



Catholic Education  
Diocese of Rockhampton

# Student Protection Processes for Catholic Education (Diocese of Rockhampton)

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## IMPORTANT INFORMATION

IF A STUDENT IS IN IMMEDIATE DANGER OR IN A LIFE-THREATENING SITUATION, CONTACT  
THE QUEENSLAND POLICE SERVICE IMMEDIATELY BY DIALLING 000.

*Nothing that is written in these processes below should prevent a staff member or any other person from taking immediate action to notify police, particularly if he/she believes that it is essential to act to ensure a student's safety.*

*If a staff member has reported a concern according to these processes but does not feel that the appropriate action is being taken to ensure a student is safe from harm he/she should contact the Assistant Director: Schools or Student Services Manager within Catholic Education, Diocese of Rockhampton and/or the police directly.*

*Incidents that initially appear to warrant one type of intervention may turn out to be more serious or complex than first thought. If this occurs the intervention process must be halted and steps taken immediately to escalate the matter to the appropriate level.*

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# 1. Introduction: Governance Framework

These processes have been developed by the Catholic Education Queensland Limit (CEQL), in consultation with Catholic School Authorities (CSAs), to assist CSAs to meet legislative and procedural processes for responding to, and reporting, abuse and harm towards students, including inappropriate behaviour of a staff member and the process for a student to report conduct of a staff member that the student considers is inappropriate.

This document should be read in conjunction with the [Student Protection Guidelines](#) for Catholic Education - Diocese of Rockhampton (CEDR).

## Effective Date

These processes are effective from 18 December 2025.

## Review Schedule

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

## The Governing Body

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

The Director/s of the Governing Body for the Roman Catholic Trust Corporation for the Diocese of Rockhampton are the Bishop (as Chairman of the Committee of the Roman Catholic Trust Corporation for the Diocese of Rockhampton) and the other members of the Committee of the Roman Catholic Trust Corporation for the Diocese of Rockhampton.

## Delegation

Pursuant to section 366B of the *Education (General Provisions) Act 2006*, the Directors of the Roman Catholic Trust Corporation for the Diocese of Rockhampton have delegated to the person performing the duties of the Diocesan Director Catholic Education - Diocese of Rockhampton (CEDR) their obligations under section 366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

## Student Protection Contacts

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(3)), schools administered by CEDR must have at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate. The names of these Student Protection Contacts are made known to staff, students and parents/carers and the names/positions/contact details of stated staff members for the school are published on the school's website and maintained on a central register, updated regularly.

When a Student Protection Contact receives concerns relating to harm to a student or risk of harm to a student, they must inform the Principal (or if the Principal is involved in the allegations, a Director of the Governing Body).

## Complaints Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(5)), schools administered by CEDR have a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from CEDR and <https://www.rok.catholic.edu.au/our-schools/student-protection/>.

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## Awareness and Implementation

If staff members, volunteers, parents/carers, or students require further information in relation to any of the processes described in this document, and/or other student protection compliance requirements, advice should be obtained from the Principal, the school's Student Protection Contacts or the Student Protection Team within the Rockhampton Catholic Education Office.

CEDR is responsible for ensuring the implementation and dissemination of the Student Protection Processes in line with Section 16(4) [Education \(Accreditation of Non-State Schools Regulation 2017\)](#). All staff, students, parents/carers, volunteers and contractors are made aware of the Student Protection Processes, and have access to the Student Protection Processes.



**This is achieved by the Rockhampton Catholic Education Office:** Ensuring an electronic copy of the Student Protection Processes is available on the CEDR Staff Portal and CEDR public website so that they are readily accessible by staff, students, volunteers and parents/carers.

### Developing and providing:

- as part of induction for all new Principals, student protection training that is appropriate to their role and responsibilities;
- training materials in safeguarding and student protection for staff, volunteers and other personnel;
- Codes of Conduct for staff, volunteers and other personnel;
- specialised student protection and safeguarding training for Student Protection Contacts;
- Student Protection posters;
- specialised student protection practitioners available to schools and early learning and care services and Catholic Education Office staff through the work of Student Protection Team and other specialist staff within CEDR;
- a Student Protection reporting and recording system (RiskMan) and monitoring its use; and
- a complaints procedure to address allegations of non-compliance with CEDR Student Protection Processes, available on the CEDR public website.

### The Principal is responsible for ensuring that:

- the CEDR Student Protection Processes and Guidelines are readily accessible by staff, students and parents/carers by making available a link to an electronic copy of the document to staff, students and parents/carers through the school's website.

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- staff members are made aware of the CEDR Student Protection Processes and Guidelines and trained in implementing these processes by making sure that:
  - all new staff members as part of their induction are made aware of the requirements of the CEDR Staff Code of Conduct and the documents that stipulate CEDR Student Protection Processes;
  - the names of the school's Student Protection Contacts are made known to staff members, parents/carers and volunteers and the information displayed in the staffroom, and provided in the staff handbook and/or on the school's Staff Portal;
  - all new staff members undertake CEDR's Student Protection training during their initial period of employment;
  - all staff members receive two (2) hours Student Protection training on at least an annual basis;
  - all volunteers complete student protection training and receive a copy of the CEDR Volunteer Code of Conduct;
  - they utilise CEDR Student Protection reporting and recording system to document and report student protection matters; and
  - they appoint at least one other suitable staff member to fulfil the role of Student Protection Contact for the school.
- students and parents/carers are aware of the CEDR Student Protection Processes by making sure that:
  - Student Protection posters are displayed prominently in areas of the school frequented by students;
  - the names of the school's Student Protection Contacts are made known to students and parents/carers in a variety of ways and publicised in the school community;
  - students and parents/carers are made aware of the processes for reporting to a Student Protection Contact, the behaviour of any staff member that a student considers is inappropriate;
  - students and parents/carers are made aware that electronic copies of the CEDR Student Protection Processes are available through a link on the school's website;
  - students and parents/carers are made aware that a link to the complaints procedure to address allegations of non-compliance with CEDR Student Protection Processes is available through the school's website; and
  - Student Protection brochures are made available to students and their families.

**Ensuring that the principal can demonstrate to Catholic Education how the Student Protection Processes are being implemented within the school.**

The Principal must:

- keep and make available on request by relevant personnel, records and other evidence that demonstrate that the Student Protection Processes are being implemented within the school;
- keep updated the names of the school or early learning and care services' Student Protection Contacts in the school's / kindergarten's relevant documents and on the school's / kindergarten's website;
- demonstrate the school's compliance with student protection requirements as part of the School Improvement Framework (School Cyclical Review);
- ensure compliance with mandatory training of two (2) hours per year as outlined in the Student Protection Policy. Any variation to this requirement must be authorised by the relevant Assistant Director: Schools or Student Services Manager.

**Student Protection Training**

All CEDR employees must comply with the CEDR [Student Protection Policy](#).

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## 2. Our Responsibilities

CEDR is committed to creating and maintaining safe environments for students. This document sets out the responsibilities and processes for all staff members and the process for a student reporting inappropriate conduct of a staff member. The document also provides guidance and information for volunteers, other personnel, and parents/carers where they have a concern for the protection of a student. This document specifies:

Processes for reporting sexual abuse or suspected sexual abuse of students in accordance with the *Education (General Provisions) Act 2006*.

Processes for reporting and responding to harm or risk of harm to students, including physical, psychological, emotional or sexual abuse and neglect in accordance with the *Child Protection Act 1999*.

Processes for reporting a child sexual offence in accordance with the *Criminal Code Act 1899*.

Processes for responding to allegations of harm to students caused by students themselves or others in accordance with section 16(1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.

Processes for a student to report inappropriate conduct of a staff member in accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.

Processes for responding to alleged staff inappropriate behaviour (SIB) towards a student in accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.

All CEDR schools are bound by a range of legislation that sets out our responsibilities for the safety and wellbeing of children and young people. [Appendix 2](#) provides more detailed information about the relevant legislation.

Fundamentally, it is the responsibility of each member of staff and other personnel, to prioritise the safety and wellbeing of every student.

This includes responding to:

- any reasonable suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering harm caused by abuse and/or neglect
- any reasonable suspicion of sexual abuse / likely sexual abuse of students
- conduct of staff including sexual offences and alleged inappropriate behaviour by a staff member towards a student.

The following definitions are used to cover the breadth of harm that is captured in the different legislation as per [Appendix 2](#):

As per the *Child Protection Act 1999* s.9 defines harm as:

- (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.

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- (4) Harm can be caused by—
- a) a single act, omission or circumstance; or
  - b) a series or combination of acts, omissions or circumstances.

The *Education (General Provisions) Act 2006* s364 defines sexual abuse as:

**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.

For further information see [Section 4 CEDR Student Protection Guidelines](#).

All schools should develop processes and systems to support staff and other personnel to ensure all reports are actioned in a timely manner. These processes need to be clearly communicated to all staff.

Failure to report and respond can be both an offence under the relevant legislation and may constitute a breach of the CEDR Staff Code of Conduct. Failure to report and act is not acceptable, it is **everyone's** responsibility to prioritise the safety and wellbeing of children and young people.

The reporting processes for any allegations of abuse, harm or alleged staff inappropriate behaviour towards a student are set out in this document.

The regulatory framework includes the relevant legislation, the [National Catholic Safeguarding Standards](#) which have been developed and adopted by the Catholic Church in Australia to support the creation of a child safe environment, and the associated duty of care of staff. This is visualised below:



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### 3. Reporting Framework

This section summarises the actions required if any person who is part of the school community either in a paid or voluntary capacity has concerns or suspicions of:

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

School staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The different legislative mandatory reporting obligations and processes are detailed at [section 4 of this document](#).

#### 3.1 Who is responsible for identifying and responding to allegations of abuse, harm, or alleged staff inappropriate behaviour towards a student?

The Student Protection Processes are relevant to any person who is part of the school community either in a paid or voluntary capacity. This includes but is not limited to the following personnel:

- Teachers
- Principals
- All staff, which includes all other personnel employed by CEDR
- Contractors who provide services on CEDR sites
- Volunteers
- Students on practicums
- Visitors to the school community

**Staff members** have a mandatory responsibility for **reporting**.

**Other stakeholders**, that is, volunteers, other personnel and parents/carers who identify concerns or suspicions of abuse, harm or and alleged staff inappropriate behaviour towards a student, are responsible for conferring with the appropriate personnel, as outlined in this document.

#### First Person

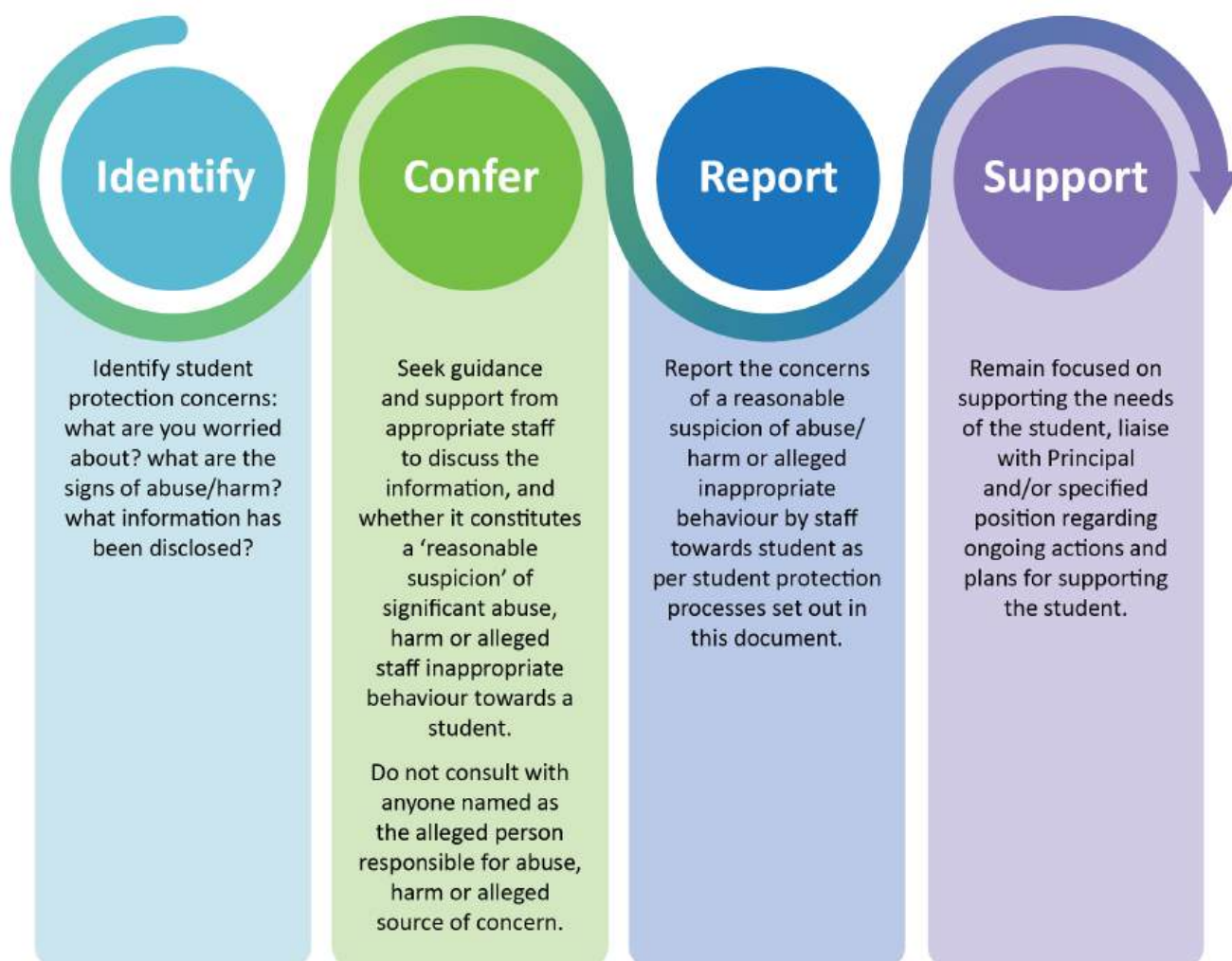
This document uses the term [First Person](#) to refer to the staff member who first becomes aware of or reasonably suspects alleged abuse, harm, or alleged staff inappropriate behaviour towards a student, this includes seeing and/or hearing about alleged abuse, harm or alleged staff inappropriate behaviour towards a student.

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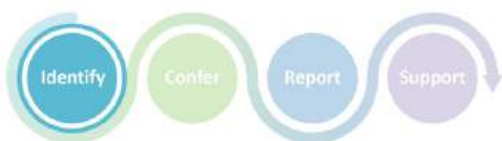
### 3.2 Framework for responding

The framework for responding to and reporting student protection concerns involves four steps: Identify, Confer, Report, Support (ICRS). This framework is explained below and is referred to throughout this document.

Flowchart 1: Framework for responding to protection concerns



### 3.3 Identify



Any person who is part of the school community either in a paid or voluntary capacity is responsible for identifying student protection concerns.

