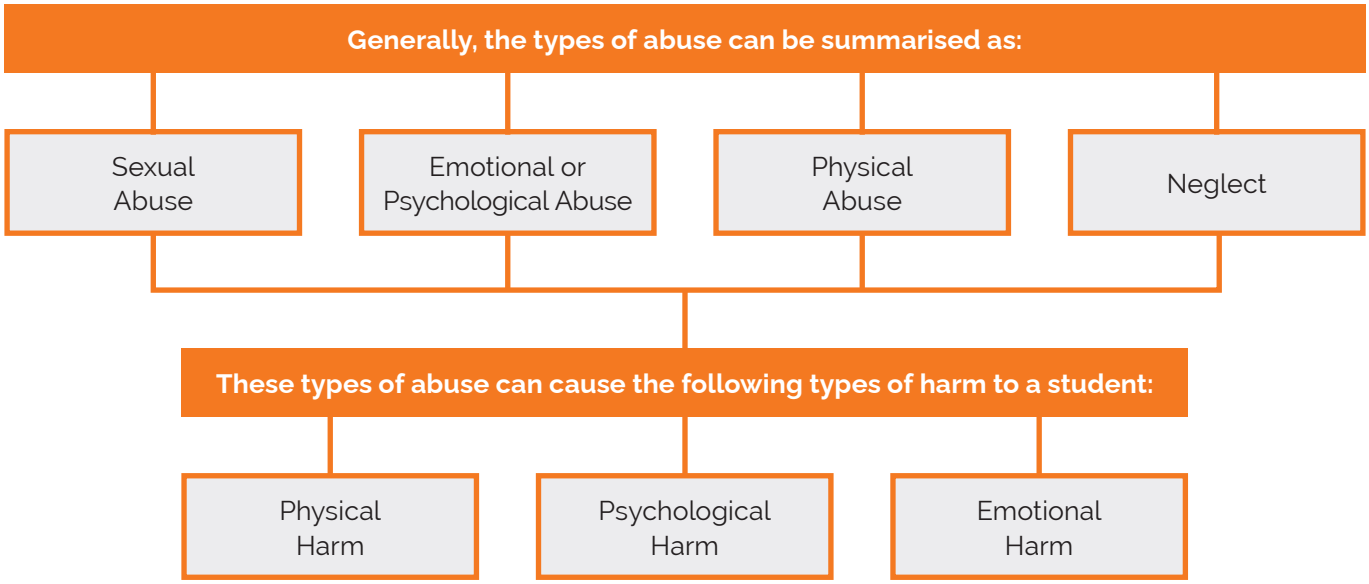
Reach out to your Principal and/or the SPC for the school for support.

Student Protection Guidelines

1 Understanding abuse and harm

All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. These guidelines explain the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take if they form a reasonable suspicion of abuse, harm or staff inappropriate behaviour (SIB) towards a student.

As a first step, it is important that staff members understand what is meant by the terms 'abuse' and 'harm'.



1.1 Sources of abuse and harm

Students can be abused, or experience harm from a number of sources. These include:

Person associated with the school (staff member, volunteer/other personnel or another student at the school)

Family member/relative of the student (parent/carer, sibling, grandparent, other relative)

Other person in the community (family friend, neighbour, coach, tutor, stranger)

The student themselves

2 Types of abuse

2.1 Sexual abuse and likely sexual abuse

Sexual abuse of a student occurs where a person engages in sexual behaviour with a student, and:

i. the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or

ii. the student has less power than the other person; and/or

iii. there is a significant disparity between the student and the other person in intellectual capacity or maturity.[1]

Characteristics of a power imbalance include significant differences in age, developmental ability, authority, influence, or some kind of control over the student.

Likely sexual abuse is where it is more probable than not that a student will be sexually abused in the future. One situation where a reasonable suspicion of likely sexual abuse could be formed is where 'grooming' behaviours towards a student are identified.

Important: 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.

2.1.1 What does sexual abuse involve?

Sexual abuse involves an imbalance of power between a student and the other person. The imbalance of power allows force, trickery, emotional bribery, blackmail, or emotional pressures to be used against the student to involve him/her in sexual activity or to sexually exploit him/her. Secrecy, the misuse of power and distortion of adult-child relationships may also be involved.

Sexual abuse involving physical contact with a student could include:

- touching, kissing, holding, or fondling a student's body in a sexual manner
- touching, kissing, or fondling a student's genital area
- engaging in or attempting to engage in vaginal or anal intercourse with a student
- penetrating or attempting to penetrate a student's vagina or anus with a finger or other object
- engaging or attempting to engage in oral sex with a student
- engaging or attempting to engage in masturbation with a student.

It does not matter whether the student is clothed or unclothed whilst sexual abuse involving physical contact takes place. Engagement of a student in sexual acts by duress or through inducements of any kind is considered sexual abuse.

1 See Section 364 of the *Education (General Provisions) Act 2006*

Sexual abuse/likely sexual abuse of a student may not necessarily involve physical contact. It could, for example, involve behaviour that occurs in the student's direct presence or that occurs indirectly, including through electronic communications. Examples include:

- exposing a sexual body part to a student
- requesting a student to expose a sexual body part
- making obscene or sexually explicit remarks to a student
- sending obscene or sexually explicit material to a student
- blatant or persistent intrusion into a student's physical privacy
- voyeurism – covertly observing intimate behaviour that is normally private
- exposing a student to pornographic films, photographs, magazines, or other material
- having a student pose or perform in a sexually explicit manner
- exposing a student to a sexual act
- forcing a student to witness a sexual act
- communicating with a student in a sexually intrusive way.

