

# Student Protection Processes for Townsville Catholic Education

September 2018



# Contents

1.	Our responsibilities .....	5
2.	Reporting Processes.....	5
2.1	Conferral with colleagues and accessing support.....	6
2.2	Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service ...	6
2.3	Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm .....	7
2.4	Requirement to respond to harm or allegations of harm to students .....	8
	2.4.1 Harm or risk of harm to a student caused by self-harm.....	9
	2.4.2 Harm or risk of harm to a student caused by another student.....	9
	2.4.3 Responding to student sexual behaviour .....	9
	2.4.4 Harm or risk of harm to a student caused by a person not associated with the school or family .....	10
2.5	Responding to concerns that do not meet the threshold for reporting.....	10
2.6	Responding to allegations against staff members, including the Principal, and volunteers .....	10
	2.6.1 Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer. 10	
	2.6.1.1 Processes for dealing with allegations against principals, staff members or volunteers subsequent to a report made to the Queensland Police Service .....	10
	2.6.2 Allegations of sexual abuse or likely sexual abuse against a Principal .....	13
	2.6.3 Allegations of harm against a staff member or volunteer .....	13
	2.6.4 Allegations of harm against a Principal .....	13
	2.6.5 Allegations of inappropriate behaviour against a staff member or volunteer .....	14
	2.6.6 Allegations of inappropriate behaviour against a Principal .....	15
	2.6.7 Management of and response to Inappropriate behaviours .....	15
3.	After the report is made .....	20
4.	Advising parents.....	21
	Appendix A: Safe Persons Poster.....	29

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
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## Preface

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

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

## Effective Date

These processes are effective from 20 September 2018.

## Review Schedule

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

## The Governing Body

The Governing Body is the Roman Catholic Trust Corporation of Townsville for the Diocese of Townsville.

The Director/s of the Governing Body for the Townsville Catholic Education is/are the Bishop or the Diocesan Administrator of the Roman Catholic Diocese of Townsville (as Chairman of the Committee of the Roman Catholic Trust Corporation for the Diocese of Townsville) and the other members of the Committee of the Roman Catholic Trust Corporation of Townsville.

## Delegation

Pursuant to s 366B of the *Education (General Provisions) Act 2006*, the Director of the Roman Catholic Trust Corporation of Townsville has delegated to the person performing the duties of the Executive Director, Townsville Catholic Education obligations under s366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

## Student Protection Contacts, known as Safe Persons

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (Regulation 16(3)), all Townsville Catholic Education schools at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate.

All Townsville Catholic Education schools are required to display a Safe Persons poster in all classrooms and prominent locations around their respective schools. The Safe Persons poster (attached as [Appendix A](#)) includes both the names and photos of the Safe Persons.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

All schools are required to update this poster in January each year, ready for the commencement of each school year. They are also required to update this document to ensure any changes are made and the latest version is uploaded to their public website. The names of these Safe Persons are made known to staff, students and parents. The Safe Persons at St Mary's Catholic School are:

Krystal Land	Prep Classroom Teacher
Suzette Windridge	Year 1/2 Classroom Teacher
Colette Williams	Principal

## Complaints Procedure

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

## Awareness and Implementation

If staff members, parents or students require further information in relation to any of the processes described in this document and/or other student protection compliance requirements, advice should be obtained from the Principal, the school's Safe Persons or Townsville Catholic Education Office.

The Roman Catholic Trust Corporation of Townsville is responsible for ensuring that:

- this document is freely available to staff members, students and parents;
- staff members, students and parents are made aware of the student protection processes;
- staff are trained in implementing the processes; and
- the processes are being implemented within the school.

This is achieved by:

- *This document is available on the Townsville Catholic Education Website, accessible to staff members, student and parents;*
- *It is available via a hard copy located in all school offices and each Safe Person has their own copy;*
- *Promotion of these resources are made via school newsletters, Townsville Catholic Education term newsletter, social media and during information sessions for staff, students and parents;*
- *Staff members are made aware of the student protection processes through staff induction and their initial face to face mandatory Student Protection training, as well as annual refresher courses and other student protection related professional developments sessions throughout the year;*
- *Students and parents are made aware of the student protection processes through newsletters and parent information sessions;*
- *New staff undertake a three hour face to face intensive training regarding student protection processes, policy and expectations;*
- *Ongoing staff undertake a minimum of an annual refresher course that is completed online with a short assessment to ensure that the concepts are understood;*
- *Staff also participate in various student protection in-services held at their schools and at the Townsville Catholic Education Office as available;*
- *The processes are implemented within schools by way of staff meetings and annual monitoring by the student protection officer.*

This document should be read in conjunction with the [Student Protection Guidelines for Townsville Catholic Education](#).

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

# 1. Our responsibilities

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

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

These processes apply to all staff members employed by Townsville Catholic Education.

# 2. Reporting Processes

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

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

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

Version Number:	1.2	Author:	Katherine Olsen
Date:	20/09/2018	Document Owner:	Townsville Catholic Education

## 2.1 Conferral with colleagues and accessing support

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

Staff members may confer with colleagues, for example the Principal or Student Protection Contacts, in order to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a student concern.

Confidentiality is an important element of conferral processes, where information sharing should be limited to appropriate persons and to the extent necessary to respond to the safety and well-being of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines contain further detail around [confidentiality and information sharing](#).

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

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

In addition to conferring with colleagues, a number of practical tools and resources exist to support staff members in their decision making, including the [Queensland Child Protection Guide](#) – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to Department of Child Safety, Youth and Women (Child Safety) or other service providers in a timely manner.

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

Staff members can also access professional standards resources on the Townsville Catholic Education Office website or the Townsville Catholic Education Office intranet site.

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

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

Where the first person is the Principal of the School, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and to the Executive Director, Townsville Catholic Education using the Student Protection Reporting form. See [Flowchart 2](#).

Where the reasonable suspicion of [sexual abuse](#) or [likely sexual abuse](#) is against the **Principal**, the Student Protection Reporting form must be submitted by the first person to the Executive Director, Townsville

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education



Catholic Education, who must immediately forward a copy of the Student Protection Reporting form to the Queensland Police Service.

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

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

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

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

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

### Mandatory reporting responsibilities for approved teachers

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

A reportable suspicion is a [reasonable suspicion](#):

- that a child has suffered, is suffering, or is at an [unacceptable risk](#) of suffering, [significant harm](#) caused by [physical abuse](#) or [sexual abuse](#); and
- there may not be a [parent able and willing to protect](#) the child from the harm.

A teacher fulfils this mandatory reporting obligation by:

- Making a written report using the Student Protection Reporting Form to their Principal of the reportable suspicion (or if the allegation is against the Principal to the Executive Director, Townsville Catholic Education and as a matter of urgency receiving written confirmation from the Principal or the Executive Director, Townsville Catholic Education of the date and time that the report was submitted to the Department of Child Safety, Youth and Women; or
- Making a report directly to the Department of Child Safety, Youth and Women via the [online reporting form](#).

When the Principal or the Executive Director, Townsville Catholic Education receives a report, where a teacher has formed a 'reportable suspicion', they **must**, as a matter of urgency, forward the report to the Department of Child Safety, Youth and Women.

Where a Principal themselves forms a 'reportable suspicion', they must make a report directly to the Department of Child Safety, Youth and Women.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

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

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

Again, the *Child Protection Act 1999* limits the mandatory reporting of reportable suspicions to those formed in the course of the teacher's engagement at the school. However, it is the policy of Townsville 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 of Child Safety, Youth and Women, in accordance with these processes.

Where a [staff member](#) reasonably suspects a student has suffered, is suffering or is at [unacceptable risk](#) of suffering [significant harm](#), due to [sexual](#), [physical](#), [emotional/psychological abuse](#) or [neglect](#) and may not have a [parent able and willing](#) to protect the student from the harm, then the staff member must make a written report of the concerns to the Principal using the Student Protection Reporting form, who in turn must immediately forward the Student Protection Reporting form to the Department of Child Safety, Youth and Women - Regional Intake Service. See [Flowchart 3](#).

Where the allegation is against the **Principal**, the staff member must submit the Student Protection Reporting form to the Executive Director, Townsville Catholic Education, who in turn must immediately forward the Student Protection Reporting form to the Department of Child Safety, Youth and Women - Regional Intake Service.

The Principal or Director of the Governing Body or delegate must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department of Child Safety, Youth and Women. This advice should be in writing where possible.