Identifying concerns includes becoming aware of, recognising, seeing, or receiving information. This includes:

- Recognising the signs of abuse, harm, neglect, or alleged staff inappropriate behaviour towards a student.
- Seeing or hearing something concerning.
- Receiving information from students, staff, parents/carers, or other community members about allegations of abuse, harm, or alleged staff inappropriate behaviour towards a student.

When in doubt, always confer with the Principal and / or Student Protection Contacts.

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Resources to assist you:

- [Section 4 CEDR Student Protection Guidelines](#)
- See also [FAQ](#)

### 3.4 Confer



#### 3.4.1 What is conferring?

- Conferring means formally consulting with appropriate colleagues, for example Principal or Student Protection Contact, to discuss and establish whether the information received may constitute a **'reasonable suspicion'** of abuse, harm or alleged staff inappropriate behaviour towards a student.
- Conferral is an opportunity to discuss and seek guidance about the concerns and agree on actions.
- Agreed actions and decisions must always be documented. This includes:
  - whether a 'reasonable suspicion' is identified resulting in the need to report; or
  - where the information does not constitute a 'reasonable suspicion', what, if any follow up support is required.

#### 3.4.2 Why confer?

- Engaging in appropriate consultation to seek more information or guidance can:
  - inform responses and assist with the rigour of the decision making;
  - identify contextual factors/information that may not otherwise be known. For example, the Principal may have relevant information about a family;
  - aid in deciding whether a 'reasonable suspicion' of harm has occurred to support the decision to report;
  - assist in identifying if there is a parent who may be 'willing and able' to protect the student in the case of harm;
  - support staff in making a decision and help minimise psychosocial risks to staff; and
  - facilitate the best possible safety and support response for a student.
- Conferral is not reporting, nor is it investigating, it is a support to aid in deciding whether a 'reasonable suspicion' of harm has occurred under legislative requirements.

#### 3.4.3 Who do I confer with?

Conferral with the Principal or a Student Protection Contact is always recommended. The exception is if the Principal or Student Protection Contact is identified as the alleged person responsible for the harm or abuse or if they are involved in the allegations.

- Conferral can also include conferral with the Department responsible for Child Safety, Queensland Police Service or Family and Child Connect. However wherever possible the Principal and Student Protection Contacts should be conferred with first.
- Conferral may happen immediately upon becoming aware of, or reasonably suspecting, harm to a student so that reporting is not delayed and there can be an appropriate response to the concerns.
- Conferral must not occur with anyone allegedly involved in the concerns to maintain safety of the student and avoid conflicts of interest and bias.
- The First Persons / reporters must **never notify** the person alleged to have caused the abuse or harm.
- Conferral does not replace the First Person's responsibility to report and respond to the harm.

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### 3.4.4 How do I maintain confidentiality?

- Confidentiality is a crucial element of conferral processes. Information sharing should consider:
  - The appropriateness of the person** you wish to confer with and their role, i.e., Student Protection Contact and/or Principal. This person must not be involved as a subject of concern.
  - Limiting what information is shared to the extent necessary.** Consider what information will help respond to the immediate safety and wellbeing of a student without having to disclose too much personal information.
  - Focusing on the purpose of the conferral**, i.e., to support decision making about whether there is a reasonable suspicion of abuse, harm or alleged inappropriate staff behaviour that should be reported.

### 3.4.5 If I confer do I still need to report?

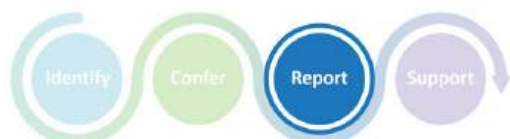
**Yes.** Conferring does not replace the legal obligations to report. Conferring is a process to support and assist in making a decision if there is a reasonable suspicion of harm or risk of harm or alleged staff inappropriate behaviour. If the answer is **yes**, you must follow the processes as detailed in these Student Protection Processes.

*Resources to assist you:*

- [Section 5 CEDR Student Protection Guidelines](#)
- [FAQ](#)

Maintaining the safety of the student is the primary concern

## 3.5 Report



All school staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The different legislative mandatory reporting obligations and processes are detailed in full at section 4 of this document.

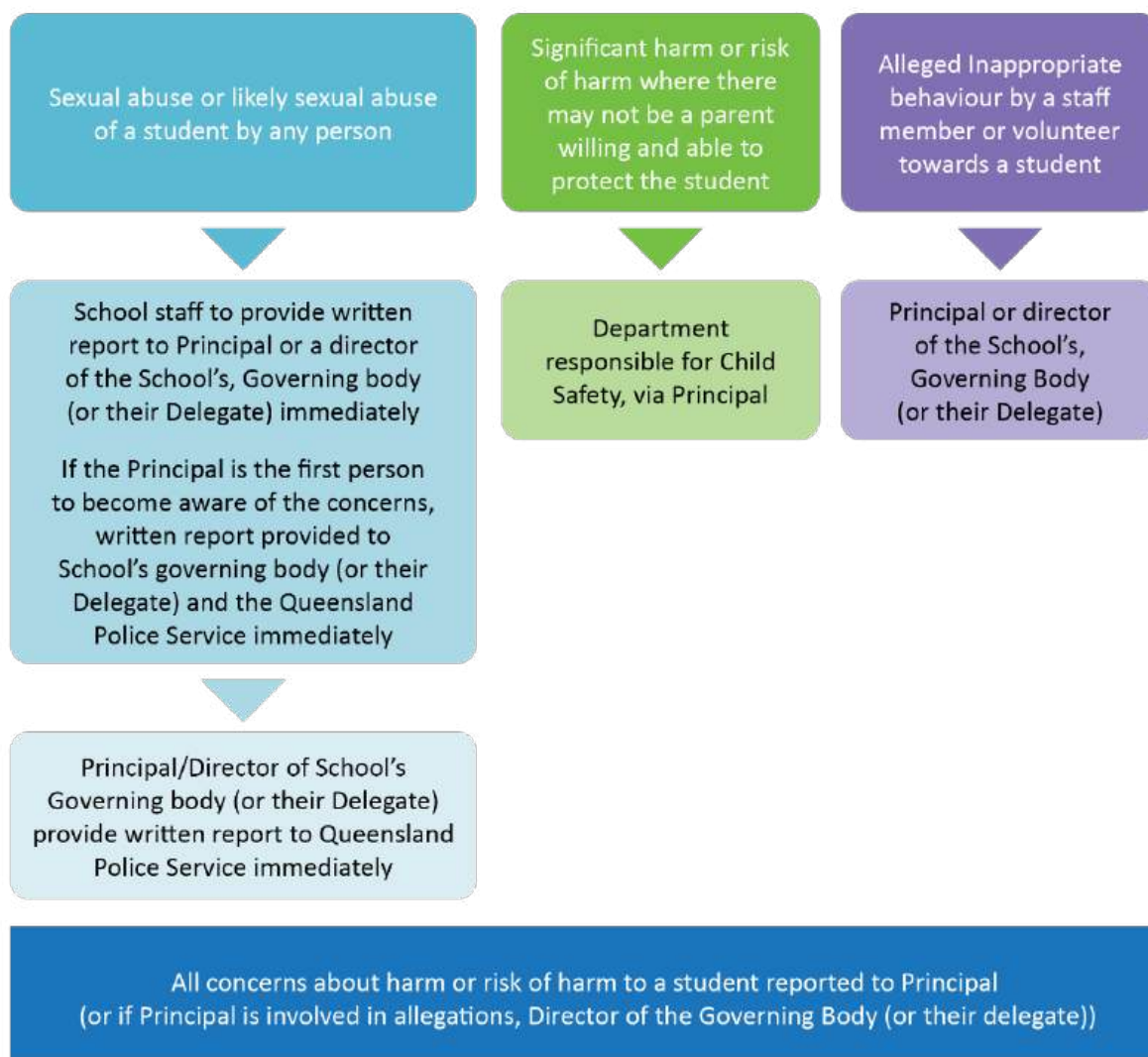
It is the responsibility of **all staff** members employed by CEDR and all personnel on CEDR sites as identified in this document to report concerns of harm or risk of harm or alleged staff inappropriate behaviour towards a student.

Our obligations include adherence to:

- Section 13E [Child Protection Act 1999](#)
- Sections 16(1) and (2) of the [Education \(Accreditation of Non-State Schools\) Regulation 2017](#)
- Any concerns about sexual abuse or likely sexual abuse are reported to the Queensland Police Service in accordance with Sections 366 and 366A of the [Education \(General Provisions\) Act 2006](#).
- Section 229BC of the [Criminal Code Act 1899](#) requires that any adult ('adults' includes students 18 years or over, parents/guardians and volunteers) report concerns about sexual offending against a child by another adult to the Queensland Police Service and take action to protect a child from a sexual offence.
- A report under the *Criminal Code Act 1899* is only required if a matter has not already been reported under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting of significant harm/risk of significant harm where there may not be a parent able and willing to protect).

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Flowchart 2: Reporting process for allegations of abuse, harm, or alleged staff inappropriate behaviour towards a student



### 3.5.1 What does report mean?

- Reporting is the act of providing a written report about concerns of harm to a student via either a
  - Student Protection Report (SPR), or a
  - Reporting of Inappropriate Staff Behaviour towards a Student
 in the Student Protection section of RiskMan, CEDR's incident reporting and management system, when a staff member becomes aware of or reasonably suspects that a student has experienced:
  - significant harm or is at risk of significant harm and does not have a parent willing and able to protect them from harm
  - sexual abuse or is likely to be sexually abused
  - harm or alleged harm irrespective of the cause and source of the harm
  - inappropriate behaviour by a staff member or other person associated with the school (e.g. volunteer or contractor).
- School staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The obligations differ with respect to the kind of harm the student may be at risk of or subject to. These obligations are set out at [section 4 of this document](#).
- An allegation of harm may result in more than one reporting obligation being triggered. Where this is the case, multiple reports may need to be made to satisfy mandatory reporting obligations.

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### 3.5.2 Who is responsible for reporting?

- All school staff have responsibilities to report. For specific information about when a report is required and by who, refer to [section 4 of this document](#).
- The staff member who becomes aware of or reasonably suspects the alleged abuse, harm or inappropriate behaviour is the First Person. The First Person is responsible for immediately reporting concerns to the appropriate person or authority, as per the processes in section 4.
- The First Person may have support in completing the written report from the Principal and/or Student Protection Contact (if available). However, the person who has the legislative responsibility to submit the report must ensure they are personally discharging their legislative obligation by reporting.
- Reporting abuse/harm needs to be prioritised and must not be delayed.
  - To facilitate this, schools will support reporters to ensure all reports are actioned in a timely manner which can include for example, being released from their duties.
- The Principal, Diocesan Director Catholic Education (Diocese of Rockhampton) or delegate must confirm that written reports are being submitted as required by school staff.
- The Diocesan Director Catholic Education (Diocese of Rockhampton) or delegate must confirm that written reports are being submitted as required by the Principal.
- Where a school staff member is required to report to the Principal or Diocesan Director Catholic Education (Diocese of Rockhampton), the Principal or Diocesan Director Catholic Education (Diocese of Rockhampton) should inform the staff member that they have reported the matter to the authorities as required.

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

Confer with an appropriate colleague such as a Student Protection Contact at the school or a Catholic Education Office Student Protection Team member. **Do not confer with or notify the alleged source of concern (person allegedly responsible for abuse, harm, or inappropriate behaviour).**

The staff member who becomes aware of the alleged abuse, harm or inappropriate behaviour by the Principal towards the student is the First Person.

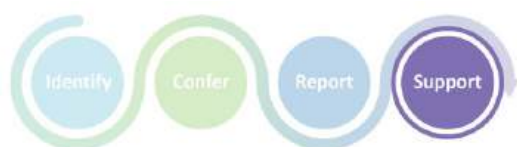
The First Person is responsible for immediately completing a report in the Student Protection section of RiskMan, Catholic Education (Diocese of Rockhampton)'s incident reporting and management system with the assistance of a Student Protection Contact at the school or a Catholic Education Office Student Protection Team member.

For specific information about reporting obligations of staff, refer to [section 4 of this document](#).

*Resources to assist you:*

- [FAQ](#)
- [Refer Flowchart 3](#)
- [Flowchart 4](#)

## 3.6 Support



- At all times it is essential to remain focused on the support needs of the student. Key questions to ask include:
  - Have all appropriate steps been taken to secure the student's safety and wellbeing?
  - What support does the student need?
  - Who is best situated to provide this support?

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- In the first instance consult with the Principal or Student Protection Contact to develop a plan for how to best support the student, including who has responsibility for this.
- Support options can include referral to the Student Counsellor or organisations such as [Kids Helpline](#) and others, depending on the situation. This should be coordinated through the Principal and Student Protection Contacts.
- Support also includes support provided to the family/carers of the student as appropriate.
- ***Remember the needs of the student remain of paramount importance.***

### 3.6.1 How do I seek support for myself?

Responding to student protection concerns can elicit emotional responses, staff are encouraged to seek support from the school leadership team, a Student Protection Contact at the school or CEDR's Employee Assistance Program ([WorkingWell](#)).

*Resources to support you:*

- [FAQ](#)
- [Queensland Child Protection Guide](#)
- [Queensland College of Teachers resources](#)

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## 4. Reporting Requirements

This section outlines the legislative reporting requirements and provides guidance on the process for reporting.

### 4.1 Key guiding principles

The following key principles guide the reporting process:

- The safety and wellbeing of every child and young person is the paramount concern. Every child has the right to:
  - be protected from harm, abuse, neglect and inappropriate behaviour by staff or other personnel associated with the school towards a student;
  - to dignity, privacy, respect, and safety.
- All members of CEDR and other personnel:
  - have a duty to care for children and young people; and
  - must take necessary action to protect children and young people from harm.
- Mandatory reporting includes:
  - Reporting of sexual abuse or likely sexual abuse, or suspicion of sexual abuse by all school staff **even if** there is a parent willing and able to protect their child from harm, in line with the *Education (General Provisions) Act 2006* obligations – see section 4.2;
  - reporting of 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 the child may not have a parent able and willing to protect them from the harm, – see section 4.3;
  - reporting if adults believe on reasonable grounds, or ought reasonably believe that a child sexual offence is being or has been committed against a child by another adult – see section 4.4; and
  - reporting all concerns about harm to a student or risk of harm to a student to the Principal and / or Student Protection Contacts – see section 4.5
- **All staff** members employed by Catholic Education are obligated to report and follow the processes set out in this document.
- **Urgency** in responding is key.