2.1.2 What is grooming?

Sexual offending against a child is rarely a random act by a stranger. It is commonly based on a relationship with the child that has been formed over time. The abuse is commonly well thought out and planned in advance.

Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's parents/carers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her parents/carers will trust the offender and not suspect any intended wrongdoing.

The establishment of a relationship of trust which is then misused is often very confusing and damaging to the child, who may not even immediately recognise what is happening to them as abuse. Grooming behaviour is unlikely to be recognised when observed as a one-off event, but a pattern of grooming of the intended victim and/or the intended victim's parents or carers is likely to be recognised.

Grooming will tend to develop in intensity over time. It will also tend to include elements of secrecy and concealment. It is important to be aware of the types of behaviours that can be used in the process of grooming a child or young person, while remembering that some of the behaviours might equally reflect normal interactions based on genuine motives of care and concern.

This is the reason that, for staff members, the observance of clear professional boundaries and transparency in the declaration of potential conflicts of interest is a vital part of the protection of children and of the professional integrity of staff members themselves.

Recognition of the grooming process, that is used as a preparation for the sexual abuse of a child, is an indicator of likely sexual abuse.

Resources to assist you:

- BCE's six stages of grooming

Diagram 1: Examples of grooming behaviour

2.1.3 Activity between peers

Sexual activity between students

It is important to note that activity between peers may also be considered abusive, especially if the relationship is coercive or the behaviour forceful, degrading or threatening. Sexual activity between young people under 16 years of age is not automatically considered to be sexual abuse, even though technically it is unlawful in Queensland. The dynamics and characteristics of the sexual activity is a key consideration. For example, if a young person under the age of 16 years engages in sexual activity with a peer and there is no imbalance of power, coercion or manipulation involved, this may not be considered sexual abuse. On the other hand, if there is a power imbalance, coercion, or manipulation in the sexual activity between a young person 16 years and older and another person, this may be considered sexual abuse.

Student sexual behaviour

Suspicions that a student has been sexually abused may also be formed in some cases where a student exhibits concerning sexual behaviour. **Resources** such as those published by the **Department responsible for Child Safety** can assist in identifying age **appropriate and inappropriate sexual behaviour**, and section 4.2 of the guidelines for details further signs of sexual abuse.

Important: Sexual activity between students or peers where one party is 18 years or older and the other under the age of 16 years is a child sexual offence.

Under s229BC of the *Criminal Code Act 1899*, adults are required to report a child sexual offence to the Queensland Police Service (QPS) unless it has been reported under the EPGA or the CPA in accordance with sections 2.2 and 2.3 of the Student Protection Processes and Guidelines Catholic Education Archdiocese of Brisbane.

2.2 Physical abuse

Physical abuse refers to non-accidental use of physical force against a child by another person that results in significant harm to the child.

2.2.1 What does physical abuse involve?

Examples of physical abuse include but are not limited to hitting, shaking, throwing, burning, biting, poisoning, and female genital mutilation. The definition of physically abusive behaviour extends to the fabrication, exaggeration and inducing of illness symptoms in a child.

A person does not have to intend to physically harm a child to have physically abused them (for example, physical punishment that results in bruising or fractures would generally be considered physical abuse). Physical abuse does not always leave visible marks or injuries. Physical abuse can result in significant physical harm (for example, fractures, burns or bruises) and/or emotional/psychological harm (for example, hyper vigilance, depression or persistent state of fear and anxiety) to a child.

When considering if a child is at unacceptable risk of suffering harm caused by physical abuse by a person, a range of factors are considered. Examples include:

- the person's propensity towards violence
- the degree of control a person has over their own behaviour or the behaviour of others
- the physical force used
- the ability and willingness of another adult to act protectively to prevent the physical abuse.

Examples of situations which give rise to an unacceptable risk of physical abuse include, though are not limited to:

- domestic violence involving the throwing of objects
- situations in which a baby is shaken but not obviously injured.

2.3 Emotional/psychological abuse

Emotional or psychological abuse is the persistent emotional ill-treatment of a child which causes severe and persistent adverse effects on a child's emotional development.

2.3.1 What does emotional or psychological abuse involve?

Examples of emotional abuse include but are not limited to constant criticism, public humiliation, belittling, constant yelling, withholding praise and affection, excessive teasing, scape-goating, rejection, hostility, exposure of a child to domestic and family violence and conveying that a child is worthless or unloved, inadequate, or valued only insofar as the child meets the needs of another person.

Emotional or psychological abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of reasonable exploration and learning or preventing the child from participating in normal social interaction. Emotional abuse can result in significant harm to a child, for example, it can result in significant emotional/psychological harm such as depression, attachment disorders, chronic feeling of fear/anxiety or self-harm.

A child is considered to be at unacceptable risk of suffering harm caused by emotional abuse in a number of situations, for example the frequent, chronic, and entrenched verbal criticisms and hostility directed at the child by another person.

2.4 Neglect

Neglect is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected.