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

Copies of all Student Protection Reporting forms are submitted to the Townsville Catholic Education Office.

## 2.4 Requirement to respond to harm or allegations of harm to students

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education



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

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

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

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

#### 2.4.2 Harm or risk of harm to a student caused by another student

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

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

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

Allegations of bullying behaviours, including online behaviours, are managed in accordance with St Mary's Catholic School and Catholic Education bullying procedures.

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

#### 2.4.3 Responding to student sexual behaviour

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

Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. In these circumstances, a report to the Queensland Police

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

Service is required as outlined in [section 2.2](#) and an assessment of the requirement to report made under [section 2.3](#) is also required.

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

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

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

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

### **2.5 Responding to concerns that do not meet the threshold for reporting**

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

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

The Student Protection Guidelines provide detail around the options that are available to [support students and families](#).

### **2.6 Responding to allegations against staff members, including the Principal, and volunteers**

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

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

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

#### **2.6.1 Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer**

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

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed.

##### **2.6.1.1 Processes for dealing with allegations against principals, staff members or volunteers subsequent to a report made to the Queensland Police Service**

Townsville Catholic Education processes for dealing with allegations against principals, staff members or volunteers once a report has been made to the Queensland Police Service are as follows:

Processes for risk management and support- When allegations of sexual abuse are about a principal or staff member, overall case management will be provided by either the Senior Catholic Education Social Worker (Student Protection) or an Education Consultant, working in association with the Principal, or Executive

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

Director of Catholic Education (where the allegation is against the Principal). It is important for the case manager to establish communication with the investigating officer within Queensland Police Service (CPIU) so that information may be shared as appropriate and in accordance with relevant legislative requirements. Education Consultants within Townsville Catholic Education Office are also available to provide assistance and support to staff in managing what can be complex issues.

In the case of a principal or staff member being the subject of the report, he/she will be reminded that he/she may access the confidential counselling services available through the Employee Assistance Program.

Pastoral care and support will be offered to the student and his/her family, to the principal or staff member against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice will be sought from Townsville Catholic Education Office Senior Catholic Education Social Worker about appropriate support for the student and his/her family.

After discussions with police and upon their advice, the Executive Director of Catholic Education or delegate will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter, that a report has been made in relation to sexual abuse of the student by a staff member or volunteer.

On receiving a copy of a mandatory report in which the suspected sexual abuse is by a registered teacher, the Executive Director of Catholic Education (or delegate) will without delay make a written notification of this to the Queensland College of Teachers.

Where the principal or staff member concerned is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of Office of Professional Standards Qld (Towards Healing) will be informed as soon as possible.

The Director – Organisational Services and Capability will also ensure that the relevant church authority is also informed without delay and this action documented.

Considerations around standing down principals or staff members - Following the provision of a mandatory report to police, an investigation into the suspected sexual abuse must not be conducted by or on behalf of Townsville Catholic Education pending the result of police inquiries. However, the Executive Director of Catholic Education will take immediate steps to ensure that a risk assessment is undertaken to determine whether the principal or staff member subject to the allegations should continue to be allowed to work in the school.

As a result of the risk assessment, and following consultation with police, the principal or staff member may be stood down from his/her duties, or have his/her duties restricted.

If as the result of a risk assessment it is decided by the Executive Director of Catholic Education the principal or staff member should be stood down from his/her duties, or have them restricted, the police should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

Processes for liaising with Queensland Police around investigation outcomes - It is important for the case manager to establish communication with the investigating officer within Queensland Police Service (CPIU) so that information may be shared as appropriate.

After a matter relating to the behaviour of a principal or staff member is reported to the Queensland Police Service there can be one of two outcomes.

These can be summarised as follows:

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

- Conviction of a criminal offence; or
- No conviction. (Queensland Police Service may decide not to investigate, to discontinue an investigation or not to lay a charge following an investigation, a prosecution may not go ahead following a charge having been laid, or a matter may go to court but not result in a conviction).

In addition to the scenarios set out above, Townsville Catholic Education may become aware that a principal or staff member has been under investigation or has been prosecuted for an offence against a student in circumstances where a student protection report has not been made by a Townsville Catholic Education staff member.

The procedure below will be followed for the scenarios set out above.

### **CONVICTION**

If a current principal or staff member is convicted in a court of law for an offence against a student that is deemed to be an act of serious professional misconduct, then the Executive Director will proceed to dismiss the principal or staff member. The Executive Director (or delegate) will document the outcome of the court proceedings in the formal communication regarding the termination of the principal or staff member employment.

If the principal or staff member who is convicted is a teacher, the Executive Director or delegate will inform the Queensland College of Teachers in writing of the conviction.

If the conviction is for a charge that is deemed to be less than serious misconduct but is contrary to the Townsville Catholic Education Code of Conduct, then the Executive Director will proceed to take disciplinary action against the principal or staff member.

The pastoral care of student/s and staff involved will be monitored and support offered.

### **NO CONVICTION**

The failure of a court to record a conviction against the principal or staff member against whom a charge has been laid or a decision by the Queensland Police Service not to charge or prosecute, does not necessarily mean that the allegation was unwarranted and that the principal or staff member has no case to answer as a principal or staff member within a Catholic school.

The fact that a principal or staff member has been found 'not guilty' of an offence does not automatically mean that a matter has been closed. The standard of proof required for disciplinary action within the employer-employee relationship is 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'.

In addition, a serious breach of the Townsville Catholic Education Code of Conduct may not be a criminal offence. For this reason, the matter concerned must still be appropriately dealt with by Townsville Catholic Education as a disciplinary matter and Townsville Catholic Education may proceed with conducting their own internal investigation.

However, it may be the determination of the Executive Director or delegate to discontinue the investigation process.

A Level 2 Intervention process, as detailed in section 2.6.7, will be implemented in the situation where the outcome of a mandatory Student Protection Report to either the Queensland Police Service or the Department of Child Safety, Youth and Women in relation to a staff member is finalised by the relevant State authority with no further investigation or action being taken on their part.

When Townsville Catholic Education becomes aware that a Queensland Police Service investigation or prosecution will not proceed, that a person has not been found guilty of an offence with which they have

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

been charged or that a conviction has not been recorded, a risk assessment will be carried out by the Director – Organisational Services and Capability or delegate and a recommendation will be made to the Executive Director in relation to the principal or staff members' employment.

Documents on the public record as a result of court proceedings, and/or materials made available as a result of a Queensland Police Service investigation may be considered as part of any investigation conducted by or on behalf of Townsville Catholic Education.

Where the matter involves a volunteer or an employee who is not a staff member of Townsville Catholic Education, action will be taken, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document as they apply to an employee of Townsville Catholic Education.

If the employee is not a staff member of Townsville Catholic Education, the appropriate steps in this regard will be taken by the Executive Director of Townsville Catholic Education (or delegate) in association with that person's employer.

### 2.6.2 Allegations of sexual abuse or likely sexual abuse against a Principal

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

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed and the report from the staff member must be made to the Executive Director of Townsville Catholic Education, not the Principal.

The processes detailed in section 2.6.1.1 must then be followed.

#### **IMPORTANT NOTE: Sexual Activity between staff members and students**

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

### 2.6.3 Allegations of harm against a staff member or volunteer

A staff member may form a reasonable suspicion that a staff member or volunteer has harmed a student. In these circumstances, follow process detailed in Section 2.3 when there is no parent willing and able to protect the student. In these circumstances, staff should use the Student Protection Reporting Form and follow the processes outlined in Section 2.3. This form is completed by the first person, that is, the person who first became aware of the allegations of harm. This form is submitted to the Principal and they must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department of, Child Safety, Youth and Women. This advice should be in writing where possible.

Where there is a parent willing and able to protect the student, these allegations are reported to the Principal using the Inappropriate Behaviour Staff Reporting Form and dealt with in accordance with Level 2 processes detailed in Section 2.6.7.

Depending on the seriousness of the allegations, this matter may also be referred to Queensland Police Service.

### 2.6.4 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, follow process detailed in Section 2.3 when there is no parent willing and able to protect the student. In these circumstances, staff should use the Student Protection Reporting Form and follow the

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

processes outlined in Section 2.3. This form is completed by the first person, that is, the person who first became aware of the allegations of harm. This form is submitted to the Executive Director or delegate.

The Executive Director or delegate must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department of Child Safety, Youth and Women. This advice should be in writing where possible.