### 4.2 Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service under the *Education (General Provisions) Act 2006*

#### 4.2.1 What are our obligations?

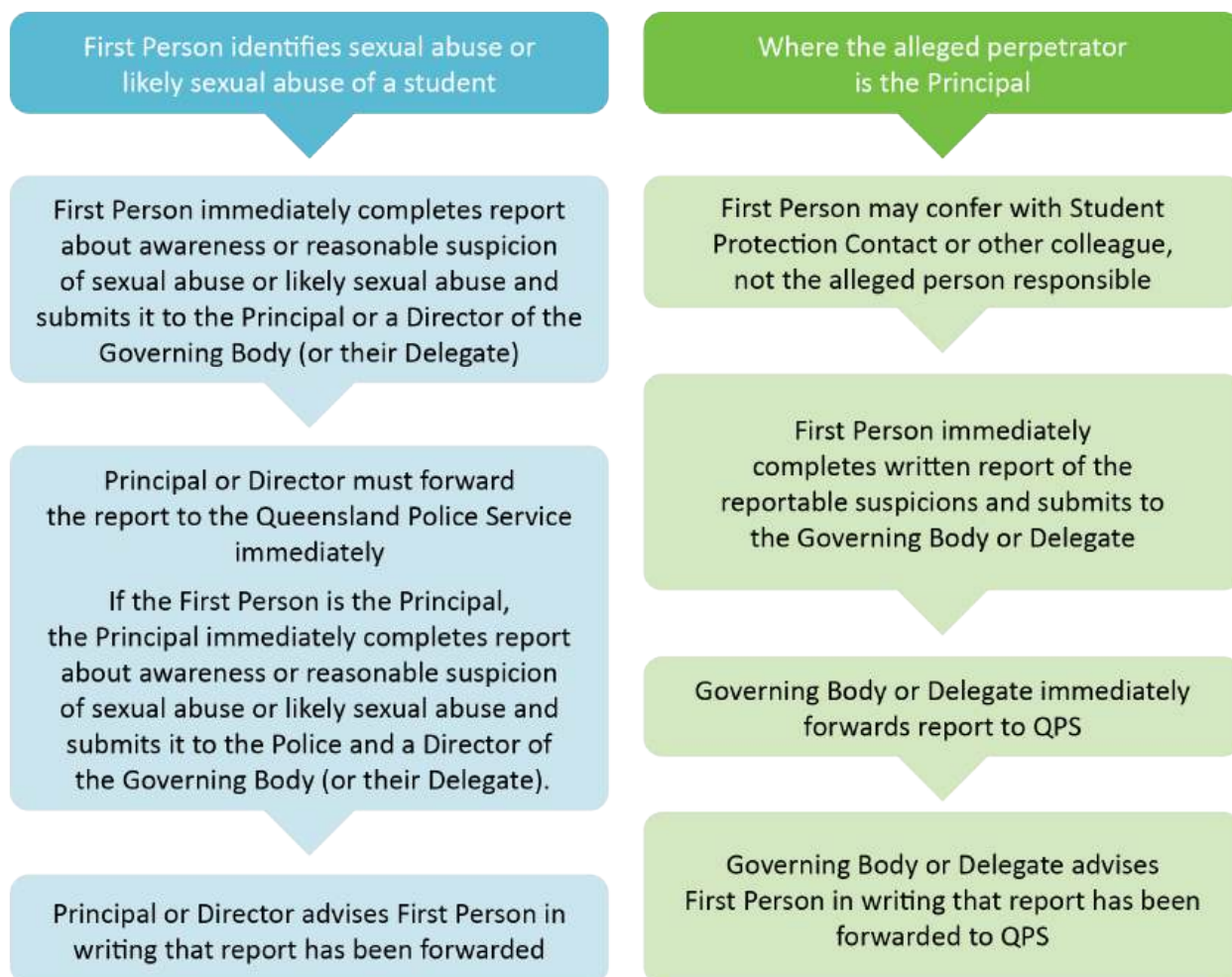
- In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*, if the First Person becomes aware or reasonably suspects that a student has been sexually abused or is likely to be sexually abused by another person, the first person must immediately give a written report to the Principal or Director of the Governing Body who will then report the matter to the Queensland Police Service.
- The First Person has a responsibility to safeguard the child.
- The First Person must follow the reporting requirements set out in this process. This may include conferral with the Principal and or Student Protection Contacts (only if doing so does not result in a report being delayed) and immediate completion of a report.
- Where the First Person is the Principal, the Principal must immediately make a written report to the Queensland Police Service and to the Director of Governing Body (or delegate).

The First Person **cannot** delegate or transfer the reporting requirements to another person. It is the responsibility of the First Person to make the report as per legal requirements. **Remember** the First Person may first confer and seek guidance from appropriate personnel, so long as doing so does not prevent a report from being made immediately as required by legislation.

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In relation to awareness or reasonable suspicion of **sexual abuse/reasonable suspicion of likely sexual abuse**, the process for reporting involves:

*Flowchart 3: Key steps for reporting awareness or reasonable suspicion of sexual abuse/ reasonable suspicion of likely sexual abuse*



#### Important Note

For the purposes of Catholic Education (Diocese of Rockhampton) mandatory reporting of sexual abuse and likely sexual abuse relates to all students irrespective of their age, (i.e., aged 18 and over).

It is the policy of Catholic Education (Diocese of Rockhampton) **that all** reasonable suspicion that a student has experienced sexual abuse or likely sexual abuse are reported to the Queensland Police in accordance with these processes. This is irrespective of the context, i.e., during the course of the staff member's employment at the school, or in their private capacity outside the school.

#### Resources to assist you:

- Refer also [FAQ](#)
- [Section 2.1 CEDR Student Protection Guidelines](#)
- [Section 5 Sexual abuse and likely sexual abuse CEDR Student Protection Guidelines](#)
- [Refer Flowchart 3](#)
- [Flowchart A](#)
- [Flowchart B](#)

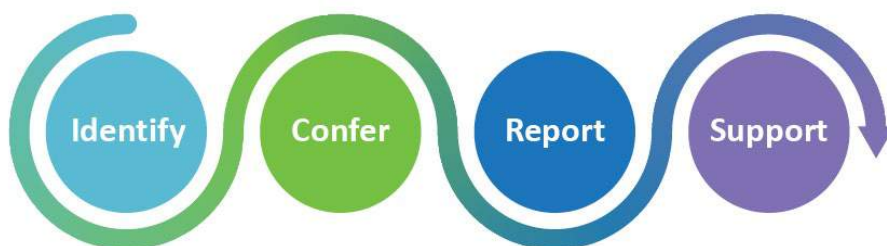
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### 4.3 Requirement to report to the Department responsible for Child Safety under the Child Protection Act 1999

#### 4.3.1 What are our obligations?

- Section 13E (1) of the *Child Protection Act 1999* identifies teachers, registered nurses, doctors, child advocates under the Public Guardian Act 2014 and early childhood education and care professionals as **mandatory** reporters. These staff are mandated to submit a report to the Department responsible for Child Safety when they have 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
  - the child may not have a parent able and willing to protect the child from the harm.
- This brings with it consequences for not fulfilling these obligations. These obligations cannot be delegated or transferred to another person.
- Although the Child Protection Act 1999 only identifies certain staff as mandatory reporters, CEDR requires all school staff (including those who are not mandatory reporters under this legislation) to report reasonable suspicions of harm or risk of harm to a student, child or young person to the Principal and or Student Protection Contact.
- Further, all school staff have other mandatory reporting responsibilities, as outlined in this document.
- The First Person has a responsibility to safeguard the child and must follow the reporting requirements set out in this document. This may include conferral with the Principal and or Student Protection Contact and completion of a report.
- It is recommended that the First Person confer with the Principal and or Student Protection Contact, unless the Principal is involved in the allegations, to help determine if there is a reasonable suspicion that a child may not have a parent able and willing to protect them from the harm or abuse.
- It is recommended that the First Person not make a determination that the child has a parent able and willing to protect them from the harm without consulting the Principal.

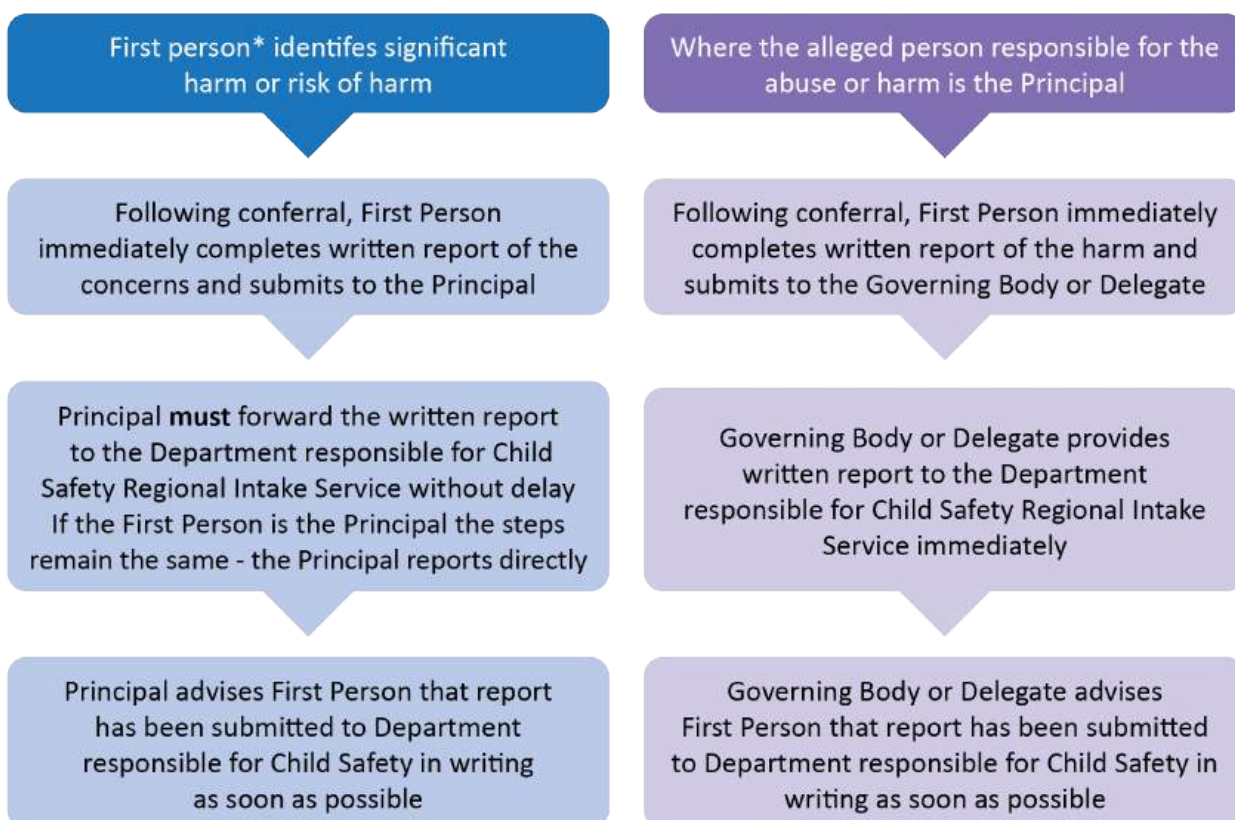
*Remember: Reporting occurs after the process of identification and conferral*



The process for reporting is outlined in flowchart 4 below:

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Flowchart 4: Reporting process to Child Safety for significant harm or risk of harm



- First Persons may be mandatory reporters under the legislation or any other school staff, as CEDR requires all school staff to report significant harm or risk of harm
- First Persons should make mandatory reports to the Department responsible for Child Safety [Child Safety] through their Principal or the Diocesan Director Catholic Education - Diocese of Rockhampton (as described above).
- However, if a person is a mandatory reporter under the Child Protection Act 1999 (as outlined at 4.3.1), the legislative mandatory reporting obligation remains with them. If the First Person is unable to confirm that the Principal or Diocesan Director Catholic Education - Diocese of Rockhampton has provided their report to the Department responsible for Child Safety, the First Person must fulfil their legislative responsibilities by reporting directly to the Department responsible for Child Safety.
- First Persons are encouraged to confer with a Student Protection Contact for support.
- The First Person must never make a determination that the child has a parent able and willing to protect them from the harm without consulting the Principal.
- The process for submitting reports through the Principal or Governing Body or delegate must at all times ensure that the integrity of the information in the report by the First Person is maintained.

#### Resources to assist you:

- [Flowchart C](#)
- [Sections 4, 5 and 6 CEDR Student Protection Guidelines](#)
- [Child Protection Act 1999](#)
- [FAQ](#)

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#### 4.4 Requirement to report under the Criminal Code Act 1899

- All adults ('adults' includes students 18 years or over, parents/guardians and volunteers) in Queensland (as per s229BC of the *Criminal Code Act 1899*) are required to report a reasonable suspicion of a sexual offence against a child, irrespective of where this occurs. Examples can include but not limited to:
  - A teacher may be coaching netball for a private non-school related team and a disclosure of a sexual offence is made to them.
  - A staff member is made aware through their friendship network of a sexual offence against a child.
- It is a reasonable excuse not to report under s229BC of the *Criminal Code Act 1899* if a report has already been made to Child Safety or the Police in accordance with the *Education (General Provisions) Act 2006* or the *Child Protection Act 1999* as set out above.

#### **IMPORTANT NOTE: Failure to protect** a student from a child sexual offence

In addition to the requirement to report a child sexual offence, under section 229BB of the *Criminal Code Act 1899* it is a criminal offence for an [Accountable Person](#) to fail to protect a child from a child sexual offence.

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

- knows there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child; and
- the alleged offender is associated with the institution (school)
- the child is under the care, supervision or control of an institution (the school)
- the child is under 16 years old or has an impairment of the mind;
- the Accountable Person has the power or responsibility to reduce or remove the risk; and
- the Accountable Person wilfully or negligently fails to reduce or remove the risk.

**Failing** to report sexual abuse also breaches the *Education (General Provisions) Act 2006*, and Catholic Education Authorities' policies and procedures.

#### 4.5 Requirement to respond to all harm, abuse or allegations of harm or abuse

In accordance with legislative requirements, Catholic School Authorities have a responsibility to respond to harm or allegations of harm to a student irrespective of the cause. This section outlines our responsibilities.

##### 4.5.1 Reporting all concerns about harm or risk of harm to a student

A member of CEDR (including all personnel) who form a reasonable suspicion that a student has suffered or is at risk of harm (that is, sexual, physical, psychological, emotional harm or neglect), or has been subject to inappropriate behaviour, must report the matter to the Principal and / or Student Protection Contacts, so appropriate action can be taken to ensure the wellbeing of the student.

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

##### 4.5.2 Allegations of harm/risk of harm or inappropriate behaviour by an adult associated with the school (Principal, staff member or other personnel or volunteer)

A member of CEDR who forms a reasonable suspicion that a student has suffered or is at risk of harm (that is, sexual, physical, psychological, emotional harm or neglect), or has been subject to inappropriate behaviour caused by the Principal, staff member or other personnel (including volunteers), has responsibility to follow the processes detailed in section 4.2 and 4.3 of this document. It is the responsibility of all personnel to safeguard and protect all students.

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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.