2.4.1 What does neglect involve?

Neglect is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected. Basic needs include: food, housing, adequate clothing; personal hygiene and hygienic living conditions; health care, including the timely provision of medical treatment and dental care; and adequate supervision and protection needed for the child's optimal growth and development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Neglect can result in a significant impact on a child's physical, emotional, and psychological wellbeing. It can result in significant physical harm such as serious injury or death. For example, failure to supervise a child may result in a child ingesting poison or getting seriously injured or getting burnt. Neglect can also result in serious emotional/psychological harm such as attachment disorders, failure to thrive in infants and significant developmental delays.

A child is considered to be at unacceptable risk of neglect in situations such as severe or chronic substance misuse, significant mental illness, lack of parenting/caring skills and addiction to gambling by the child's primary parent/carer inhibiting their capacity to provide sufficient care.

More information around understanding child abuse and harm can be found on the Department responsible for Child Safety website.

2.5 Self harm

Self-harm is the deliberate hurting of one's body to alleviate distress or deal with difficult emotions.

Self-harm is when someone deliberately hurts or injures their body on purpose. Self-harm in young people is usually triggered by a build up of negative, stressful life events, rather than a one-off incident. The act of self-harm can be a one-off event or become a repeated behaviour that can be difficult to change.

Children and young people report that they engage in self-harming behaviour to try and manage:

- distressing emotions
- overwhelming difficult feelings, thoughts, and memories
- their experiences of emotional, physical, or sexual abuse
- their mental health challenges.

Self-harm is different to suicidal thoughts and behaviours, as it is about hurting oneself to manage distress rather than ending their lives.

Self-harming behaviour can be used by children and young people as a way of:

- expressing difficult emotions
- feeling relief
- control or escape from their feelings
- punishing themselves
- coping with their feelings
- show they need help.

Self-harm can take on different forms and its frequency can vary from student to student and can include:

- cutting, burning, biting, or scratching the skin
- picking at wounds or scabs so they don't heal
- pulling out hair, punching or hitting the body
- taking harmful substances (such as poisons, or over the counter or prescription medications).
  (Source: Headspace **15-Self-harm-headspace-fact-sheet-WEB-V3.pdf**)

3 Significant harm

Harm can be caused by physical, psychological, or emotional abuse, sexual abuse, or neglect. Harm refers to the detrimental effect or impact of abuse/neglect on a child. For statutory intervention to occur, there must be information to suggest:

- that the child has suffered, is suffering or is at any unacceptable risk of suffering significant harm
- there may not be a parent able and willing to protect the child from harm.

Harm can be caused by a single act, omission or circumstance or a series or combination of acts, omissions, or circumstances. This series or combination of acts, omissions or circumstances is often referred to as "cumulative harm".

3.1 What is 'unacceptable risk' of harm?

A child is considered to be at unacceptable risk of suffering harm if there are grounds to suspect that unless someone intervenes to prevent it, the actions of a person will result in, or is likely to result, in a detrimental effect of a significant nature on the child's physical, emotional and/or psychological well-being.

3.2 Relationship between abuse and harm

In essence, abuse is the action towards a student, and harm is the impact of that action on the child. Children can experience multiple types of abuse, which in turn can cause multiple types of harm.

Types of Abuse			
Physical abuse	**Emotional abuse**	**Sexual abuse**	**Neglect**
Hitting Punching	Rejection Persistent hostility	Sexual exploitation Penetration Exposure to pornography	Inadequate supervision Poor hygiene/ nutrition

Types of harm		
Physical (refers to body)	**Emotional (ability to express emotions)**	**Psychological (mind & cognitive processes)**
Bruising Fractures Internal injuries	Depression Hypervigilance Self-harm	Learning and developmental delays Impaired self-image

4 Recognising abuse and harm

4.1 Recognising the signs of abuse and harm

There are many signs that might lead staff members to have concerns about a student. It is important to keep an open mind when encountering these signs, as their presence does not necessarily mean that the student is experiencing harm caused by abuse and/or neglect. However, they may identify concerns for a student and indicate that further consideration and monitoring is the appropriate response.

It is important to remember:

- the signs are generally more significant if they are severe, form a pattern, and/or show frequency
- the younger the child involved, the greater the risk
- all factors need to be considered including the child's circumstances and family context.

4.2 Identifying the signs of abuse and harm

Observations of student behaviour

In general terms, something may be wrong if you observe student behaviour such as:

- nervousness/withdrawal
- passivity/excessive compliance
- evidence of deterioration in peer relationships and/or generally poor peer relationships
- trouble concentrating at school/unexpected drop in school academic performance
- frequent absences from school without substantiated or acceptable explanations
- being extremely aggressive, stealing or running away
- evidence of extreme or continually aroused emotional states
- out of character behaviour
- behaviour that is not age appropriate or typical of peer behaviour
- in younger students: separation anxiety, changed eating patterns
- in older students: drug/alcohol use, sexual promiscuity, self-harm, or reckless and risk-taking behaviour.