Where there is a parent willing and able to protect the student, these allegations are reported to the Director, Organisational Services and Capability using the Inappropriate Behaviour Staff Reporting Form and dealt with in accordance with Level 2 processes detailed in Section 2.6.7.

Depending on the seriousness of the allegations, this matter may also be referred to Queensland Police Service.

#### **2.6.5 Allegations of inappropriate behaviour against a staff member or volunteer**

**A staff member may form a reasonable suspicion that a staff member or volunteer has behaved inappropriately towards a student. In these circumstances, follow process detailed in below.**

A staff member who

- reasonably suspects inappropriate behaviour by another staff member or volunteer towards a student, which does NOT involve sexual abuse, harm or likely harm, OR
- becomes aware of a complaint or allegation in relation to behaviour by a staff member or volunteer towards a student that a student (or a student's parent) considers to be inappropriate, but which does NOT involve sexual abuse, harm / likely harm

is required to report this matter to the Principal or Safe Person.

The staff member who becomes aware of the inappropriate behaviour must provide a written or oral report to the Principal or the School Safe Person as soon as practicable. If an oral report is provided by the staff member in the first instance, a written report in the form of an Inappropriate Behaviour Staff Reporting Form must be provided by the reporting staff member to the Principal or School Safe Person as soon as practicable thereafter.

The **Inappropriate Behaviour Staff Reporting Form** must be signed by the Principal and immediately forwarded to the Director – Organisational Services and Capability or delegate and Education Consultant and the original kept on the confidential personnel file at the school. A copy of the Inappropriate Behaviour Reporting Form is also filed confidentially in the school's student protection file for accountability and compliance requirements as demonstration that the student protection reporting processes have been followed.

The Director – Organisational Services and Capability or delegate and Education Consultant will determine whether the allegation meets the Level 1 or Level 2 Inappropriate behaviour criteria as detailed in section 2.6.7.

The Director – Organisational Services and Capability or delegate and Education Consultant will assess, investigate and respond to the allegation in accordance with the processes detailed in section 2.6.7, in consultation with the Principal, Education Consultant and other staff members as appropriate.

When allegations of inappropriate behaviour are about a staff member or volunteer, overall case management will be provided by the Education Consultant or Senior Catholic Education Social Worker (Student Protection), working in association with the principal.

Where the inappropriate behaviour of the staff member or volunteer constitutes a crime, the matter must be reported to Police.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education



### 2.6.6 Allegations of inappropriate behaviour against a Principal

A staff member may form a reasonable suspicion that a Principal has behaved inappropriately towards a student. In these circumstances, follow process detailed in below.

A staff member who

- reasonably suspects inappropriate behaviour by a Principal towards a student, which does NOT involve sexual abuse, harm or likely harm, OR
- becomes aware of a complaint or allegation in relation to behaviour by a Principal towards a student that a student (or a student's parent) considers to be inappropriate, but which does NOT involve sexual abuse, harm / likely harm

is required to report this matter to the Education Consultant or Safe Person.

The staff member who reports the behaviour should complete the **Inappropriate Staff Behaviour Reporting form**.

The **Inappropriate Behaviour Staff Reporting Form** must be signed by the Education Consultant and immediately forwarded to The Director – Organisational Services and Capability and the original kept on the confidential personnel file at the school. A copy of the Inappropriate Behaviour Reporting Form is also filed confidentially in the school's student protection file for accountability and compliance requirements as demonstration that the student protection reporting processes have been followed.

The Director – Organisational Services and Capability or delegate and Education Consultant will determine whether the allegation meets the Level 1 or Level 2 Inappropriate behaviour criteria as detailed in section 2.6.7.

The Director – Organisational Services and Capability or Delegate will assess, investigate and respond to the allegation in accordance with the processes detailed in section 2.6.7, in consultation with the Education Consultant and other staff members as appropriate.

When allegations of inappropriate behaviour are about a Principal, overall case management will be provided by the Education Consultant, working in association with other senior staff as required.

Where the inappropriate behaviour of the Principal constitutes a crime, the matter must be reported to Police.

### 2.6.7 Management of and response to Inappropriate behaviours

Specific reporting processes regarding inappropriate behaviour by a Principal are outlined in **section 2.6.5**.

Specific reporting processes regarding inappropriate behaviour by a staff member or volunteer are outlined in Section **2.6.5**.

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

- a. Level 1 – Allegations of minor inappropriate behaviour
- b. Level 2 – Allegations of more complex or serious inappropriate behaviour

The Director – Organisational Services and Capability or delegate and Education Consultant will determine as quickly as possible the level of response required.

The fact that a complaint or allegation is not presented formally, or in writing, is not a valid reason to fail to follow the processes outlined below.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

### Investigation of Reports of Inappropriate behaviour

When an **Inappropriate Behaviour Staff Reporting Form** has been received, and the Director – Organisational Services and Capability or delegate and Education Consultant has determined whether the allegation meets the Level 1 or Level 2 Inappropriate behaviour criteria, they will then follow the relevant process below.

#### **LEVEL 1 INTERVENTION - SITUATIONS THAT CONSTITUTE MINOR INAPPROPRIATE BEHAVIOUR**

When a Level 1 report is determined, a Level 1 Intervention is carried out by the Principal (or the Director – Organisational Services and Capability or delegate and Education Consultant if the report is against the Principal).

A record of the actions taken and of the outcomes is documented using the **Level 1 Reporting Outcome form**.

This is provided to the Director – Organisational Services and Capability at the end of the intervention process.

If the report involves the Principal, the response is coordinated by the Director – Organisational Services and Capability or delegate and Education Consultant.

Level 1 interventions relate to allegations of minor inappropriate behaviour by a staff member towards a student. A typical incident covered by a Level 1 intervention could include a one-off allegation of inappropriate behaviour by a staff member, where there is no physical injury and there is no suggestion of sexual misconduct or criminal behaviour. A Level 1 intervention must **not** be undertaken if there is an allegation or reasonable suspicion of sexual abuse of a student or an allegation or reasonable suspicion of harm / likely harm. The appropriate interventions for such situations are covered in **Sections 2.6.1 to 2.6.4**.

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

A Level 1 intervention is carried out by the authority of the Education Consultant. A documented record of the process followed and of the outcomes is provided to the Executive Director, TCEO or delegate at the end of the intervention process.

The staff member, volunteer or Principal at whom the allegation is directed will be afforded the opportunity to respond to the allegations in writing. Allegations will be provided to the individual in writing and a specific timeframe for when they can respond to these will be clearly articulated.

The Education Consultant or Principal will complete a **Level 1 Reporting Outcome form** and provide this to the Director – Organisational Services and Capability when the matter has been dealt with. This may include recommendations for further actions.

At the conclusion of the intervention, the Director – Organisational Services and Capability will consider the information in the Level 1 Reporting outcome form.

The Level 1 reporting outcome form will indicate whether, from the intervention process, the allegation(s) are substantiated on the balance of probabilities and, where required, whether the TCEO Code of Conduct has been breached.

The Director – Organisational Services and Capability will receive and keep all documentation in a confidential file and inform the Executive Director.

The Director – Organisational Services and Capability (or delegate) is responsible for informing the Principal and relevant Education Consultant (if they are not the investigator) of the outcome of the intervention.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

The Director – Organisational Services and Capability (or delegate) advises the parent/carer of the student concerned of the outcome unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented.

The Director – Organisational Services and Capability (or delegate) is responsible through the Principal or Education Consultant for implementing appropriate support processes for students and staff to prevent further harm, enable students to feel emotionally and physically safe and repair relationships.

Allegations giving rise to a Level 1 intervention are generally resolved through informal resolution processes that are managed locally by the principal and/or Education Consultant and may include such responses as supervisory guidance and correction and in some cases mediation and/or conciliation.