*Resources to assist you:*

[Refer also Flowchart 3 and Flowchart 4](#)



### Important Note

#### Sexual activity between staff members and students

*The involvement of **any** CEDR staff member or volunteer in sexual activity with, or sexual exploitation of a student attending the school **is sexual abuse**.*

*This must be immediately reported as per section 4.2*

It is a criminal offence to engage in sexual activity with a child aged 16 to 17 years of age if you are an adult who is in a position of care. This includes teachers, teacher aides, sports coaches and religious leaders. Penalties for this offence are up to 14 years in prison for a single offence and life in prison for repeated offences.

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

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

Self-harm can take on different forms and its frequency can vary from student to student. Explanations can be found at [section 2.5 of the CEDR Student Protection Guidelines](#).

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

As with all situations, there is a responsibility to report the harm to the Department responsible for Child Safety as per section 4.3 if the First Person forms a reasonable suspicion that a student:

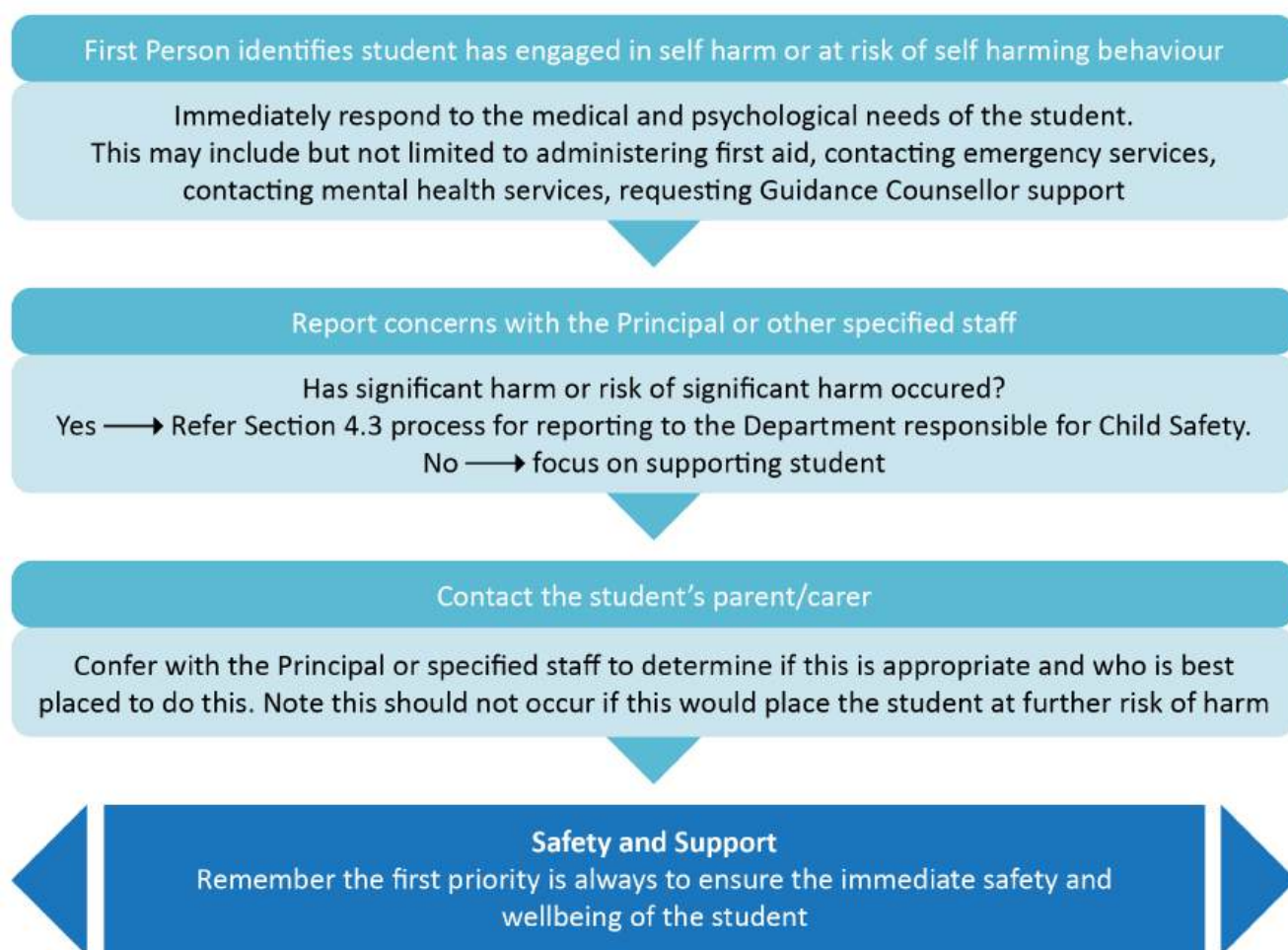
- has suffered, is suffering or is at unacceptable risk of significant harm, as a result of their self-harming behaviour; **and**
- may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care or unable to take protective action). The First Person must never make a determination that the child has a parent able and willing to protect them from the harm, without consulting the Principal.

*Resources to assist you:*

- [Refer also section 2.5 CEDR Student Protection Guidelines](#)
- [Flowchart 3](#)
- [Flowchart 4](#)

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Flowchart 5: Process for responding to harm caused by self-harm



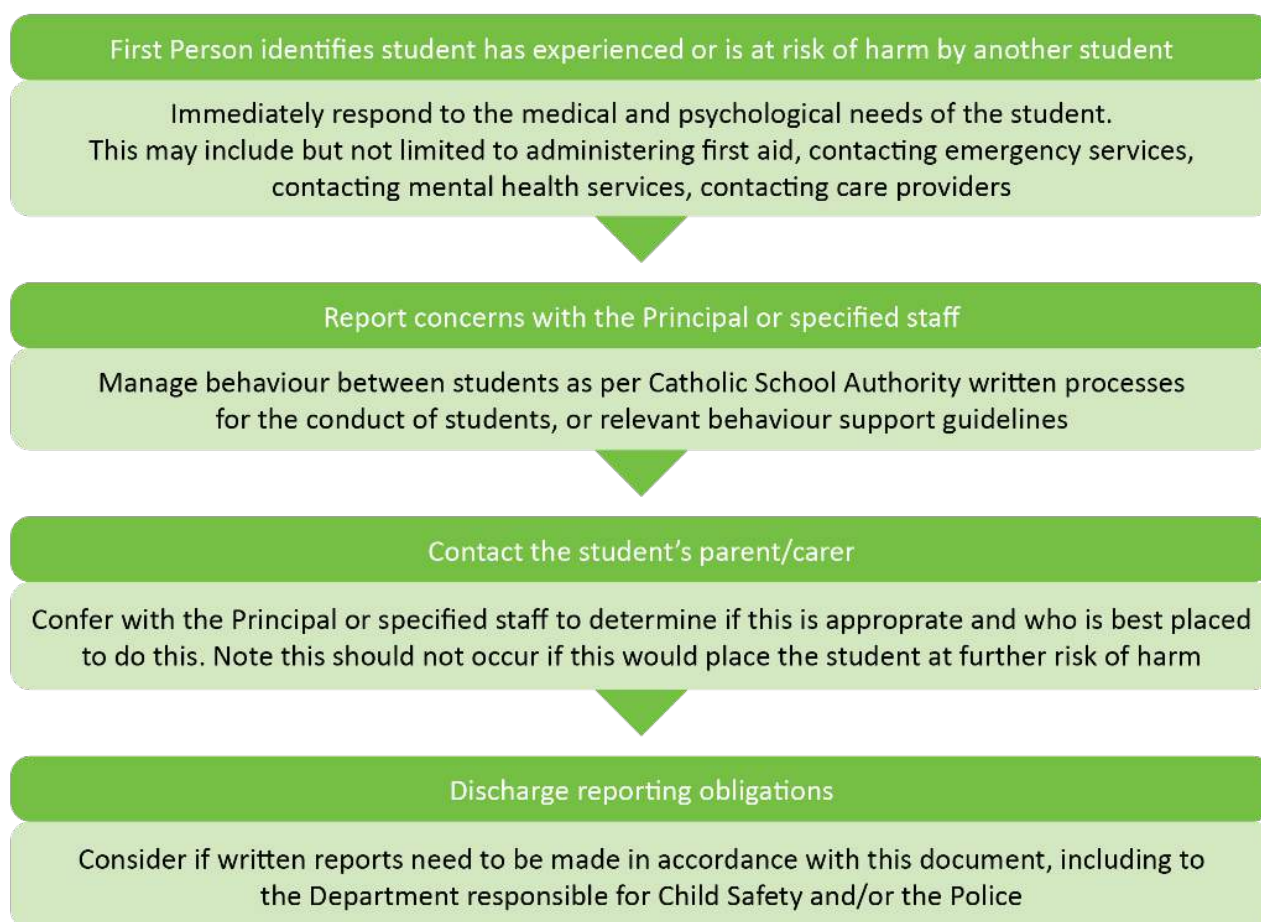
#### 4.5.4 Harm or risk of harm to a student caused by another student

Where a First Person forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by another student, the process involves:

- Prioritising the safety of the student, this includes attention to any medical treatment.
- Managing student's behaviour in accordance with the CEDR written processes for the conduct of students, or relevant behaviour support guidelines.
- Where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, advising parents/carers of the option to pursue action through the Queensland Police Service. CEDR will cooperate with any resulting investigation.
- Managing bullying behaviour, (including online bullying) in accordance with CEDR bullying procedures.
- Making a written report to the Department responsible for Child Safety if a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, 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), in accordance with section 4.3.
- make any other reports that may be required, for example a report to the Police under section 4.2 of a reasonable suspicion of sexual abuse or likely sexual abuse.

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Flowchart 6: Process for responding to harm caused by another student



#### 4.5.5 Responding to student sexual behaviour

- Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development.
- Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). Resources such as those published by the Department responsible for Child Safety can assist in identifying 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, the First Person must follow the framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support. This includes:
  - identifying if a reasonable suspicion or significant harm has occurred; and
  - reporting as per this document, which may include a report to the Queensland Police Services, and/or the Department responsible for Child Safety.

#### Resources to assist you:

- [Developmentally appropriate sexual behaviour in children](#)
- [Sexual Behaviours in Children & Young People – Traffic Lights Brochure](#)

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#### 4.5.6 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 First Person becomes aware of or reasonably suspects a concern that a student has been harmed, or is at risk of harm, by a person not associated with the school or family. For example, a boyfriend or girlfriend or ex-partner of a student; disclosure of abuse/harm by their dentist or physiotherapist or a stranger. In these circumstances, the First Person must follow the framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support. This includes:

- identifying if a reasonable suspicion or significant harm has occurred; and
- reporting as per this document, which may include a report to the Queensland Police Service, and/or the Department responsible for Child Safety.

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

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

- A First Person may identify concerns regarding a student that do not form a reasonable suspicion of sexual abuse, likely sexual abuse, or significant harm. However, the assessment or professional judgement of the First Person may indicate that without support or intervention, a student and/or their family is at risk of entering the child protection system.
- Concerns must be raised with the Principal or a Student Protection Contact, 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.
- A First Person may also identify concerns regarding a student that may not meet reporting thresholds because of the age of the student. A First Person must always report the concerns to the Principal irrespective of the age of the student (or a director of the Governing Body if the allegations involve the Principal), so appropriate next steps can be determined.
- The CEDR [Student Protection Guidelines](#) provide details of options available to support students and families.
- Concerns and decision making must be documented and retained by the Principal and/or Student Protection Contact.

*Resources to assist you:*

- [Section 9 CEDR Student Protection Guidelines](#)

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## 5. Allegations of staff inappropriate behaviour towards a student

Inappropriate behaviour by a staff member or other personnel (including volunteers) may occur where there is a violation of professional boundaries. A description of professional boundaries can be found at [section 10 of the CEDR Student Protection Guidelines](#) and the CEDR [Staff Code of Conduct](#).

**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 processes without delay.**

A staff member's failure to report may constitute a breach of the CEDR [Staff Code of Conduct](#) and disciplinary action may be taken against the staff member.

### 5.1 Reporting responsibilities of CEDR staff

#### All Staff

- Identify staff-student interactions that may be contrary to the CEDR Staff Code of Conduct.
- Confer with the Principal, Student Protection Contact at the school, relevant Assistant Director: Schools, Employee Support Services Manager, Student Services Manager or a CEO Student Protection Officer.
- Complete a Reporting of Inappropriate Staff Behaviour towards a Student (RISB) record.
- Support the student and family as advised by Principal, Student Protection Contact at the school, relevant Assistant Director: Schools, Employee Support Services Manager, Student Services Manager or a CEO Student Protection Officer.

#### Principal

- Confer with relevant CEDR personnel e.g. relevant Assistant Director: Schools, Employee Support Services Manager, Student Services Manager or a CEO Student Protection Officer.
- Complete a Reporting of Inappropriate Staff Behaviour towards a Student (RISB) record if not already created by the staff member.
- Assess the RISB and note the record.
- Facilitate support for the student and the family as appropriate.
- Seek advice from relevant Assistant Director: Schools, Employee Support Services Manager or Student Services Manager regarding appropriate risk management and support.

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

Most importantly, if you identify concerns about alleged inappropriate behaviour by a staff member to a student, your responsibility is to report this to the Principal, Student Protection Contact at the school, relevant Assistant Director: Schools, Employee Support Services Manager, Student Services Manager or a CEO Student Protection Officer by completing a RISB record. The concerns will be investigated in accordance with the relevant CEDR procedure.

Your responsibility is to report.

### 5.2 Reporting by a student

If a student of CEDR considers the conduct of a staff member of the school to be inappropriate, they may report to the Principal, the Diocesan Director Catholic Education - Diocese of Rockhampton, or a Student Protection Contact, or any staff member they feel comfortable speaking with.

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Any staff who receives a report of alleged staff inappropriate behaviour from a student, must follow the processes set out in this document. This includes:

- identifying if a reasonable suspicion or significant harm has occurred; and
- reporting as per this document, which may include a report to the Queensland Police Services, and/or the Department responsible for Child Safety; and
- informing the Principal about the concerns (or a director of the Governing Body if the Principal is involved in the allegation).

### 5.3 Responding to reported allegations of staff inappropriate behaviour towards a student

There are two intervention levels that may be considered when responding to alleged staff inappropriate behaviour towards a student. Each intervention level has a different management process. The relevant Assistant Director: Schools, Employee Support Services Manager and/or Student Services Manager will consult to assess the appropriate level in responding to the concerns reported in the RISB and will consult with the Principal of the school.

#### Overview of Level Based System

**Level 1 (School based response)** – Behaviour if substantiated would not likely involve consideration of the termination of employment. Allegations are dealt with on a school level with the Principal (or another staff member nominated by the Principal or Assistant Director: Schools) responsible for the investigation including the interview of the subject staff member. A report outlining the investigation and recommendation of substantiation and any proposed disciplinary actions is to be submitted via the initial RISB report, to the relevant Assistant Director: Schools. The Assistant Director: Schools is to independently determine whether the allegation is substantiated and if so, the appropriate response.