In relation to possible harm or risk of harm to a student that may be a result of sexual, physical, or emotional abuse and/or neglect you may observe the following:

Diagram 2: Signs of possible abuse and harm

Physical	• bruises or lacerations, especially on face, head, and neck • burns/scalds • multiple injuries or bruises, especially over time • fractures, dislocations, twisting injuries • explanations offered by the child not consistent with the injury or the injury is unable to be explained by the child • a child hiding injuries • repeated injuries with a recurring or similar explanation.
Neglect	• delay in achieving developmental milestones • medical or therapeutic needs not attended to • poor personal hygiene leading to social isolation • scavenging for/stealing food; lack of adequate school lunches • extreme seeking of adult affection • flat and superficial way of relating.
Domestic and family violence	• difficulties in eating and sleeping • hyper vigilance • regression to age-inappropriate behaviours • developmental delays • child is over-protective of a parent/carer • excessively controlling or aggressive/violent behaviour • abuse of siblings/parent/carer.
Emotional and psychological	• inability to value self and others • lack of trust in people • statements from the child e.g. "I'm bad; I was born bad" • extreme attention-seeking behaviours.
Sexual	• direct or indirect disclosures of abuse • concerning sexual behaviour and/or age-inappropriate sexual knowledge • use of threats, coercion, or bribery to force other children into sexual acts • sexual themes/fears expressed in artwork, written work or play • repeated urinary tract infections, especially in younger girls • physical trauma to buttocks, breasts, genitals, lower abdomen, thighs • unexplained accumulation of money/gifts • presence of sexually transmitted infections, especially in younger children • risk taking behaviours such as self-harm, disordered eating, or suicidal behaviour.

More information around recognising the signs of abuse can be found on the Department responsible for Child Safety Website.

5 Forming a reasonable suspicion

A reasonable suspicion of abuse or harm 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. When a reasonable suspicion is formed, a staff member must act in accordance with the processes outlined in this document.

Generally, the ways in which a staff member may form a reasonable suspicion are as follows:

A student makes a direct disclosure about another person's behaviour (see section 5.1)

A parent/carer or any person reports information of concern about a student and/or another person's behaviour (this information may come from another student, relative, friend, acquaintance of the student, or sometimes could be anonymous)

Direct observation of abusive or inappropriate behaviour towards a student

Relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained

Additionally, section 13C of the *Child Protection Act 1999* offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:

- whether there are detrimental effects on a child's body or psychological/emotional state, or are likely to become so in the future
- the nature and severity of the detrimental effects and the likelihood that they will continue
- the age of the child.

A staff member may confer with an appropriate colleague, being the Principal, a Student Protection Contact (SPC), or a BCE Employee Relations and Student Protection team member as part of the decision-making process as to whether they have formed a reasonable suspicion – further details around conferral processes can be found in section 2.3 of the Student Protection Processes (SPP). The staff member must never confer with the person who is or potentially is the source of the concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).

It should be noted that at times information may come to a staff member's attention indirectly (e.g. perhaps third hand). In these cases, the following should be considered:

- it is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information
- in some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under the Student Protection Processes
- if the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant reporting requirements described in section 3 of the SPP
- if the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant reporting requirements described in section 4 of the SPP.

Staff members must not photograph student injuries or audio/video record the discussion with the student – this is the role of the Queensland Police Service (QPS).

Details about how the information came to the staff member's attention should be included in any report made under these processes.

5.1 Responding to a disclosure

Staff members in schools are often the first people a student may tell when they are feeling unsafe, therefore it is important for staff members to be aware of how children/young people disclose and how to respond in the most appropriate manner. A student's disclosure provides a crucial opportunity for staff to provide support and comfort and to protect the child from abuse. It also can have a significant impact on the child or young person's ability to seek further help and recover from the trauma.

If a student tells a staff member about being abused or harmed:

- move to a suitable environment, free of distractions
- be calm and patient - allow for the child to be heard
- let the child use their own words - avoid asking leading questions
- avoid "quizzing" the child about details of the abuse
- don't be afraid of saying the 'wrong' thing. Listening supportively is more important than what you say.

- reassure the child that it is Okay to tell you what's been happening
- address any concerns about the child's safety
- reassure the child s/he is not at fault and is not the cause of any distress you may feel.

- respect that the child may only reveal some details
- acknowledge the child's bravery and strength
- avoid making promises you can't keep – manage the child or young person's expectations
- explain to the child that for them to be safe you will need to report their experience to someone else.

Adapted from an AIFS infographic: Responding to children and young people's disclosure of abuse

The ART framework is also useful when receiving disclosures.

Actively listen:

- move to a space which is private and free of distractions but within eyesight of others
- speak to them on their level (if they are sitting on the ground, sit down next to them)
- be calm and patient
- use open-ended questions to gather more information, for example, 'You said X, tell me more about that'
- be empathetic.

Reassure/respond:

- let them know it is safe for them to tell you what has been happening and acknowledge how hard it may be for them to make the disclosure
- be curious and do not judge their responses or react emotionally
- say, 'I'm very interested in what you're saying because your safety and well-being is important to me'
- maintain eye contact with them to show that you are interested.

Take action:

- Follow BCE's reporting process

Reminder: it is not a school staff member's role to investigate a suspicion of an unacceptable risk of abuse/harm from any source, rather to report a reasonable suspicion of abuse or harm in accordance with the Student Protection Processes. It is the role of officers of the QPS and qualified officers of the Department responsible for Child Safety to investigate and collect evidence in the required circumstances, such as conducting interviews with students.

Only ask enough questions to help you decide whether you have honest and reasonable grounds to form a suspicion of harm/abuse or an unacceptable risk of harm/abuse. Be aware that any questioning beyond this could cause distress and confusion and could interfere with the integrity of any subsequent investigation undertaken by relevant authorities.