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

- using unprofessional language or otherwise inappropriate comments to or in the presence of a student
- making disrespectful personal comments about a student and/or a student's family to or in the presence of a student
- shaming, humiliating or embarrassing a student
- pushing or grabbing a student (no injury) \*
- disclosing inappropriate personal information to a student
- inappropriate questioning of a student about personal and private matters
- unreasonable, unfair and/or unjust disciplinary measures
- failing to follow a school's behaviour support policy and procedures
- the imposition of manifestly unreasonable expectations
- exerting power over a student through the use of fear, threats, or unwarranted moral pressure
- repeated minor boundary violations where the staff member minimises the risk to students
- behaviour that places student/s at risk in situations that are avoidable

\* *Even minor assaults can be criminal offences. The management of these matters will depend on factors like the seriousness and circumstances of the allegation, the wishes of the parties involved, whether the police have become involved, and whether the employee has a previous history of similar conduct. If it is reasonably suspected that harm has been caused the principal or Education Consultant may report such a matter to the police.*

## **LEVEL 2 INTERVENTION - SITUATIONS THAT CONSTITUTE MORE COMPLEX OR SERIOUS INAPPROPRIATE BEHAVIOUR**

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

A Level 2 intervention is carried out under the authority of the Director – Organisational Services and Capability or delegate.

The matter is formally reported to the Executive Director, TCEO at the commencement and end of the intervention process.

A Level 2 intervention is initiated by the principal with the support of the Education Consultant formally notifying of the allegation to the Executive Director, TCEO.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

NOTE: If the Level 2 relates to a Principal as the person who the allegation is about then the intervention is initiated by the Director – Organisational Services and Capability or delegate and will involve the Education Consultant. The Executive Director will be kept informed as the process progresses.

Examples of more complex or serious inappropriate behaviour requiring Level 2 interventions include but are not restricted to:

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

\* *Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the police have become involved, and whether the employee has a previous history of similar conduct. If it is reasonably suspected that harm / likely harm has been caused the principal or Education Consultant may report such a matter to the police.*

#### Notifying the staff member

As soon as the Director – Organisational Services and Capability (or delegate) deems it to be appropriate to inform the staff member, a meeting will be held between the staff member and the Director – Organisational Services and Capability (or delegate). The staff member will be advised that he/she can have a support person at this meeting. At the meeting, the staff member will be informed that a report of inappropriate behaviour has been made against him/her, will be provided with the details of the reported inappropriate behaviour and advised that an investigation into the matter has been authorised.

The requirement for the staff member to observe confidentiality will also be advised.

The information communicated verbally at the meeting will also be provided in writing.

In circumstances where it is not possible to meet with the staff member, all required information will be advised in writing.

#### Processes for risk management and support

The staff member or volunteer will be reminded that he/she may access the confidential counselling services available through the Employee Assistance Program. He/she will also be given the details of a nominated person to contact who will be available to provide support regarding the processes being undertaken and to facilitate the accessing of other support.

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

On receiving a copy of the Inappropriate behaviour report, if the staff member is a registered teacher, the Executive Director of Catholic Education (or delegate) will without delay make a determination as to whether the behaviour constitutes written notification of such to the Queensland College of Teachers and if appropriate will do so without delay.

If the report concerns the behaviour of a staff member who is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Executive Director Catholic Education will inform the Director of Professional Standards as soon as possible.

#### Considerations around standing down staff members

The Executive Director of Catholic Education will take immediate steps to ensure that a risk assessment is undertaken to determine whether the staff member subject to the allegations should continue to be allowed to work in the school.

As a result of the risk assessment, and following consultation with relevant people involved in the process, the staff member may be stood down from his/her duties, or have his/her duties restricted.

If the employee is not a staff member of Townsville Catholic Education, the appropriate steps in this regard will be taken by the Executive Director of Townsville Catholic Education (or delegate) in association with that person's employer.

When a Level 2 report has been received the Education Consultant and/or Executive Director of Townsville Catholic Education Office will choose one of the following assessments and subsequent courses of action concerning the allegation:

- further investigations required and/or
- no further investigation required

The staff member, volunteer or Principal at whom the allegation is directed will be afforded the opportunity to respond to the allegations in writing. Allegations will be provided to the individual in writing and a specific timeframe for when they can respond to these will be clearly articulated.

When a Level 2 report has been received, the Executive Director of Townsville Catholic Education Office and/or delegate may appoint a person to conduct an investigation. This person may be an internal or external investigator.

At the conclusion of the investigation, a written report, outlining the process of investigation, the evidence gathered, and the conclusions reached will be provided to the Director – Organisational Services and Capability by the investigator. The report will indicate whether, in the investigator's opinion, the allegation(s) are substantiated on the balance of probabilities and, where required, whether the TCEO Code of Conduct has been breached.

The Director – Organisational Services and Capability will receive and keep the investigation report in a confidential file and send a copy of the report to the Executive Director.

The Director – Organisational Services and Capability (or delegate) is responsible for informing the Principal and relevant Education Consultant (if they are not the investigator) of the outcome of the investigation.

The Director – Organisational Services and Capability (or delegate) advises the parent/carer of the student concerned of the outcome unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented.

The Director – Organisational Services and Capability (or delegate) is responsible through the Principal or Education Consultant for implementing appropriate support processes for students and staff to prevent further harm, enable students to feel emotionally and physically safe and repair relationships.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

The Education Consultant will complete a **Level 2 Reporting Outcome form** and provide this to the Director – Organisational Services and Capability and the Executive Director when the matter has been dealt with. This may include recommendations for further actions.

On consideration of the report presented, the Executive Director of the Townsville Catholic Education Office will determine, following legal and industrial advice (if necessary), an outcome.

**If allegations are unsubstantiated:**

- All investigation records will be held on a confidential file at TCEO;
- Information regarding this process is also placed on the staff members Human Resources file held at TCEO;
- The staff member may be directed by the Executive Director, Director of Organisational Services and Capability or Principal to participate in specific professional development, other training or program or instruction;
- No further action may be taken.

This outcome will be communicated in writing to the staff member by the Executive Director of the Townsville Catholic Education Office or delegate.

**If allegations are substantiated:**

- The Executive Director or delegate of Townsville Catholic Education Office will, in writing and/or in a meeting with the staff member, communicate the actions that the Townsville Catholic Education Office proposes to take. Depending on the facts of each matter, these actions may include but are not limited to dismissal, exclusion from Townsville Catholic Education Office schools in the Townsville Diocese (in the case of a volunteer), or a letter of warning.
- If the decision is made not to dismiss the staff member, the staff member will receive a letter confirming the seriousness of the misconduct and containing a warning that further substantiated misconduct may lead to termination of the staff member's services.
- If, on the evidence, the Executive Director of Townsville Catholic Education Office is considering the termination of the staff member's services, then the Executive Director will provide the staff member with a timeframe within which the staff member is asked to show cause as to why the employment contract should not be terminated. If a satisfactory response is not received, the Executive Director will write to the staff member providing the reasons for the termination of the staff member's services.
- The staff member shall be informed that he/she has the right to pursue grievance processes, should he/she feel unjustly treated.
- If the staff member is a teacher and is dismissed or resigns from teaching during the course of the investigation, or as a result of the outcome of the investigation into the allegations, the Executive Director of Townsville Catholic Education Office will, in accordance with legislation, send to the Queensland College of Teachers written notice of the allegations and the action taken (Education (Queensland College of Teachers) Act 2005 s.76-78).
- For volunteers, the Executive Director or delegate may determine to cease engaging that individual as a volunteer in Townsville Catholic Education schools. This would be communicated to that person in writing.

In all cases, the pastoral care of students/s and staff will need to be monitored and support provided, if deemed necessary.

### 3. After the report is made

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education



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

## 4. Advising parents

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

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

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

# Definitions

## Child

A child is a person under 18 years of age

## Colleague

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

## Director of the Governing Body

As defined by section 364 of the *Education (General Provisions) Act 2006*:  
*director*, of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

## First Person

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

## Harm

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

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

## Inappropriate behaviour

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

## Reasonable suspicion

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

## Reportable suspicion

As defined by section 13E of the *Child Protection Act 1999* means a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

### Relevant person (*Child Protection Act 1999*)

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

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

### Sexual abuse

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

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

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

### Staff Member

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

### Student

A student is any person enrolled as such at St Mary's Catholic School under the control of Catholic School Authority]. This includes a "relevant person" for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

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

### Safe Persons

A Safe Person is one of at least two persons who are nominated in each school in compliance with *the Education (Accreditation of Non-State Schools) Regulations 2017* (regulation 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.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

## Legislative references

### Child Protection Act 1999

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

Interviews with Children at School	Section 17 of the <i>Child Protection Act 1999</i> provides Department of Child Safety, Youth and Women and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.
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### **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 health, welfare and safety of students.