**Level 2 (Catholic Education Office supported response)** – Behaviour if substantiated could reasonably involve consideration of the termination of the staff member's employment. Allegations are managed with coordination from the Catholic Education Office, with the Assistant Director: Schools (or another person delegated by the Director) in line with the CEDR Managing Staff Misconduct Procedure.

#### Risk Management Considerations

Upon receiving an allegation, the Diocesan Director Catholic Education - Diocese of Rockhampton (or delegate) will conduct a risk assessment to identify whether immediate restriction on the staff member's employment (including suspension) is required to ensure the safety and wellbeing of students, pending the outcome of the investigation. If a restriction is placed on the staff member's employment, they are to be notified in writing, including by email.

#### **Important: Sexual activity between staff members and students**

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

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

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

Principals or their delegates are encouraged to seek advice from their Assistant Director: Schools, Employee Support Services Manager, Student Services Manager or CEO Student Protection Officer in managing these matters.

## 5.5 Reporting to the Queensland College of Teachers

In accordance with section 76 of the *Education (Queensland College of Teachers) Act 2005* (Qld), when CEDR deals with an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher of a CEDR school, CEDR must provide a report to the Queensland College of Teachers (QCT) as soon as practicable after starting to deal with the allegation.

The report must include:

- a) the name of the employing authority and, if the name of the authority is different to the name of the prescribed school, the name of the prescribed school;
- b) the name of the relevant teacher;
- c) the day the employing authority started dealing with the allegation;
- d) the allegation, particulars of the allegation and any other relevant information;
- e) details about what actions the employing authority has taken to deal with the allegation.

A report must also be given as soon as practicable after CEDR stops dealing with the allegation for any reason, in accordance with section 77 of the Education (Queensland College of Teachers) Act 2005 (Qld).

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## 6. Writing an effective student protection record or report

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

Effective records means accurate documentation:

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

Effective record keeping assists with:

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

It is the responsibility of the First Person to complete a comprehensive report of student protection concerns. The First Person is encouraged to seek assistance from the Student Protection Contact and/or Principal as outlined in this document.

*Resources to assist you:*

- [Key tips in completing the report can be found at Appendix 4](#)
- [Refer also RiskMan Training Guide v3](#)

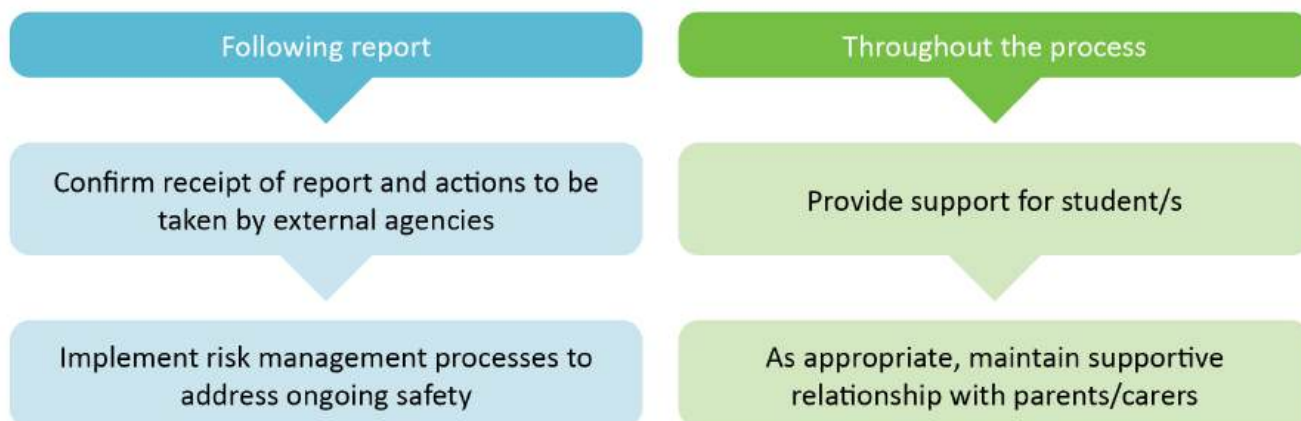


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## 7. After the report is made

It is important to remember that there is a parallel process of safeguarding through reporting the concerns **and** providing support to the student.

*Flowchart 8: Parallel process of safeguarding and supporting*



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

Follow up action includes:

- The Principal confirming receipt of the report and actions with Queensland Police Service and/or the department responsible for Child Safety to confirm both receipt of the report, and any action that these agencies may take. Wherever possible ask for written confirmation.
- Implementing risk management processes to address safety concerns of the student, this includes between students where harm has occurred.
- Providing or organising pastoral support to address the wellbeing of students. Ensure appropriate follow up is provided with the student.
- Maintaining supportive relationships with parents/carers, and families.
- Ensuring all parties involved respect the confidentiality and privacy of students and families involved.
- Where relevant, preparing for child protection interviews by assuring confidentiality, safety, and support. Seek advice from a Student Protection Contact at your school, or a CEO Student Protection Officer to support the student and prepare for any interview.

*Resources to assist you:*

- [CEDR Child Protection Interview Processes/Guidelines](#)

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## 8. Advising parents/carers

When a Student Protection Report to the Queensland Police Service and/or the Department responsible for Child Safety is required, CEDR personnel must consider **when** or **if** parents/carers are advised of the report.

It is recognised that in some situations parents/carers should be advised immediately or just prior to the report being submitted, as the primary carers of the student. This acknowledges that we want to work with families/carers to support their children. However, in other circumstances it is recommended that parents/carers are advised after the report is made.

The following guidelines are recommended to support decision making:

- Confer with appropriate personnel as specified in this document which includes assessing the risks of when to advise the parent/carer.
- Conferral may also include seeking guidance from relevant authorities, The Queensland Police Service and/or Child Protection Regional Intake Service.
- Assessing risk of when to advise the parent/carer involves determining what is in the student's best interests. This includes determining whether there is a reasonable belief that:
  - Someone may be charged with a criminal offence for the harm and advising the family would jeopardise the investigation. For example:
    - The alleged person responsible for the harm/abuse is one of the student's parents/carers;
    - the alleged person responsible for the harm/abuse may abscond with the student;
    - risk that the parent/carer may confront a student allegedly responsible for harming their child.
- Advising the parent/carer may expose the student to harm. For example, the parent/carer may blame the student or threaten them which can cause greater harm, impede both the investigation and access to support.
- Advising the parent/carer may expose staff to harm.
- Where the suspected abuse or neglect is by a member of the student's family, the Principal will only inform the parent/carer of the protection concern if appropriate and once guidance is sought from the Queensland Police Service or the Department responsible for Child Safety.

It is recommended that the Principal seek immediate guidance from the Queensland Police Service and/or the Department responsible for Child Safety as to when it is appropriate to discuss the matter with the student's parent/carer.

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

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## Appendix 1 Definitions

### Accountable person

In accordance with S229BB of the Criminal Code Act 1899, an "Accountable Person" means an adult who is associated with an institution such as Catholic Education, who becomes aware that there is a significant risk that another adult, that is, the 'alleged offender' will or has committed a child sexual offence to a child.

The Accountable Person is someone who has the power or responsibility to reduce or remove the risk.

An Accountable Person is **responsible** for **safeguarding** students from sexual offences and **must act** to reduce or remove the risk.

It is a criminal offence for an Accountable Person to fail to protect a child from a child sexual offence.

### Child

A child is a person under 18 years of age.

### Child in need of protection

A child in need of protection is a child who—

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

### 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.

(See CEDR [Student Protection Guidelines](#) for detailed definitions)

### Child sexual offence (*Criminal Code 1899 Chapter 22*)

Child sexual offence means an offence of a sexual nature committed in relation to a child.

S229BC identifies child sexual offence as

- (a) ... a child sexual offence is being or has been committed against a child by another adult; and
- (b) At the relevant time, the child is or was:
  - i. Under 16 years; or
  - ii. A person with an impairment of the mind.

Sexual assault includes

Any person who –

- (a) Unlawfully and indecently assaults another person; or
- (b) Procures another person, without the person's consent –
  - i. To commit an act of gross indecency; or
  - ii. To witness an act of gross indecency by the person or any other person;

is guilty of a crime.

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The *Criminal Code* specifies different levels of criminal action towards a child which includes indecent treatment of a children under 16, carnal knowledge with or of children under 16, procuring of a child for carnal knowledge or sexual acts, using internet etc., to procure children under 16, grooming a child under 16.

### Child sexual abuse

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

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

- (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.

### 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.

### Failure to Report and Failure to Protect

See Appendix 2 for definitions under the *Criminal Code 1899*

### First Person (S366-366A Education (General Provisions) Act 2006)

- The First Person is a staff member who becomes aware of or reasonably suspects that a student attending the school has been sexually abused by another person or is likely to be sexually abused by another person.
- In addition, for the purposes of this document, the First Person is defined as any person who is part of the school community who becomes aware of or reasonably suspects that a student attending the school has experienced, or is at significant risk of experiencing, all harm as a result of abuse, including alleged staff inappropriate behaviour towards a student.
- The First Person has **responsibility** for commencing the reporting processes once they become aware of or reasonably suspect abuse, harm or the risk of significant abuse, harm to a student and/or another child in the community. This responsibility **cannot** be delegated to someone else.

### Alleged staff inappropriate behaviour towards a student

Alleged staff inappropriate behaviour towards a student includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the CEDR Staff 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. This 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. A reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances.

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**Reportable suspicion**

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

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

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

- (a) 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.

**Staff member**

A staff member is any person who is employed by CEDR a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order. This includes visiting teachers providing private tuition.

**Student**

A student is any person enrolled as such at a CEDR school or kindergarten under the control of CEDR. This includes a 'relevant person' for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

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

**Student Protection Contact**

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

**Teacher**

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

**Volunteer**

A volunteer is any person who provides assistance or support at a CEDR site on a voluntary basis. Student teachers are included in this definition.

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## Appendix 2 Legislative references

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

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*Child Protection Regulation 2023*

The *Child Protection Regulation 2023* specifies particular information which is required in mandatory reports under the *Child Protection Act 1999* (the Act).

Section 4 Information to be included in reports—for section 13G(2)(b) of the Act, the following information is prescribed—

(a) the child's name, age and sex descriptor;

(b) details of how to contact the child;

Examples of how to contact a child—

- the address at which the child usually lives
- the name and address of the school the child attends

(c) details of the harm to which the reportable suspicion relates;

(d) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;

(e) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

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

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

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

*Education (General Provisions) Act 2006*

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

These requirements include sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 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 in accordance with the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g., from defamation or breach of confidence.

However, staff making a knowingly false, malicious, or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

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*Education (General Provisions) Regulation 2017*

The *Education (General Provisions) Regulation 2017* specifies particular information which is required in mandatory reports under the *Education (General Provisions) Act 2017* (the Act).

Section 68 Report about sexual abuse—Act, ss 365 and 366

A report under section 365(3) or 366(3) of the Act must include the following particulars—

- (a) the name of the person giving the report (the first person);
- (b) the student's name and sex;
- (c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- (d) details of the abuse or suspected abuse;
- (e) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who has sexually abused, or is suspected to have sexually abused, the student;
  - (iii) the identity of anyone else who may have information about the abuse or suspected abuse.

Section 69 Report about suspicion of likely sexual abuse—Act, ss 365A and 366A A report under section 365A(4) or 366A(5) of the Act must include the following particulars—

- (a) the name of the person giving the report (the first person);
- (b) the student's name and sex;
- (c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- (d) any of the following information of which the first person is aware—
  - (i) the student's age;
  - (ii) the identity of the person who is suspected to be likely to sexually abuse the student;
  - (iii) the identity of anyone else who may have information about the suspected likelihood of abuse.

*Criminal Code Act 1899*

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

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

**Failure to protect** child from sexual offence s229BB

(1) An accountable person commits a crime if—

- (a) the person knows there is a significant risk that another adult (the "alleged offender" ) will commit a child sexual offence in relation to a child; and
- (b) the alleged offender—
  - (i) is associated with an institution; or
  - (ii) is a regulated volunteer; and
- (c) the child is under the care, supervision, or control of an institution; and

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(d) the child is either—

(i) under 16 years; or

(ii) a person with an impairment of the mind; and

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

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

*Penalty—*

*Maximum penalty—5 years imprisonment*

#### **Failure to make a report s229BC**

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

a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)

b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

*Maximum penalty—3 years imprisonment*

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

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

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

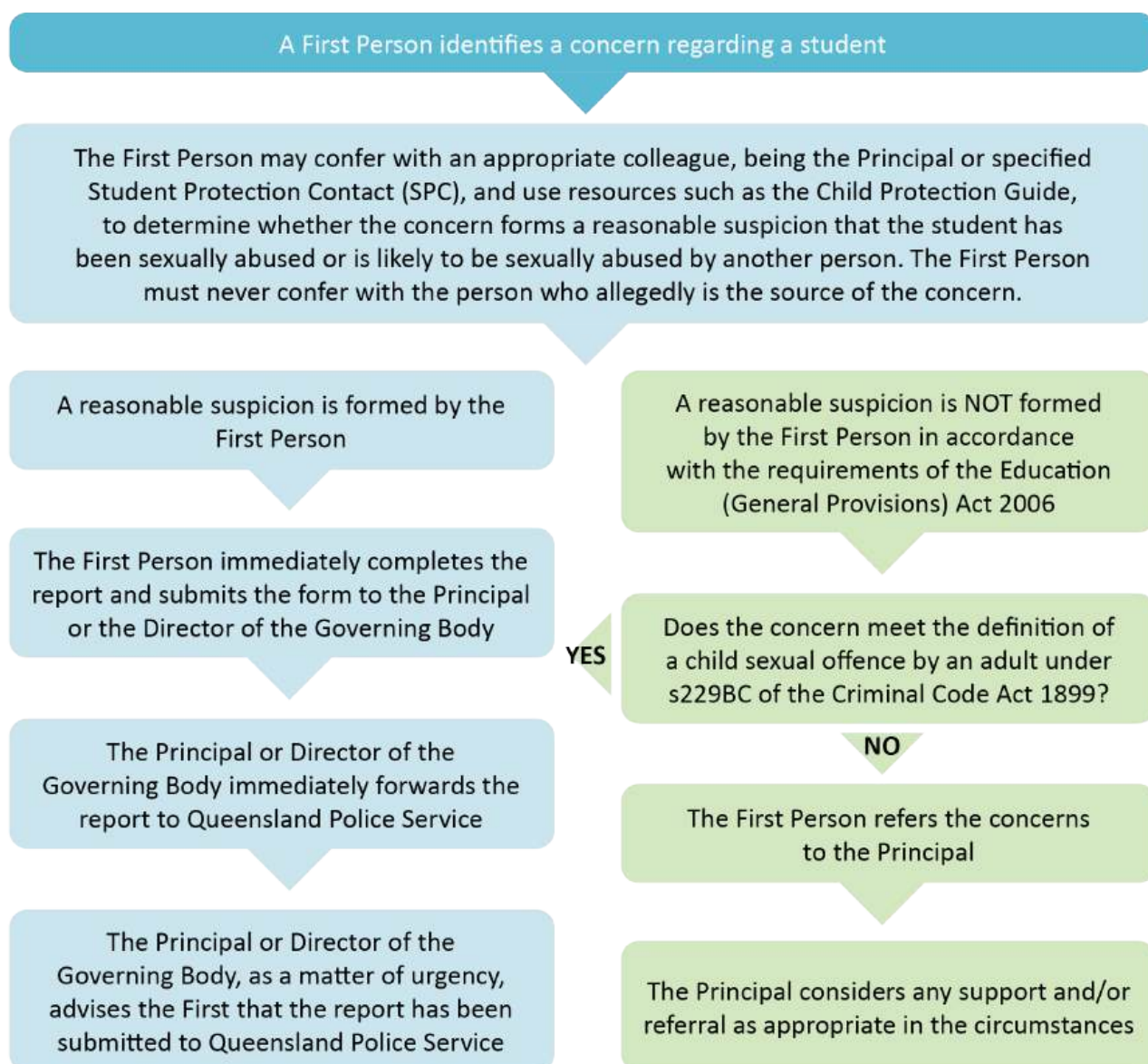
#### *Evidence Act 1977*

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

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## Appendix 3 Reporting Sexual Abuse and Likely Sexual Abuse under the *Education (General Provisions) Act 2006*