As soon as possible after the disclosure, make detailed relevant notes about any signs, disclosures, injuries, and behaviours that caused you to be concerned for the student's safety or wellbeing.

Any response must be focused on the best interests of the student. As such, the immediate support needs of a student are the priority and staff members must act promptly to raise the concerns with the Principal.

5.1.1 Where a student makes a disclosure in front of other students

It is unpredictable when and to whom a student may make a disclosure. Engaging students in discussions about safety may lead to an increased rate of disclosures. It is important to recognise and respect the significance of disclosures, however, it is not safe or appropriate in a class group to allow a student to disclose harm due to child abuse or neglect or to discuss alleged staff inappropriate behaviour (SIB) because of the possible effect the student's disclosure could have on the student themselves as well as any other students present.

'Protective interrupting' is a useful strategy to prevent a student from disclosing confidential or distressing information in front of other students. This requires careful handling to ensure that the student does not think you are not interested or will not believe them. If a student begins to disclose in a class or group, you should say something like, 'What you're about to talk about sounds important and I'm very interested to hear what you have to say. Can we talk about this at the end of class?'. Ensure you arrange to speak with the student as soon as possible.

5.2 Barriers to disclosing

There are multiple barriers to when, how and if students disclose that they have experienced abuse. Disclosure can occur while the abuse is occurring, immediately after the abuse has ended or years later. The delays in disclosing include:

1	Children and young people believing that disclosing would result in negative consequences for themselves and/or another person that they love.
2	Feelings of shame or embarrassment.
3	Uncertainty about what is abusive, the child or young person does not have a reference point for what is normal and what is abuse.
4	For students with disabilities, the ability to communicate their concerns and experiences.
5	Fear of not being believed.
6	Fear of retribution.
7	Cultural considerations impact on a child's disclosure.
8	Pressure or threats from the perpetrator.
9	For males there can be fear of being stigmatized, being labelled a victim or homosexual, or the myth that victim survivors become perpetrators themselves.
10	Uncertainty about who to talk to and how to disclose.

In addition, staff can experience the following barriers to disclosing information about alleged staff inappropriate behaviour (SIB) or abuse[2]:

- a culture in a school where policies and codes of conduct are ignored, not implemented, or not seen as important
- inadequate avenues for disclosure or poor responses in the past to abuse related behaviours, including bullying
- inadequate recordkeeping and information sharing
- a culture that prioritises reputation, prestige, or loyalty to the school above the individual
- strong personal relationships between adults within the school, or conflicts of interest for individuals in schools.

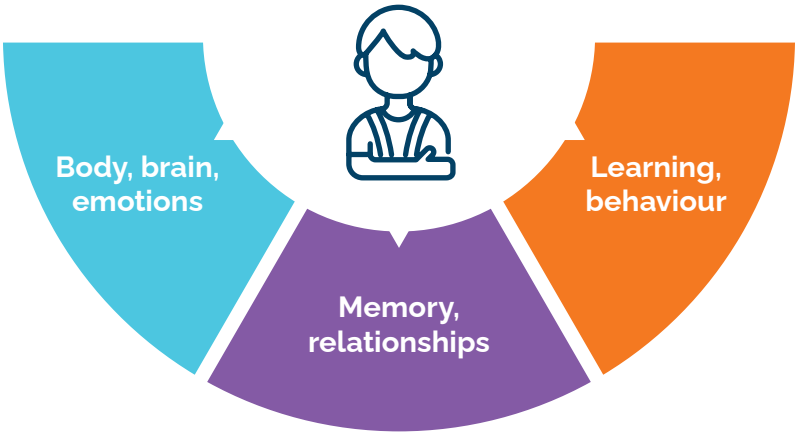
2 The Royal Commission into Institutional Responses to Child Sexual Abuse. (2017). Final report: Identifying and disclosing child sexual abuse. Volume 4. Commonwealth of Australia. https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_4_identifying_and_disclosing_child_sexual_abuse.pdf

5.3 Trauma informed care

Trauma can result from one off events, or a series or set of circumstances experienced by the person as physically or emotionally harmful or life threatening, that has lasting adverse effects on the person's functioning and mental, physical, social, emotional, or spiritual wellbeing[3]. Students who have experienced abuse and harm, irrespective of the cause can experience trauma. This can manifest in trauma-based behaviour, which is behaviour that has enabled the student to survive the threat and danger that they experienced. However, in the context of the school this behaviour may come across as inappropriate. This behaviour can also be called pain-based behaviour.

- Children and young people who have experienced trauma often have little space left for learning as they struggle with concentration, attention, retention, and recollection of new information (The Australian Childhood Foundation, 2010).
- There are different types of trauma, simple trauma, complex and developmental trauma.
- Trauma can impact every aspect of the child's development and wellbeing; these are all interconnected, and one element impacts the rest.

Diagram 3: Impacts of trauma on a child and young person



Trauma aware education is a way of thinking, understanding, believing, and acting so that the harm that complex trauma exerts on the functioning of students is minimised or alleviated, leading to improved (education and life) outcomes not only for these students, but also for their classmates and those adults working hard to deliver inclusive education programs (Howard, 2021).

Research demonstrates that students who have lived through trauma can develop resilience when they have access to one or more safe and positive relationships with adults who are available and caring. This then impacts on their resilience and therefore their capacity to learn (Howard, 2018).

Trauma informed care is underpinned by six key principles.