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

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

### **Education (Queensland College of Teachers) Act 2005**

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

- investigations of harm caused or likely to be caused to a child because of the conduct of a teacher (section 76)
- the outcome of the investigation, including any findings and decisions made by the employing authority (section 77)
- certain dismissals that, in the opinion of the employing authority, call into question a teacher's competency to be employed as a teacher (section 78).

### **Evidence Act 1977**

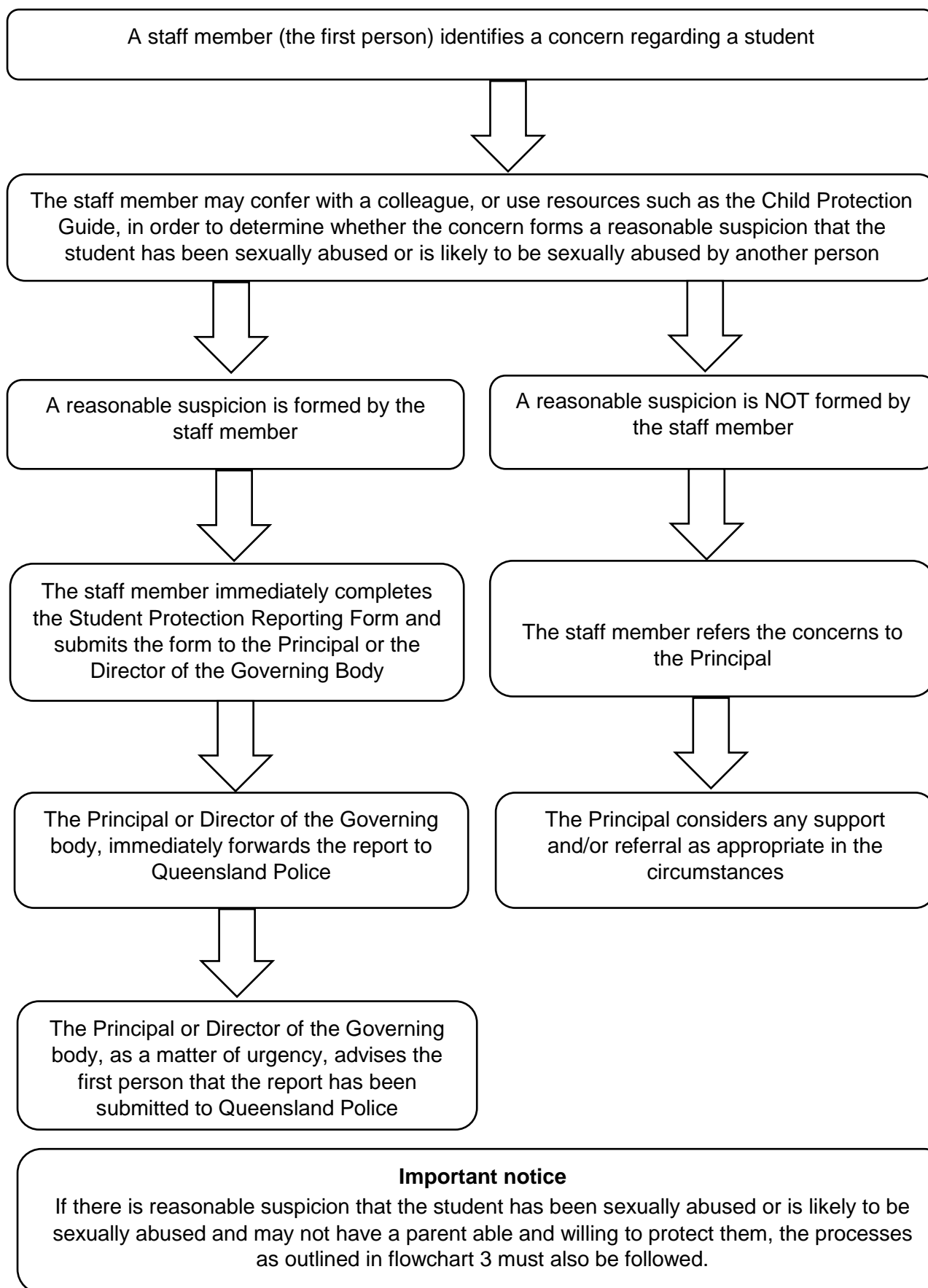
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<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

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

## Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse

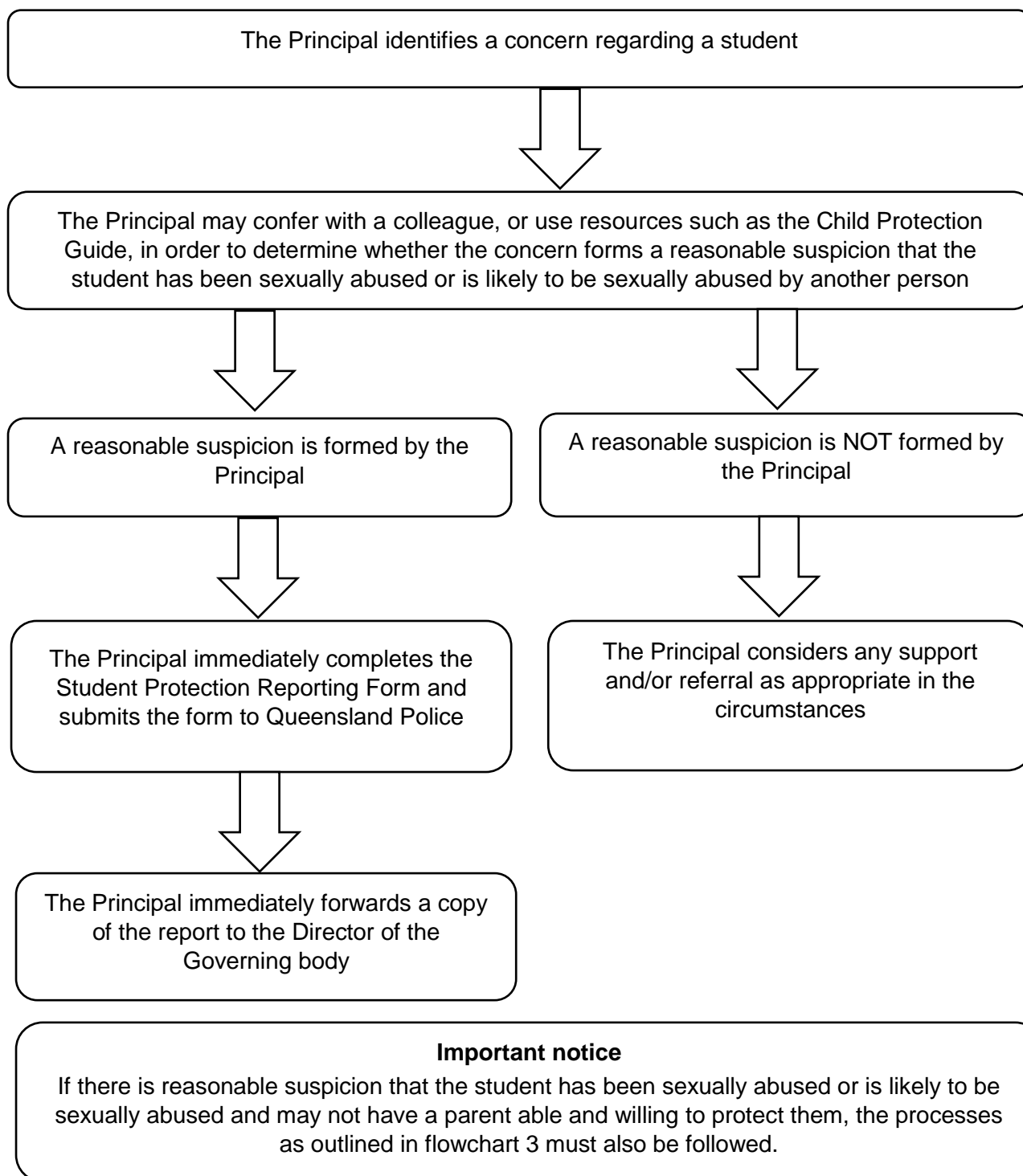
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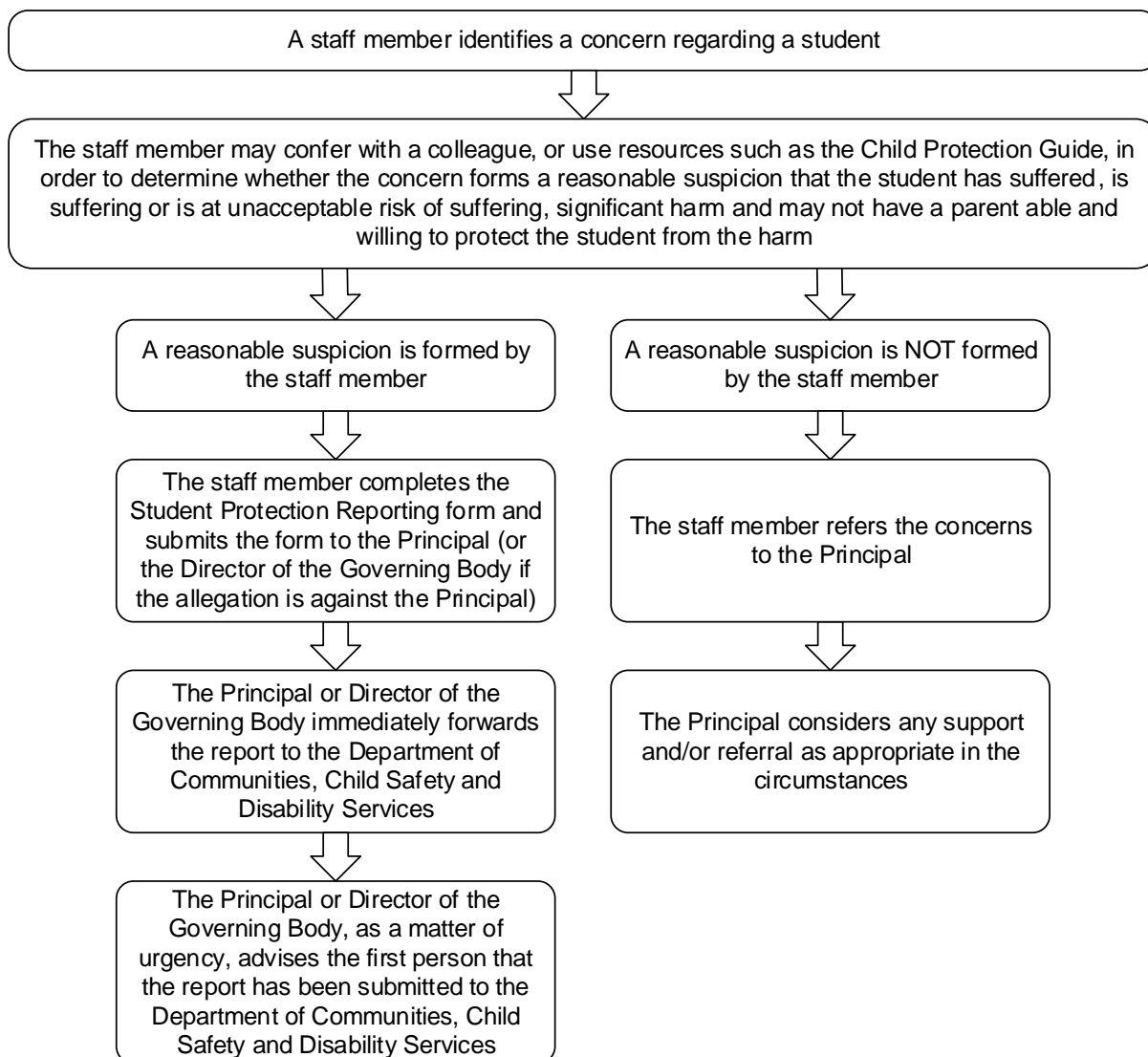
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<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