Flowchart A



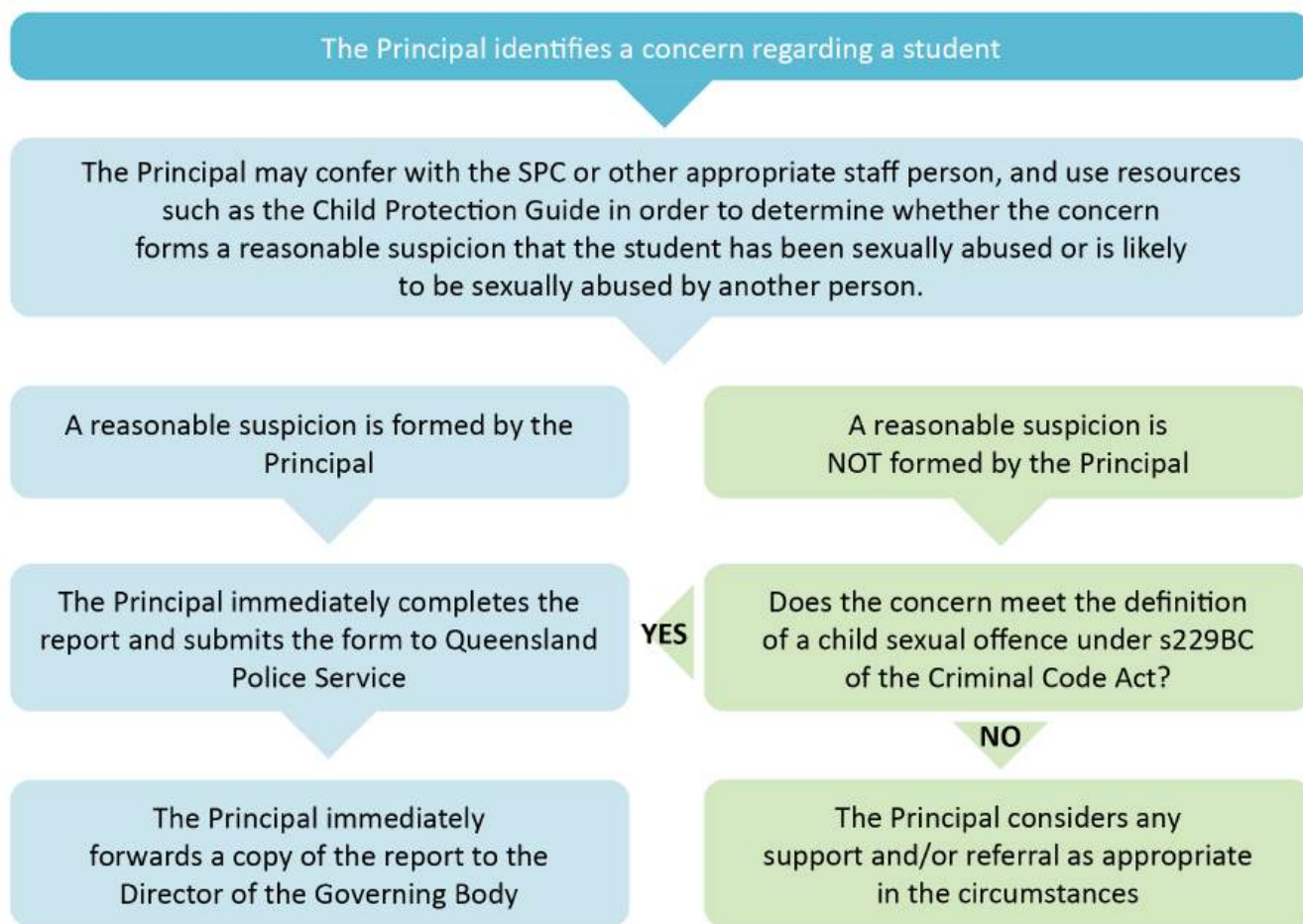
### Important Notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused or has been the victim of child sexual offence perpetrated by an adult and may not have a parent able and willing to protect them, reporting to the Department responsible for Child Safety must occur. See Flowchart C.

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## Reporting Sexual Abuse & Likely Sexual Abuse Where the First Person is the Principal

Flowchart B



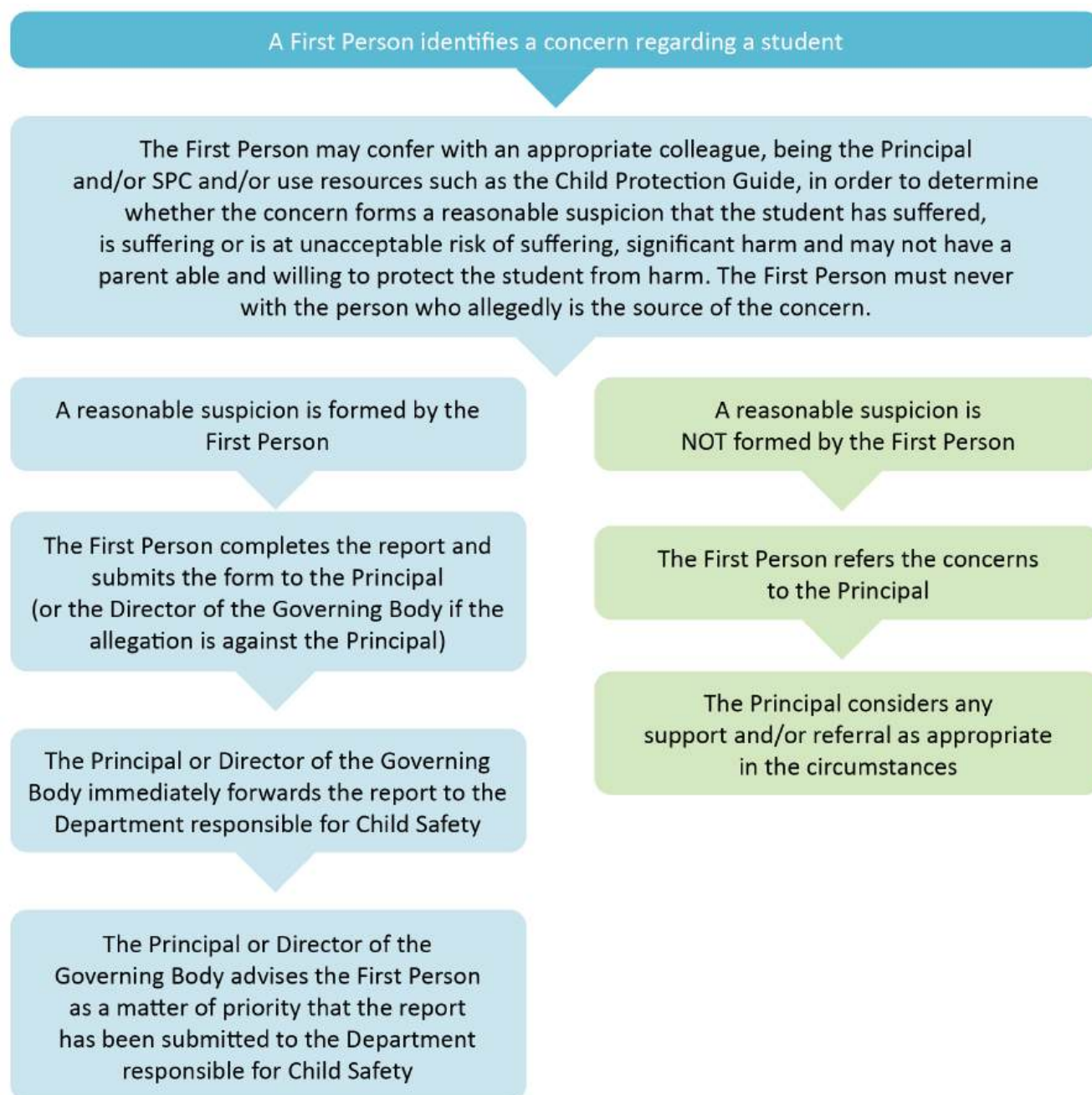
### Important Notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused and may not have a parent able and willing to protect them, reporting to the Department responsible for Child Safety must occur. See Flowchart C.

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## Reporting Significant Harm to Department Responsible for Child Safety under the Child Protection Act 1999

### Flowchart C



#### 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 A must also be followed, or Flowchart B if the first person is the Principal.

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### Mandatory Responsibilities

If the First Person is a mandatory reporter under the *Child Protection Act 1999* (teachers, nurses, doctors, police officers, early childhood professionals, registered child advocates) , and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the mandatory reporter is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department responsible for Child Safety, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If the mandatory reporter 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 Department responsible for Child Safety via the online reporting form: [Make a Report to Child Safety](#).



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## Appendix 4 Writing a comprehensive report of student protection concerns

Report categories	Tips
<b>First Person</b>	Name of person making report
<b>Cause of concern</b>	Refer to the sections 3 and 4 of CEDR <a href="#">Student Protection Guidelines</a> to determine the type of harm that you suspect
<b>Subject children</b>	Refers to the student/s but may also include other siblings you are aware of who may have experienced harm or risk of harm <ul style="list-style-type: none"> <li>○ Name of student/s</li> <li>○ Age of student/s</li> <li>○ Sex descriptor of the student/s</li> <li>○ How to contact student/s (address where they usually live and name and address of the school)</li> </ul>
<b>School</b>	Refers to the school the student attends
<b>Child risk factors</b>	Be as explicit as you can about what the behaviours or risk are that have been identified (Refer to <a href="#">section 4</a> of the CEDR Student Protection Guidelines)
<b>Parent/Carer/Household members</b>	Speak with your Principal or a Student Protection Contact at the school to obtain this information
<b>Awareness or suspicion of concerns</b>	Detail how you are aware or how you formed your suspicion. Focus on the factual information you have and be specific. Avoid emotions and assumptions. What do you know?
<b>Description of concerns</b>	Detail the harm to which your suspicion or awareness relates. Focus on the factual information you have and be specific. Avoid emotions and assumptions. What do you know? Be specific.
<b>What happened?</b>	<ul style="list-style-type: none"> <li>• Keep this factual. Use headings to break this down so it is easy to read and makes sense to you and the reader.</li> <li>• Explain the concerns you have identified and categorise if more than one, for example, physical harm, neglect, psychological harm.</li> <li>• Identify if in your assessment if there is a parent willing or able? This assessment should be made in consultation with the Principal (or a Director of the Governing Body if the Principal is involved in the allegations)</li> </ul>
<b>When did it happen?</b>	Be as explicit as you can about when things happened.
<b>Where did it happen?</b>	Provide details about where you believe or know the harm occurred, for example at the family home.
<b>Has the concern (or similar) occurred previously?</b>	Document if you, your Principal or a Student Protection Contact are aware of any previous concerns.

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	You can seek this information through conferral and working with the Principal and or a Student Protection Contact.
<b>Injuries to child</b>	Be as specific as possible, for example “bruising noted all along the left side of the face, around the eye, cheek, and neck. Bruising including to the right forearm, approximately the size of an adults hand. The bruising was purple and black in colour, with a hint of yellow.”
<b>Immediate safety concerns</b>	This asks you to identify immediate safety concerns and involves identifying if the student is currently at an unacceptable risk of harm. This again draws on your professional judgement and the information you have obtained. <i>For example, Adrian hinted that his father caused his injuries to his face and neck. Adrian stated his mother had told him to say he fell when at the skate park. Adrian’s father lives at the family home and will have full access to him. No medical attention was sought by Adrian’s father or mother.</i>
<b>Observations of the child</b>	Describe the student’s behaviour, how did they respond when you spoke with them? Have there been any patterns or concerns that you have noticed, for example, a decline in grades or the student becoming more withdrawn. Be specific.
<b>Unborn child</b>	Document if to your knowledge there an unborn child in the home that you know of who may be at unacceptable risk of harm.
<b>Alleged person responsible for the abuse/harm</b>	From your observations or information, who is the alleged person causing the abuse/harm? Provide as many particulars as possible about their identity. <i>For example, Adrian’s father.</i>
<b>Persons with more information</b>	Include the name of any adults who may have additional information. Do <b>not</b> ask parent/carer for information if they are, or you reasonably suspect they are the alleged source of abuse or neglect.
<b>Actions taken by staff member</b>	List what actions you or other staff members have taken in response to the concerns. <i>For example, Consultation with Student Counsellor Ms Smith on 20/6/23 to provide emotional support to Adrian; Consultation with Student Protection Contact Ms Habib and Principal Ms Ying on 20/6/23. Record of Concern completed on 20/6/23 and submitted at 4.30 pm.</i>
<b>Prior discussion with parent/carer(s)</b>	Document any discussions you may have had with the parent/carers about the concerns. Importantly do <b>not</b> ask the parent/carers for information if they are the alleged person responsible for the abuse or harm. If this is the case specify this in the RoC.
<b>Parent/carer(s) risk factors</b>	Record any parental/carer risk factors you are aware of. Your Principal or a Student Protection Contact may have additional information or provide assistance. Be as specific as you can.

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## Appendix 5 Frequently Asked Questions

### Frequently asked questions: Identifying harm or abuse

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

Your responsibility is to take every concern seriously and gather sufficient information to help you identify if there is a reasonable suspicion of abuse, harm, or alleged staff inappropriate behaviour. From there, follow the Framework set out in this document of Identify, Confer, Report and Support.

#### ***What is the difference between gathering information and investigating?***

Gathering information is the process of seeking more information to determine if you have reasonable grounds to suspect abuse, harm, or alleged staff inappropriate behaviour towards a student (see definition at [Appendix 1](#)). You can do this by speaking to the student and conferring with the Principal and/or a Student Protection Contact at your school. You do not have to determine if the concerns are true or false.