Diagram 4: Trauma informed care principles

3 Wall, L., Higgins, D. & Hunter, C. (2016). Trauma-informed care in child/family welfare services. Child Family Community Australia, Paper 37.
Howard, J. A. (2018). A systemic framework for trauma-aware schooling in Queensland. Research report for the Queensland Department of Education. Unpublished report. QUT.
Howard, J. A. (2021). National guidelines for trauma-aware education. QUT and Australian Childhood Foundation. https://eprints.qut.edu.au/207800/

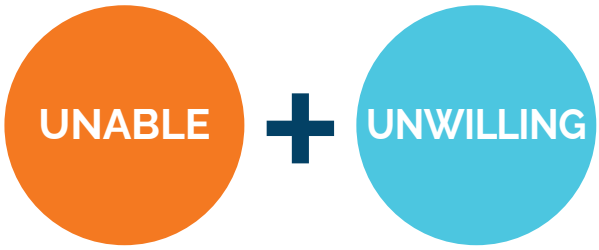
6 Considering whether there may be a parent able and willing to protect a child

Where there is no parent able and willing to protect a child from significant harm, then the Department responsible for Child Safety intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported to the Department responsible for Child Safety.

A parent must be able AND willing to protect the child from significant harm.

In some cases, a parent may be willing to **protect their child from significant harm, but they may not be able to do so,** for example, the parent may be suffering from a severe mental health condition, physical illness, or injury; or where existing court orders precludes the parent from taking protective action.

A parent may be able but not willing to protect their child, for example, where the parent continues in a relationship with a person who is sexually abusing their child and does not cease contact with the abusive person.



In some circumstances, **a parent may be both unable AND unwilling** to protect their child from significant harm. An example of this is a parent who has significant substance misuse issues and continues a relationship with someone who sexually abuses or is violent to their child.

In some cases, parents will seek to minimise or reduce the significance of harm suffered by a child (or that the child is at risk of suffering), and this may indicate the parent may not be able and willing to protect the child from harm. For example, this includes a parent minimising serious self-harming behaviours exhibited by their child or failing to recognise the serious and/or long term impacts of a child's medical needs or significant developmental delays.

Forming a reasonable suspicion around whether a parent may be able and willing is based on a number of factors, including:

- the observations and knowledge the Principal and staff members may have of the family circumstances
- disclosures made by a child
- information provided by another person.

A staff member is not expected to investigate to ascertain if a parent is able and willing to act protectively, rather must act on the information available to them. Staff members may confer with colleagues to assist in their decision making.

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

7 Confidentiality, recordkeeping, and information sharing

It is essential that student protection processes are managed in a confidential manner that both preserves the dignity and privacy of all affected parties and ensures that any investigative process is not impaired.

The management of any student protection concern should be well-documented, with clear records of any disclosures made by a student and any actions taken by the school. All information relating to a student protection concern, including notes, reports and other documents must be stored securely and confidentially in the SPCMS.

7.1 Will a student's family know I have made a report?

A person who notifies the Department responsible for Child Safety around a suspicion that a child has been or is likely to be harmed (known as the "notifier") cannot be identified unless certain exceptions apply.

Where a State Authority Report results in a criminal court proceeding, the report may form part of the prosecution's evidence, therefore the staff member who made the report may be required to give evidence. Consequently, State Authority Reports must be completed in an impartial, accurate and factual manner.

7.2 Information sharing

Within the school, information should not be shared around student protection matters with other staff members unless for a specific purpose under these processes, for example conferring with the Principal to determine whether a matter constitutes a reasonable suspicion of abuse or harm. Information may also be provided to staff members as part of ongoing support or risk management processes for a student.

There are a number of circumstances where a school Principal may be asked to share information, or be required to do so in order to support a student and their family:

- under Part 4 of the *Child Protection Act 1999*, the Department of Child Safety may request information around a student who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual
- a Principal, as a 'particular prescribed entity' under the *Child Protection Act 1999* may share information with certain service providers in order to obtain support for a student and their family. As best practice, any referral for support should be with the knowledge and consent of a student's parents or carers, however, a Principal may refer to service providers such as Family and Child Connect or Intensive Family Support Services without the prior consent of a parent or carer. These services will then seek the consent of the parent to engage them in providing support
- police may seek information from a Principal in relation to a law enforcement activity, for example in the investigation of a criminal offence, or in attempting to locate a missing child. Again, the Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

8 Support and referral services

When students and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department responsible for Child Safety or the Queensland Police Service (QPS). Where a concern is identified that does not meet the threshold for a report to Department of Child Safety or the QPS, or indeed where the outcome of a report is that no intervention by the authorities will occur, the Principal should consider any referral to appropriate support services.

Information around making a referral to these services can be found via the Department responsible for Child Safety website. Particular information around information sharing provisions for Principals are detailed in section 7 of these guidelines. The Queensland Family and Child Commission's One Place website provides useful information about local services.

There are a number of options to support students at risk within the school environment in addition to any external referral. This may be facilitated through the SPC at the school.

9 Understanding staff inappropriate behaviour (SIB)

9.1 Professional boundaries

For the purposes of these processes, staff inappropriate behaviour (SIB) includes (though is not limited to) any behaviour, including words, towards a student that is contrary to what is required of staff members under the Catholic Education Archdiocese of Brisbane Code of Conduct.