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



<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

## Flowchart 3: Reporting Significant Harm to Child Safety Services



### Important notice

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

### Mandatory Responsibilities for Teachers

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

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Child Safety Services via the online reporting form:

<https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date:</b>	20/09/2018	<b>Document Owner:</b>	Townsville Catholic Education

**We all have the  
right to feel safe  
all of the time**

**Nothing is so  
awful that we  
can't talk about it  
with someone**

**Develop a  
personal network  
of adults you  
can trust**

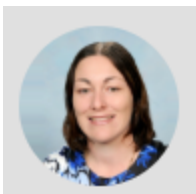


**Talk to these  
people if you feel  
unsafe at school or  
away from school**

**Keep talking until  
someone listens to  
you and something  
is done to help you  
feel safe again**

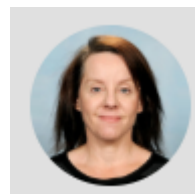
**The people I can talk to in my school are:**

PICTURE



**Mrs Land**  
Teacher

PICTURE



**Mrs Windridge**  
Teacher

# Student Protection Guidelines for Townsville Catholic Education

September 2018



# Contents

1.	Understanding abuse and harm.....	3
1.1.	Sources of abuse and harm .....	3
2.	Types of Abuse.....	4
2.1.	Sexual Abuse and Likely Sexual Abuse .....	4
2.2.	Physical Abuse.....	7
2.3	Emotional/Psychological Abuse .....	7
2.4.	Neglect .....	8
3.	Significant Harm.....	8
3.1	What is "unacceptable risk" of harm?.....	9
3.2	Relationship between abuse and harm.....	9
4.	Recognising Abuse and Harm.....	9
4.1.	Recognising the signs of abuse and harm.....	9
4.2.	Identifying the signs of Abuse and Harm.....	9
5.	Forming a reasonable suspicion.....	11
5.1.	Responding to a disclosure .....	12
6.	Considering whether there is a parent able and willing to protect a student.....	13
7.	Confidentiality, Record Keeping and Information Sharing.....	14
8.	Support and Referral Services.....	14
9.	Understanding behaviour by a staff member a student considers to be inappropriate.....	15
10.	Historical Allegations.....	17

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

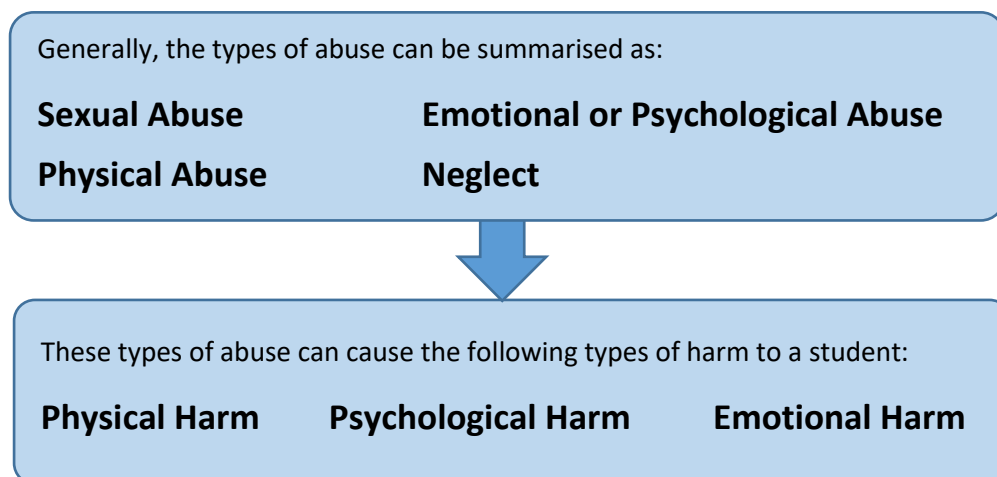


## Preface

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

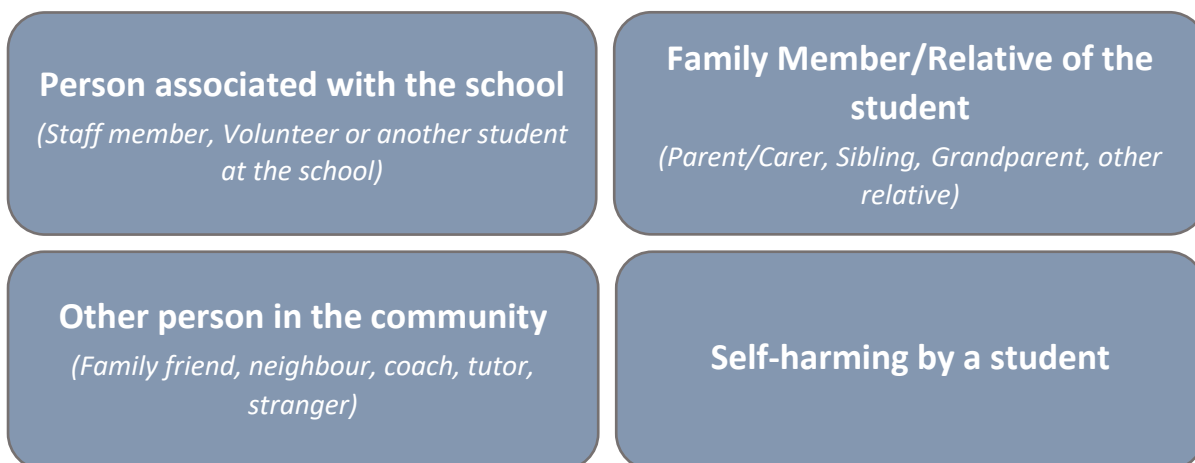
## 1. Understanding abuse and harm

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. This part explains 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 towards a student. As a first step, it is important that staff members have an understanding of 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:



<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

## 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:

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or
- the student has less power than the other person; and/or
- there is a significant disparity between the student and the other person in intellectual capacity or maturity.<sup>1</sup>

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 NOTE: Sexual Activity between staff members and students**

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

### 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; or
- 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.

<sup>1</sup> See Section 364 of the *Education (General Provisions) Act 2006*

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

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; or
- communicating with a student in a sexually intrusive way.

## What is Grooming?

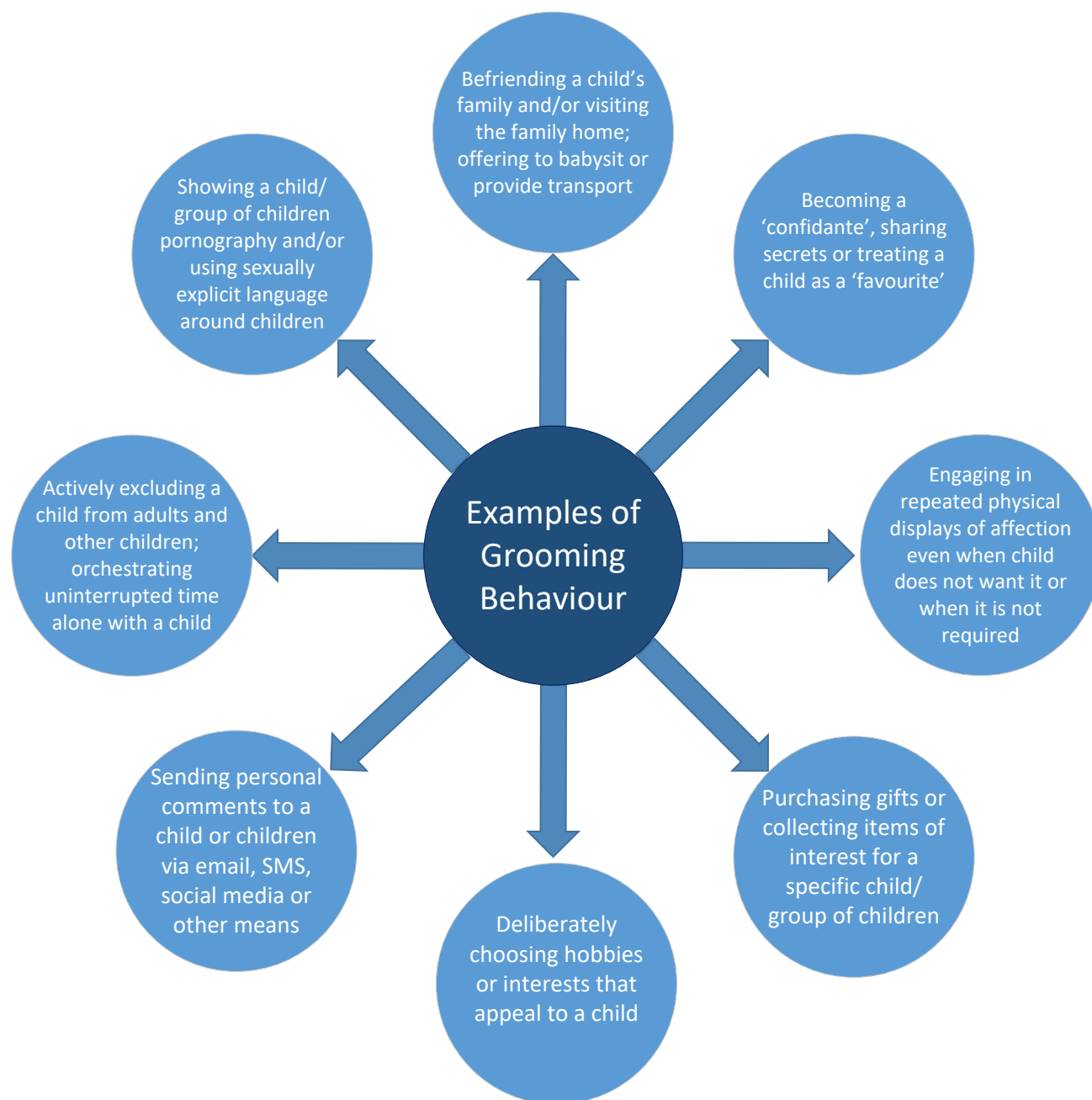
Sexual offending against a child is rarely a random act by a stranger. It is commonly based on a relationship with the child that has been formed over time. The abuse is commonly well thought out and planned in advance. Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's parents, care-providers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her parents or care-providers 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 care-providers 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.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

Some examples of 'grooming' behaviour could include:



## 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.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

- **Student sexual behaviour**

Suspensions 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 of Child Safety, Youth and Women can assist in identifying age inappropriate sexual behaviour, and [section 4.2](#) details further signs of sexual abuse.

## 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.*

### 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 and
- 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; or
- 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.*

### 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.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

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.*

### 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 skills and addiction to gambling by the child's primary parent or care-provider inhibiting their capacity to provide sufficient care.

**More information around understanding child abuse and harm can be found on the Department of Child Safety, Youth and Women [website](#)**

## 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; and
- there may not have 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".

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

### 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 (impact on the child)	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;

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

- 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:

## 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 violence

- difficulties in eating and sleeping;
- hyper vigilance;
- regression to age-inappropriate behaviours;
- developmental delays;
- child is over-protective of a parent;
- excessively controlling or aggressive/violent behaviour;
- abuse of siblings/parent.

## Emotional/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;

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education



- 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

**More information around recognising the signs of abuse can be found on the Department of, Child Safety, Youth and Women [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 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 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 a colleague as part of the decision making process as to whether they have formed a reasonable suspicion – further detail around [conferral](#) processes can be found in the Student Protection Processes.

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 these 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 the Student Protection Guidelines;
- 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 the Student Protection Processes for Queensland Catholic School Authorities.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

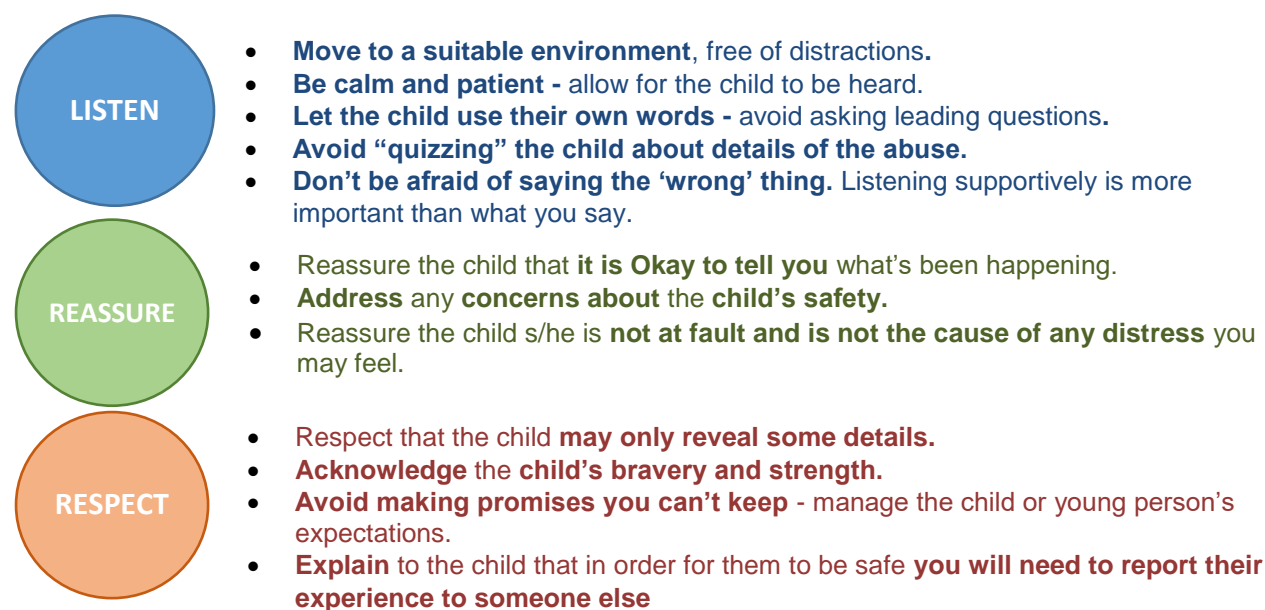


**NOTE: Staff members must not photograph student injuries or audio/ video record the discussion with the student – this is the role of Police.**

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



*Adapted from an AIFS infographic: [Responding to children and young people's disclosure of abuse](#)*

**Remember - 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 Queensland Police Service and qualified officers of the Department of Child Safety, Youth and Women 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 focussed 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.