#### ***Who has responsibility for investigating?***

Investigation may be undertaken by the appropriate authorities, the Department responsible for Child Safety and the Queensland Police Service. Where appropriate, the Principal or Governing Body may determine to investigate a matter. The Principal or a Student Protection Contact can help guide you about the boundaries of responsibilities.

#### ***If in doubt, can I talk with the alleged person responsible for the abuse or harm just to confirm?***

No, the safety and wellbeing of the student is your priority, this means ensuring your focus is on safeguarding them. Talking with the alleged person responsible can place the student in greater risk, and potentially obstruct the investigation by the relevant authorities.

### Conferral regarding harm or abuse or alleged staff inappropriate behaviour towards a student

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

Seek another point of conferral, this could include a Student Protection Contact, CEO Student Protection Officer, the relevant Assistant Director: Schools, Student Services Manager or Employee Support Services Manager.

#### ***Does conferral involve talking to the alleged person responsible for the abuse or harm?***

No, the safety and wellbeing of the student is your priority, this means ensuring your focus is on safeguarding them. Talking with the alleged person responsible for the abuse or harm can place the student at greater risk, and potentially obstruct an investigation by the relevant authorities.

#### ***Does conferral involve talking with the student's parent/carer?***

It is always advisable to confer with the Principal, and/or a Student Protection Contact in the first instance to determine if there is a parent willing and able to safeguard the student.

#### ***When can I advise the parents/carers?***

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

### Reporting harm or abuse

#### ***As a Teacher what is my responsibility?***

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

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***As a Principal what is my responsibility?***

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

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

***As a staff member what is my responsibility?***

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

***As a volunteer/other personnel what is my responsibility?***

You are still responsible for following the process of identifying and conferral with a Student Protection Contact. The Student Protection Contact at your school will then facilitate reporting the concerns if necessary.

***What happens if the online form (RiskMan) is not available?***

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

- Making a verbal report to the relevant authority as a matter of priority
- Writing out the report using the headings specified in this document, or using the [Student Protection Report paper form](#)
- Following up with completing the report and submitting this.

***What happens when the Principal is not available?***

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

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

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

- Prioritising the safety and wellbeing of the student is the priority.
- The First Person can seek support from the Principal and or a Student Protection Contact to ensure they have the time to Confer, Report and Support.
- The First Person should be provided with support that may include having someone else take over their teaching responsibility or other duties.
- Remember it is of paramount important to not delay.

***What happens if it is an emergency?***

- Immediate safety concerns require immediate attention, do not delay, and Call 000 and speak with the relevant authority, for example The Queensland Police Service or the Department responsible for Child Safety.
- In a medical emergency contact 000 and ask for an Ambulance.

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

- If you cannot locate any appropriate member of staff as outlined in this document, you can contact the Department responsible for Child Safety Regional Intake Service or Child Safety After Hours Service, or Queensland Police Service and confer.
- In the case of any sexual abuse or other related harm where there has been a possible criminal offence, for example domestic and family violence, immediately contact the Queensland Police Service and confer with them.

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## Supporting students

### ***What is my responsibility in supporting a student?***

The wellbeing of our students is our priority. This means making sure that we provide whatever emotional, physical, and medical support is necessary. Confer with a Student Protection Contact / Principal about the best way to do this.

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

Yes, your responsibility does not end with the report. Remember we need to ensure the wellbeing of the student; this means considering whether they need to be linked with support services such as counselling or other specialised supports. Always confer with a Student Protection Contact / Principal about the best way to do this.

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## IMPORTANT INFORMATION

**Although staff members are required to follow the Student Protection Processes laid down by CEDR, this does not limit the freedom of any person to take immediate action to notify police of any complaint or concern about the safety of a student, particularly if he/she believes that it is essential to ensure a student's safety.**

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Catholic Education  
Diocese of Rockhampton

# Student Protection Guidelines for Catholic Education (Diocese of Rockhampton)

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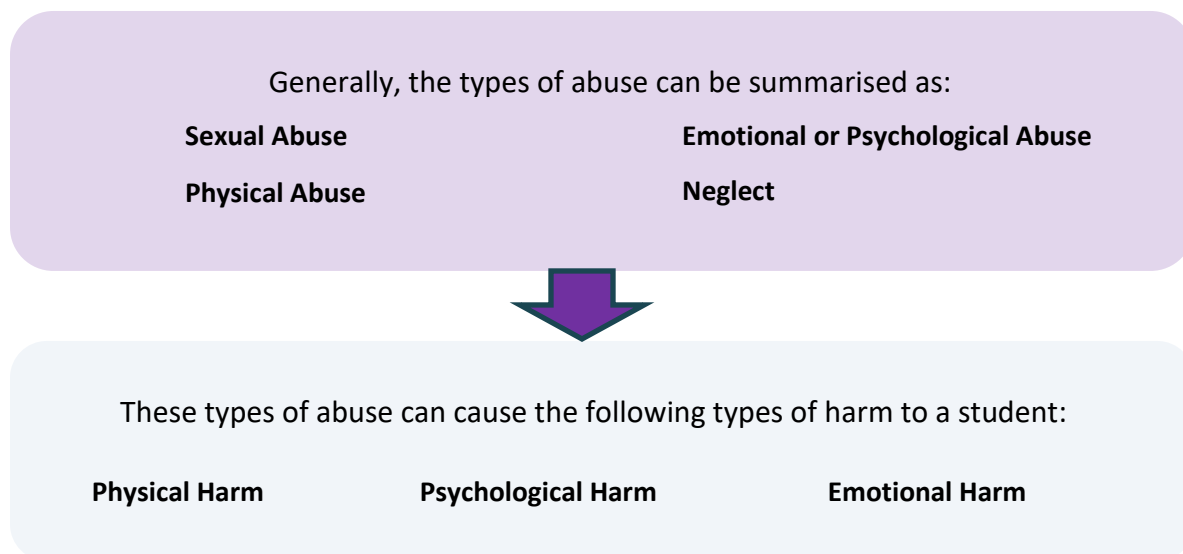
## Preface

These guidelines have been developed by the *Catholic Education Queensland Limited* (CEQL) 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 have been customised to reflect the resources and systems in place for Catholic Education – Diocese of Rockhampton (CEDR).

## 1. Understanding abuse and harm

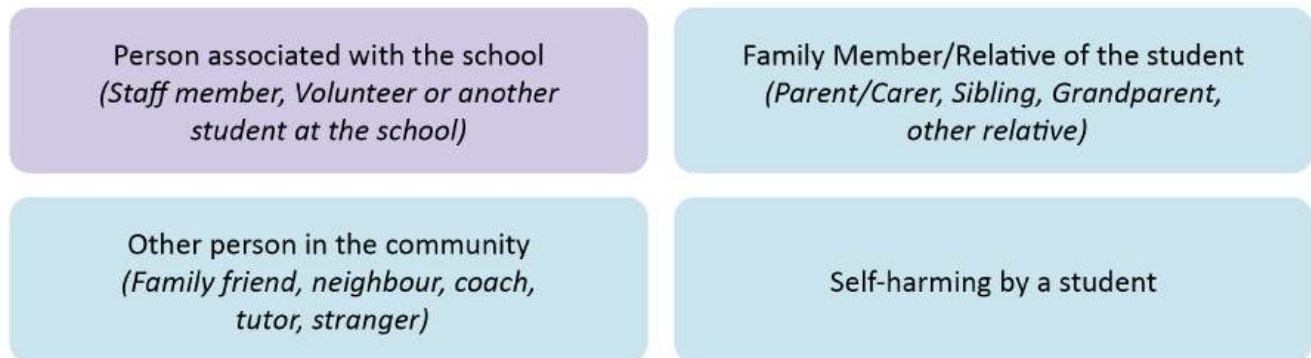
All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. This part explains the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take 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:



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## 2. Types of Abuse

### 2.1 Sexual Abuse and Likely Sexual Abuse

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

1. The other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or
2. The student has less power than the other person; and/or
3. 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' behaviour towards a student is 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.**

#### 2.1.1 What does sexual abuse involve?

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

Sexual abuse involving physical contact with a student could include:

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

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;

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

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- 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.

### 2.1.2 What is grooming?

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

Offenders may often take time to ‘groom’ their victim, often over a lengthy period. They will also often ‘groom’ the child’s parents, 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.

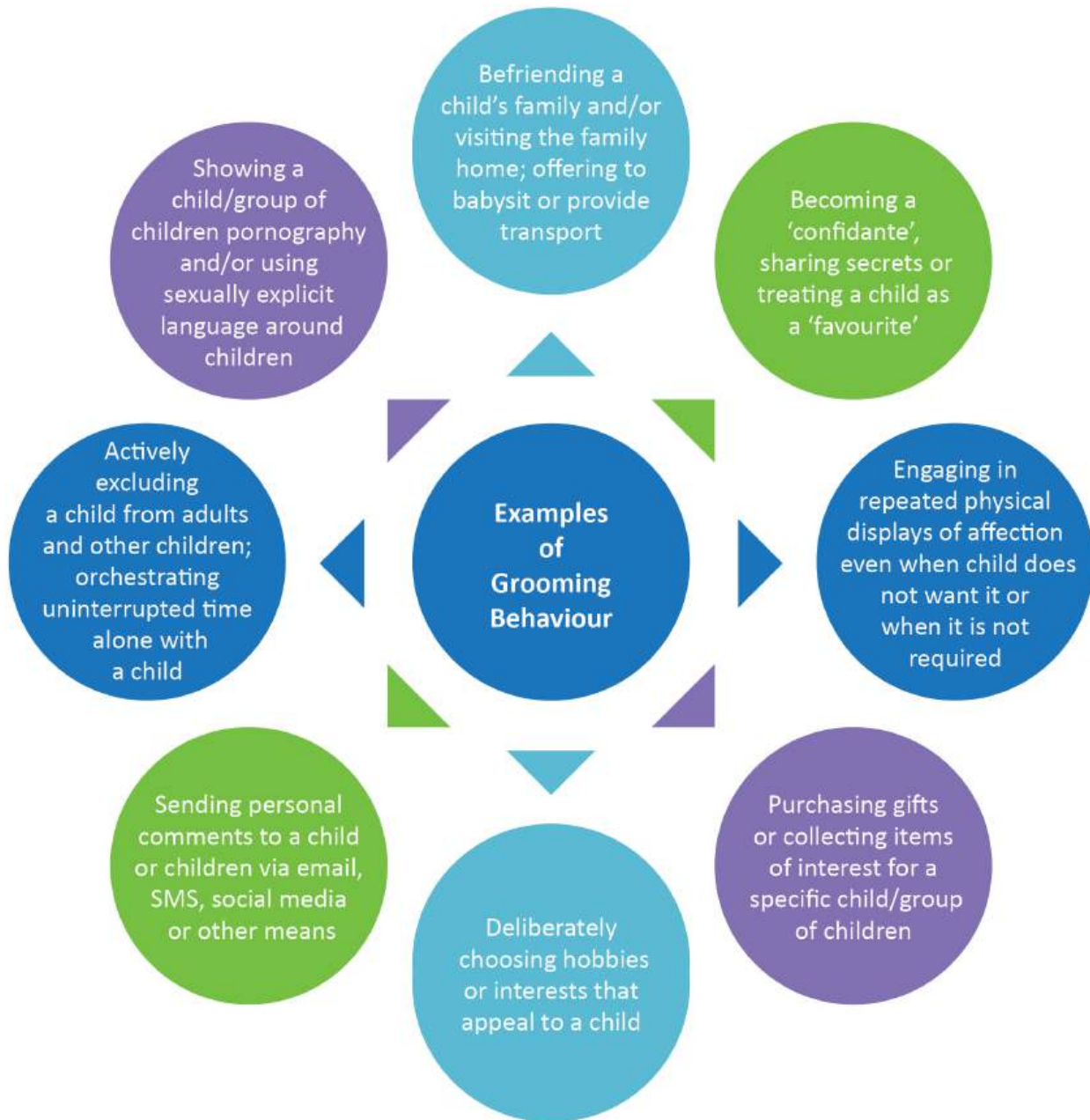
This is the reason that, for staff members, the observance of clear professional boundaries and transparency in the declaration of potential conflicts of interest is a vital part of the protection of children and of the professional integrity of staff members themselves.

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.



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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.

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

Under s229BC of the *Criminal Code Act 1899*, adults are required to report a child sexual offence to the Queensland Police Service unless it has been reported under the EGPA or the CPA (see *Student Protection Processes for Catholic Education (Diocese of Rockhampton)*)

### 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 responsible for Child Safety 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.

### 2.2.1 What does physical abuse involve?

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

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

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

- The person's propensity towards violence;
- The degree of control a person has over their own behaviour or the behaviour of others;
- The physical force used; 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.

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### 2.3.1 What does emotional or psychological abuse involve?

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

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

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

## 2.4 Neglect

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

### 2.4.1 What does neglect involve?

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

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

A child is considered to be at unacceptable risk of neglect in situations such as severe or chronic substance misuse, significant mental illness, lack of parenting 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 responsible for Child Safety website.**

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## 2.5 Self harm

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

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

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

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

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

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

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

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

- cutting, burning, biting, or scratching the skin
- picking at wounds or scabs so they don't heal
- pulling out hair, punching or hitting the body
- taking harmful substances (such as poisons, or over the counter or prescription medications).

(Source: [Headspace 15-Self-harm-headspace-fact-sheet-WEB-V3.pdf](#))

## 3. Significant Harm

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

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

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

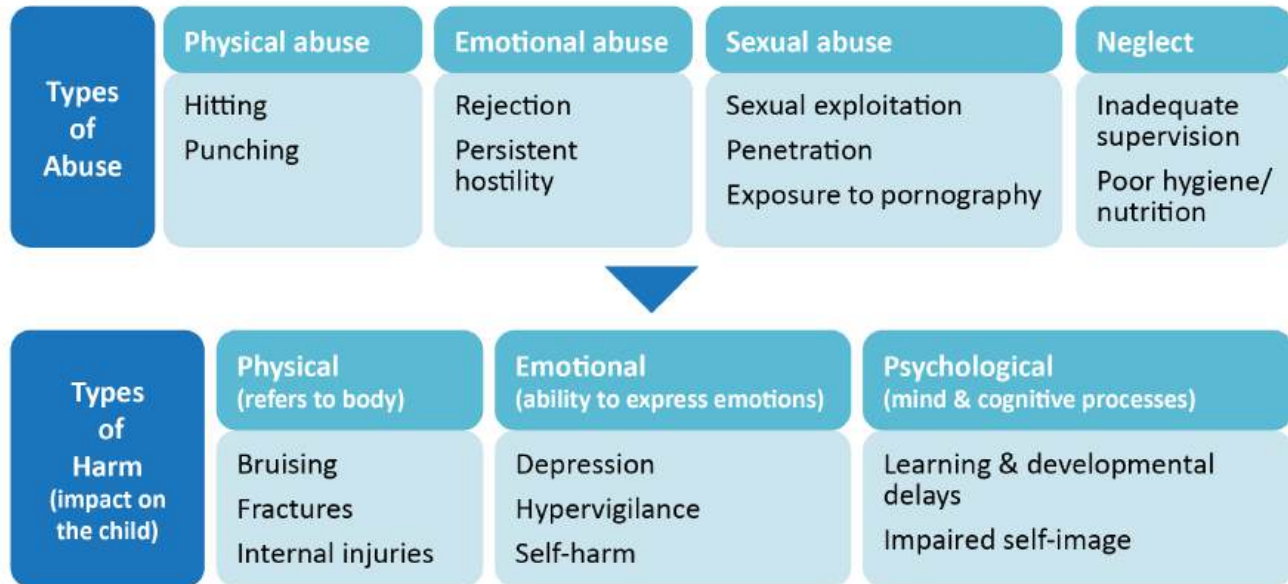
### 3.1 What is "unacceptable risk" of harm?