Inappropriate behaviour by a staff member towards a student can by described in terms of violations of professional boundaries. These boundaries can be described as follows:

Physical Boundaries	Exist to protect the body. Physical boundaries define appropriate physical contact between staff members and students in appropriate circumstances whilst respecting and responding to the physical needs of students.
Emotional Boundaries	Exist to protect feelings. Emotional boundaries determine the nature of appropriate professional relationships between staff members and students in the context of respecting the emotional needs and wellbeing of students.
Behavioural Boundaries	Exist to protect actions. Behavioural boundaries determine the appropriate behaviours expected of a staff member towards students, including respecting the rules of Brisbane Catholic Education or the School.

9.2 Examples of boundary violations

Also refer to **Professional Boundaries: A Guideline for Queensland Teachers** as published by the QCT.

Diagram 5: Examples of boundary violations

Physical Boundary Violations	Using force to manage or direct a student's behaviour: • pushing • pulling • grabbing • poking • shoving • throwing. Using force to correct or punish a student: • hitting/hitting with an object • punching • kicking • pinching • shaking. Using physical force to ensure a child cooperates. Holding or restraining a child (unless in imminent danger of harm). Refusing biological necessities (disregarding or refusing a student's reasonable request to access food, drink or use a toilet). Inappropriately touching or massaging a student (patting a student on his/her bottom, stroking a student's hair). Applying painful or noxious conditions to a student (exposing a student to protracted physical management techniques such as standing still for an unreasonable length of time, making a student pick up rubbish or reach into a bin without protective gear e.g. gloves. Unnecessary or unwanted physical contact.
Emotional Boundary Violations	Shaming, embarrassing, or humiliating a student: • teasing • using sarcasm • belittling • making derogatory remarks. Using unprofessional criticism: • comments that target the student rather than the behaviour. Making overly familiar or personal commentary about a student's: • physical appearance • family. Using intimidating behaviours: • shouting at or in the presence of a student • use of threats or fear.

Behavioural Boundary Violations	Having inappropriate interactions with a student through: • inappropriate use of social media in relation to a student • personal email, texts, phone calls or other forms of personal communication with a student • gift giving or showing special favours • sharing secrets with a student • disclosing inappropriate personal information to a student • inappropriate questioning of a student about personal and private matters • overly familiar social interactions with students including in staff offices or classrooms • providing personal mobile or home telephone numbers to students • engaging in social activities with students (where there is no declared personal relationship) outside school • driving students without appropriate authority • visiting students at home without appropriate authority. Using unprofessional language: • swearing at or in the presence of a student • making inappropriate comments to or in the presence of a student. Failing to follow a school's student behaviour support policy and procedures: • using unreasonable, unfair and/or unjust disciplinary measures • imposing manifestly unreasonable expectations or excessive demands on a student • using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment. Using a personal device or private email address to contact a student (unless there is an appropriate authority). Photographing a student other than for an appropriate professional reason. Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs). Exposing students to material that contains adult content or themes that are offensive or inappropriate.

9.3 The importance of reporting alleged staff inappropriate behaviour (SIB)

Students see staff as role models and learn what is acceptable and not acceptable behaviour by watching how staff interact with them and other adults. To assist in being a positive role model for students, the Code of Conduct sets out the expected standards of professional behaviours by staff and identifies boundaries that must be maintained between staff and students.

Reporting alleged inappropriate behaviour by a staff member:

- fulfills BCE's commitment to a safeguarding culture that promotes the wellbeing of students placing their interests and wellbeing at the center to create child safe school environments
- allows for early intervention and provides support and guidance to staff about professional boundaries and expectations
- reduces the vulnerability of the student by empowering them to identify and/or express behaviour that makes them feel uncomfortable
- sends a clear message to students that their concerns have been heard and staff are prioritising their safety and wellbeing.

10 National response protocol

The Catholic Church has established a National Response Protocol to provide a framework for Church entities to offer a consistent response to children and adults who have been subjected to child abuse by Church personnel. Church personnel include clerics and religious, employees and volunteer currently or previously associated with a Church Authority or entity.

Queensland specific mandatory reporting requirements, as set out in the Student Protection Processes for Queensland Catholic School Authorities, will apply to Catholic School Authorities prior to the National Response Protocol.

If an individual seeks information concerning the National Response Protocol, a referral should be made to the Queensland Catholic Church Professional Standards Office at:

Phone	(07) 3324 3070
Toll Free	1800 337 928
Email	psoqld@catholic.net.au
Post	PO Box 3264, Brisbane QLD 4001

11 Historical allegations

11.1 Allegation of historical sexual abuse

When an adult who is a staff member gains information that causes them to believe on reasonable grounds that a child sexual offence has been committed against a former student the staff member must report the information to the Principal (if in a school) or Line Manager if in a BCE office, who in turn must report the information to the Head of People & Culture.

In addition, the staff member must disclose the information to a police officer as soon as reasonably practicable after forming the belief unless they have a reasonable excuse. For the purposes of reporting, staff can access a Report to Queensland Police Service under the Criminal Code Act.

A reasonable excuse may include:

- that the person believes on reasonable grounds that the information has already been disclosed to a police officer
- the person gains the information after the child (alleged victim) becomes an adult and they reasonably believe the alleged victim does not want the information to be disclosed to police
- the person reasonably believes that disclosing the information to a police officer would endanger the safety of them or another person and failing to disclose is a reasonable response in the circumstances.