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

## 6. Considering whether there is a parent able and willing to protect a student

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

**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 conduct an investigation 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.

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

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

## 7. Confidentiality, Record Keeping 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 student protection concerns, including notes, reports and other documents must be stored securely and confidentially.

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

A person who notifies the Department of Child Safety, Youth and Women 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 student protection 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, student protection reports must be completed in an impartial, accurate and factual manner.

### 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, Youth and Women 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 care-providers, 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 care-provider. 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

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When students and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department of Child Safety, Youth and Women or Police. Where a concern is identified that does not meet the threshold for a report to Department of Child Safety, Youth and Women or Police, 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:

### Family and Child Connect

Community-based intake and referral services, known as ‘[Family and Child Connect](#)’ have been established across Queensland to provide an additional pathway for referring concerns about children and their families. Family and Child Connect provides information and advice to people seeking assistance for children and families where there are concerns about their wellbeing, and can connect families to local services. Families can also contact Family and Child Connect themselves for advice and help.

### Intensive Family Support Services

In addition to Family and Child Connect, Intensive family support services are funded services that provide family support delivered under a lead case management model to address multiple and/or complex needs and assist families to build their capacity to care for and protect their children.

Intensive family support services include:

- Intensive Family Support
- Referral for Active Intervention
- Aboriginal and Torres Strait Islander Family Support Services
- Fostering Families.

Information around making a referral to these services can be found via the Department of Child Safety, Youth and Women [website](#). Particular information around information sharing provisions for Principals are detailed in [section 7](#).

### Other referral options

In some cases, it may be desirable to refer a family to a specific local service in the community, particularly where the family’s needs are clearly identified. For example, a family may be in need of financial or housing support. The Queensland Family and Child Commission’s [One Place](#) website provides useful information about local services.

### School based supports

There are a number of options to support students at risk within the school environment that can be implemented in addition to any external referral, including:

- Referral to the school counsellor
- Engaging specific educational services to meet a student’s needs
- Consideration of academic demands and providing flexible alternatives
- Identifying other school support staff, including pastoral care options and peer support
- Implementing risk management plans, particularly involving situations between students
- Providing protective behaviours education to students, including safety planning.

## 9. Understanding behaviour by a staff member a student considers to be inappropriate

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For the purposes of these processes, staff inappropriate behaviour 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 Townsville Catholic Education's Code of Conduct.

Inappropriate behaviour by a staff member towards a student can be 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 the Catholic School Authority or School.

**Examples of boundary violations appear on the following page.**

## 9.1 Examples of Boundary Violations\*

\*See also The [Professional Boundaries: A Guideline for Queensland Teachers](#) as published by the QCT

<b>Version Number:</b>	1.2	<b>Author:</b>	Katherine Olsen
<b>Date Modified:</b>	20 September 2018	<b>Document Owner:</b>	Townsville Catholic Education

Physical Boundary Violations	Emotional Boundary Violations	Behavioural Boundary Violations
<ul style="list-style-type: none"> <li>pushing</li> <li>pulling</li> <li>grabbing</li> <li>hitting</li> <li>poking</li> <li>shoving</li> <li>shaking</li> <li>throwing</li> <li>kicking</li> <li>pinching</li> <li>punching</li> <li>using physical force to ensure a child cooperates</li> <li>holding or restraining a child (unless in imminent danger of harm)</li> <li>using an object (ruler, book, whiteboard marker) to manage a student</li> <li>refusing biological necessities</li> <li>applying painful or noxious conditions to a student</li> <li>inappropriately touching or massaging a student</li> <li>unnecessary or unwanted physical contact</li> </ul>	<p>Making inappropriate comments about a student and/or a student's family by:</p> <ul style="list-style-type: none"> <li>shaming,</li> <li>embarrassing, humiliating</li> <li>using sarcasm</li> <li>making derogatory remarks</li> <li>belittling</li> <li>teasing</li> <li>unprofessional criticism</li> </ul> <p>Exerting power over a student through the use of:</p> <ul style="list-style-type: none"> <li>intimidating behaviour</li> <li>fear</li> <li>threats</li> <li>moral pressure</li> </ul> <p>Shouting at a student</p>	<p>Having inappropriate interactions with a student through:</p> <ul style="list-style-type: none"> <li>inappropriate use of social media in relation to a student</li> <li>phone calls, emails or texts to the student's personal email or phone</li> <li>gift giving or showing special favours</li> <li>sharing secrets with a student</li> <li>disclosing inappropriate personal information to a student</li> <li>inappropriate questioning of a student about personal and private matters</li> <li>engaging in social activities with students (with whom there is not a declared personal relationship) outside school</li> <li>driving students without appropriate authority</li> <li>visiting students at home without appropriate authority</li> </ul> <p>Using unprofessional language:</p> <ul style="list-style-type: none"> <li>swearing at or in the presence of a student</li> <li>making otherwise inappropriate comments to or in the presence of a student</li> </ul> <p>Failing to follow a school's behaviour support policy and procedures:</p> <ul style="list-style-type: none"> <li>unreasonable, unfair and/or unjust disciplinary measures</li> <li>the imposition of manifestly unreasonable expectations or excessive demands on a student</li> <li>using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment</li> </ul> <p>Using a personal device or private email address to make contact with a student (with whom there is not a declared personal relationship or appropriate authority)</p> <p>Photographing a student other than for an appropriate professional reason. Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs)</p> <p>Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student</p>

## 10. Historical Allegations

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When a staff member receives information that a former student has been sexually abused, or has suffered significant harm, by a staff member at the school, the staff member must follow the processes detailed in sections 2.2, 2.3, and 2.6 to 2.6.4 of the Student Protection Processes as applicable to the circumstances.

All staff members are required to report such historical matters to the Principal who in turn must report the matter to the Director – Organisational Services and Capability or delegate who will determine the appropriate action to be taken.

The Director – Organisational Services and Capability or their delegate will report historical allegations of sexual and/or physical abuse of past students of Townsville Catholic Education to the Queensland Police Service and inform the Director of the Office of Professional Standards Qld (Towards Healing).

Where the person against whom an allegation is made is currently an employee of Townsville Catholic Education, the Director – Organisational Services and Capability (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.

Townsville Catholic Education should work closely with the Queensland Police Service and if and when their investigation is concluded, determine whether a Townsville Catholic Education investigation needs to occur. Where the person against whom the allegation is made is no longer an employee of Townsville Catholic Education, the matter should be referred to the Director of the Office of Professional Standards Qld (Towards Healing).

In relation to historical complaints of harm other than sexual or physical abuse matters, where the person against whom the allegation has been made still works for Townsville Catholic Education, the matter should be addressed by Townsville Catholic Education.

Where the person is no longer an employee of Townsville Catholic Education, the matter should be referred to the Director of the Office of Professional Standards Qld (Towards Healing) who can make an assessment as to whether the information should be provided to the Queensland Police Service.

Where the staff member is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of the Office of Professional Standards Qld (Towards Healing) will be informed as soon as possible.

The Director – Organisational Services and Capability or delegate will also ensure that the relevant church authority is also informed without delay and this action documented.

Where appropriate the person may be referred to the Director of the Office of Professional Standards Qld (Towards Healing) or to other community based support services appropriate to their needs.

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