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

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### 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.



## 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

#### 4.2.1 Observations of student behaviour

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

- Nervousness/withdrawal;
- Passivity/excessive compliance;
- Evidence of deterioration in peer relationships and/or generally poor peer relationships;
- Trouble concentrating at school/unexpected drop in school academic performance;
- Frequent absences from school without substantiated or acceptable explanations;
- Being extremely aggressive, stealing or running away;
- Evidence of extreme or continually aroused emotional states;
- Out of character behaviour;
- Behaviour that is not age appropriate or typical of peer behaviour;

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- 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:

#### **4.2.2 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.

#### **4.2.3 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.

#### **4.2.4 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.

#### **4.2.5 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.

#### **4.2.6 Sexual**

- Direct or indirect disclosures of abuse;
- Concerning sexual behaviour and/or age-inappropriate sexual knowledge;
- Use of threats, coercion or bribery to force other children into sexual acts;
- Sexual themes/fears expressed in artwork, written work or play;
- Repeated urinary tract infections, especially in younger girls;
- Physical trauma to buttocks, breasts, genitals, lower abdomen, thighs;

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- 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 responsible for Child Safety website.**

## 5. Forming a reasonable suspicion

A reasonable suspicion of abuse or harm is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances. When a reasonable suspicion is formed, a staff member must act in accordance with the processes outlined in this document.

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

- A student makes a direct disclosure about another person's behaviour (see Section 5.1);
- A parent or any person reports information of concern about a student and/or another person's behaviour (this information may come from another student, relative, friend, acquaintance of the student, or sometimes could be anonymous);
- Direct observation of abusive or inappropriate behaviour towards a student;
- Relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained.

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

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

A staff member may **confer** with an appropriate colleague, being the Principal, a CEO Student Protection Contact and a Student Protection Team member 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 section 3.4 of the Student Protection Processes. The staff member must never confer with the person who is or potentially is the source of the concern (person allegedly responsible for abuse, harm or inappropriate behaviour).

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

- It is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information;
- In some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under the Student Protection Processes;
- If the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant reporting requirements described in section 3.5 of the Student Protection Processes.
- If the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant reporting requirements described in section 5 of the Student Protection Processes.

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**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:

### Listen

Move to a suitable environment, free of distractions.  
Be calm and patient – allow for the child to be heard.  
Let the child use their own words – avoid asking leading questions.  
Avoid “quizzing” the child about details of the abuse.  
Don't be afraid of saying the ‘wrong’ thing. Listening supportively is more important than what you say.

### Reassure

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

### Respect

Respect that the child may only reveal some details.  
Acknowledge the child's bravery and strength.  
Avoid making promises you can't keep – manage the child or young person's expectations.  
Explain to the child that in order for them to be safe you will need to report their experience to someone else.

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

**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 CEDR Student Protection Processes. It is the role of officers of Queensland Police Service (QPS) and qualified officers of the Department responsible for Child Safety to investigate and collect evidence in the required circumstances, such as conducting interviews with students.

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

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

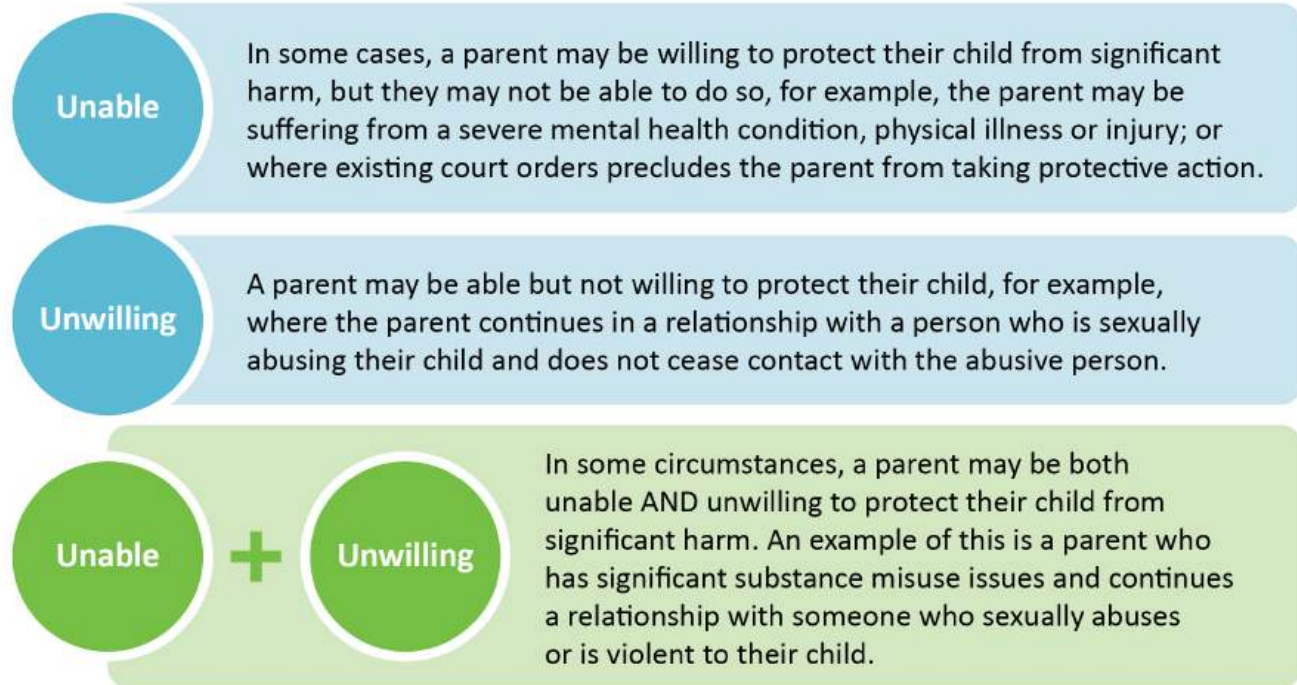
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Any response must be focussed on the best interests of the student. As such, the immediate support needs of a student are the priority and staff members must act promptly to raise the concerns with the Principal.

## 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 responsible for Child Safety intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported to the Department responsible for Child Safety.

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



In some cases, 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 (QPS) is to be made even if there is a parent able and willing to protect the child from harm.**

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## 7. Responsibilities Under the *Criminal Code Act 1899*

Under section 229BC of the *Criminal Code Act 1899*, an adult who gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult and at the relevant time the child is or was under 16 years or a person with an impairment of the mind, must report the matter to the Queensland Police Service (QPS).

Non-abusive sexual relationships in the following circumstances may fall outside of the mandatory responsibilities of teachers to report sexual abuse under the *Child Protection Act 1999* and staff members to report sexual abuse under the *Education (General Provisions) Act 2006*, but must be reported under the Criminal Code.

- a) Student (18 years or older) commits a child sexual offence against a student under the age of 16 years that does not meet the threshold of 'sexual abuse'
- b) Peer (18 years or older) commits a child sexual offence against a student under the age of 16 years that does not meet the threshold of 'sexual abuse'
- c) Student (18 years or older) commits a child sexual offence against a peer under the age of 16 years that does not meet the threshold of 'sexual abuse'
- d) An allegation against any adult who commits a child sexual offence (where the information is obtained outside the course of employment).

Matters which may be encountered include:

- a) carnal knowledge with or of children under the age of 16
- b) distributing intimate images or prohibited visual recordings
- c) maintaining a sexual relationship with a child.

Without a reasonable excuse (see Legislative References at section 4.4 of the Student Protection Processes), an adult who fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been formed, commits a misdemeanour with a maximum penalty of three years imprisonment.

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

Footnote: In this context, 'peer' means a young person of a similar age who is not a student of the school.

## 8. 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 a student protection concerns, including notes, reports and other documents must be stored securely and confidentially.

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

A person who notifies the Department responsible for Child Safety around a suspicion that a child has been or is likely to be harmed (known as the "notifier") cannot be identified unless certain exceptions apply. Where a Student Protection Report results in a criminal court proceeding, the report may form part of the prosecution's evidence,

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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.

## 8.2 Information Sharing

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

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

- Under Part 4 of the *Child Protection Act 1999*, the Department responsible for Child Safety may request information around a student who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.
- A Principal, as a ‘particular prescribed entity’ under the *Child Protection Act 1999* may share information with certain service providers in order to obtain support for a student and their family. As best practice, any referral for support should be with the knowledge and consent of a student’s parents or 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.

## 9. Support and Referral Services

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

### 9.1 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.

### 9.2 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.

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Intensive family support services include:

- a) Intensive Family Support;
- b) Referral for Active Intervention;
- c) Aboriginal and Torres Strait Islander Family Support Services;
- d) Fostering Families.

Information around making a referral to these services can be found via the Department responsible for Child Safety website. Particular information around information sharing provisions for Principals are detailed in section 8 of these Guidelines.

### 9.3 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.

### 9.4 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:

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

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

For the purposes of these Guidelines, 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 CEDR Staff 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:

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**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.



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## 10.1 Examples of boundary violations\*

\*See also *The Professional Boundaries: A Guideline for Queensland Teachers* as published by the QCT.

Physical Boundary Violations	Emotional Boundary Violations	Behavioural Boundary Violations
Pushing Pulling Grabbing Hitting Poking shoving Shaking Throwing Kicking Pinching Punching Using physical force to ensure a child cooperates Holding or restraining a child (unless in imminent danger of harm) Using an object (ruler, book, whiteboard marker) to manage a student Refusing biological necessities Applying painful or noxious conditions to a student Inappropriately touching or massaging a student Unnecessary or unwanted physical contact	<b>Making inappropriate comments about a student and/or a student's family by:</b> <ul style="list-style-type: none"> <li>Shaming</li> <li>Embarrassing, humiliating</li> <li>Using sarcasm</li> <li>Making derogatory remarks belittling</li> <li>Teasing</li> <li>Unprofessional criticism</li> </ul> <b>Exerting power over a student through the use of:</b> <ul style="list-style-type: none"> <li>Intimidating behaviour</li> <li>Fear</li> <li>Threats</li> <li>Moral pressure</li> </ul> Shouting at a student	<b>Having inappropriate interactions with a student through:</b> <p>Inappropriate use of social media in relation to a student</p> <p>Phone calls emails or texts to the student's personal email or phone</p> <p>Gift giving or showing special favours</p> <p>Sharing secrets with a student</p> <p>Disclosing inappropriate personal information to a student</p> <p>Inappropriate questioning of a student about personal and private matters</p> <p>Engaging in social activities with students (with whom there is not a declared personal relationship) outside school</p> <p>Driving students without appropriate authority</p> <p>Visiting students at home without appropriate authority</p> <p><b>Using unprofessional language:</b></p> <p>Swearing at or in the presence of a student</p> <p>Making otherwise inappropriate comments to or in the presence of a student</p> <p><b>Failing to follow a school's behaviour support policy and procedures:</b></p> <p>Unreasonable, unfair and/or unjust disciplinary measures</p> <p>The imposition of manifestly unreasonable expectations or excessive demands on a student</p> <p>Using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment</p> <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>

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## 11. National Response Protocol

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

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

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

Phone: (07) 3324 3070

Toll Free: 1800 337 928

Email: [psogld@catholic.net.au](mailto:psogld@catholic.net.au)

Mail: PO Box 3264, Brisbane QLD 4001.

## 12. Historical Allegations

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 CEDR Student Protection Processes.

### 12.1 Allegation of historical sexual abuse

When an adult who is a staff member gains information that causes them to believe on reasonable grounds that a child sexual offence has been committed against a former student the staff member must report the information to the Principal (if in a school) or their Line Manager if in the Catholic Education Office, who in turn must report the information to the Diocesan Director of Catholic Education.

In addition, the staff member must disclose the information to a police officer as soon as reasonably practicable after forming the belief, unless they have a reasonable excuse. For the purposes of reporting, staff can access a Report to [Queensland Police Service \(QPS\)](#).

A reasonable excuse may include:

- that the person believes on reasonable grounds that the information has already been disclosed to a police officer
- the person gains the information after the child turns 16 years of age (the alleged victim) and the adult reasonably believes the alleged victim does not want the information to be disclosed to police. This exception applies only under the Criminal Code mandatory reporting provisions, and only in rare circumstances. For guidance in such situations, please contact the CEO Student Protection Team.
- the person reasonably believes that disclosing the information to a police officer would endanger the safety of them or another person and failing to disclose is a reasonable response in the circumstances.

The Diocesan Director of Catholic Education or their delegate will report historical allegations of sexual abuse of past students of schools administered by CEDR to the QPS, unless the alleged victim or their legal representative have advised in writing that they do not want the police advised.

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Where the person against whom an allegation is made is a current employee of CEDR, the Diocesan Director of Catholic Education or their delegate will carry out a risk assessment, to determine the staff member's employment status. CEDR will work closely with the QPS and if and when their investigation is concluded, conduct any required investigation in accordance with The National Response Protocol and relevant CEDR processes. All mandatory processes will apply including reporting to Queensland College of Teachers (QCT) if applicable.

Where the person against whom the allegation is made is no longer an employee of CEDR, the Diocesan Director of Catholic Education or their delegate will inform the Bishop of Rockhampton and the matter should be referred to the QPS and to the Director of the Office of Professional Standards Qld and to the QPS (as above).

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 in addition to all applying mandatory processes including reporting to QCT if applicable, the Director of the Office of Professional Standards Qld will be informed as soon as possible. The Diocesan Director of Catholic Education (Diocese of Rockhampton) will also ensure that the relevant church authority is also informed without delay and this action documented.

## **12.2 Allegation of non-sexual historical abuse**

In relation to historical complaints of physical or psychological abuse, where the person against whom the allegation has been made is a current employee of CEDR, the matter will be addressed by CEDR.

In relation to historical complaints of harm other than sexual or physical abuse matters, where the person was previously but is no longer an employee of CEDR, the matter should be referred to the Director of the Office of Professional Standards Qld who can make an assessment as to whether the information should be provided to the QPS.

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 in addition to all applying mandatory processes including reporting to QCT if applicable, the Director of the Office of Professional Standards Qld will be informed as soon as possible. The Diocesan Director of Catholic Education will also ensure that the relevant church authority is also informed without delay and this action documented.

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