The Head of People & Culture or their delegate will report historical allegations of sexual abuse of past students of schools administered by Brisbane Catholic Education to the Queensland Police Service (QPS), unless the alleged victim or their legal representative have advised in writing that they do not want the police advised. The Head of People & Culture or their delegate will advise Brisbane Catholic Education Legal Counsel of steps taken to address a matter of historical abuse. Legal Counsel will inform the Executive Director – Legal Governance and Risk, Archdiocese of Brisbane of the allegation and the action taken by BCE.

Where the person against whom an allegation is made is a current employee of Brisbane Catholic Education, the Head of People & Culture (or their delegate) will carry out a risk assessment, and a recommendation will be made to the Executive Director in relation to the staff member's employment status. Brisbane Catholic Education will work closely with the QPS and if and when their investigation is concluded, conduct any required investigation in accordance with The National Response Protocol and relevant Brisbane Catholic Education processes.

Where the person against whom the allegation is made is no longer an employee of Brisbane Catholic Education, the Head of People and Culture will advise Brisbane Catholic Education Legal Counsel, who will advise the Executive Director – Legal Governance and Risk, Archdiocese of Brisbane of the matter.

11.2 Allegation of non-sexual historical abuse

In relation to historical complaints of physical or psychological abuse, where the person against whom the allegation has been made is a current employee of BCE, the matter will be addressed by BCE. If the person is no longer an employee of BCE, the matter will be referred by the Head of People and Culture to the Executive Director – Legal Governance and Risk, Archdiocese of Brisbane.

Where the person against whom the allegation is made is at the time the allegation is made, or was at the time of the alleged behaviour, a cleric or member of a religious order, the Head of People and Culture will inform the Executive Director – Legal Governance and Risk, Archdiocese of Brisbane of the allegation. The Head of People & Culture will also ensure that the relevant church authority is informed without delay and this action is documented.

12 Selection of Student Protection Contacts

Principals must give serious consideration as to who is selected as a Student Protection Contact (SPC) in the school. While there is a requirement to have at least two SPCs, it may be appropriate to nominate more than two in larger schools such as P–12 Colleges, considering the age and diversity of students.

In the general selection of a staff member for this role some other considerations to be taken into account include:

- the staff member's personal attitudes, experiences, and beliefs, for example:
  - someone who is non-judgemental and with the capacity to be objective when managing sensitive issues
  - someone who is calm and resilient
  - someone who demonstrates a high degree of integrity, discretion, and respect for confidentiality.
- the staff member's role within the school, for example:
  - someone whose role reflects professional standing, seniority, and experience in working with complex student and family issues
  - the person's preparedness to assume the responsibilities of the role in addition to their other duties
  - someone whose role enables them to be readily available and accessible.
- the staff member's personal profile within the school, for example:
  - approachability
  - someone whom students trust
  - someone whom staff trust
  - someone willing and able to respond personally and sensitively.

Reminder: It is important to note that unfortunately many of the positive characteristics mentioned above are also evident in the 'grooming' behaviours used by child sex offenders towards children, families, colleagues, and an organisation. The potential for this dynamic to exist necessitates caution when assessing an employee's profile within the school community and makes it important not to rely solely on one measure of suitability.

Additionally, the following should be considered with regard to the selection of a SPC:

- willingness and capacity to work in a proactive partnership with the Principal and any other SPC at the school
- gender balance
- willingness and ability to make effective and objective student protection records and reports
- willingness and ability to attend student protection professional learning opportunities when offered.

13 Legal guidelines

The following are general guidelines only. Should other issues arise in relation to specific cases it is recommended that further legal advice be sought. BCE Legal Counsel within Employee Services may be of assistance.

- In reporting cases of abuse/neglect or an unacceptable risk of abuse/neglect to a student, school staff reporting to a relevant State Authority are not required to prove the case; they need only report on their reasonable suspicion and their reasons for it.
- School staff should be very careful to report only to the people or authorities that are mentioned within this document.
- The matter must remain highly confidential and should never become a topic of gossip and should never be spoken about freely with others.
- If a restricted and confidential Record of Concern (ROC) or State Authority Report is inappropriately communicated to others, an action for damages for defamation could be taken or a complaint may be made to the Office of the Australian Information Commissioner in relation to a breach of the student's privacy.
- Staff are permitted under privacy legislation to disclose personal information about a student when making State Authority Reports to the Queensland Police Service (QPS) or the Department responsible for Child Safety, or where the staff member reasonably believes that the disclosure is necessary to prevent threats to life or health.
- The identity of individuals who report their concerns about a child to the Department responsible for Child Safety is confidential. Persons are protected from civil liability (meaning that the person is protected from legal action taken against him/her) where the person has acted honestly and reasonably in giving information about alleged harm or risk of harm under the *Child Protection Act 1999* (s197A) and s 366 (5) & (6) and s366A (7) & (8) of the *Education (General Provisions) Act 2006*. However, in some cases staff members may be subpoenaed to attend court as a witness. In this instance, the identity of the individual cannot be kept confidential. BCE Legal Counsel (Employee Services) can be of assistance to a staff member who is subpoenaed to attend court.
- In the unlikely event of civil action being brought against a staff member as a consequence of reporting, BCE, through the terms and conditions of its insurer's policy, will indemnify (i.e., accept responsibility to defend or settle claims) those staff who have acted conscientiously within the scope of their professional duties.

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