

Padua College

OUR COMMITMENT TO THE SAFETY OF ALL STUDENTS



Student Protection Policy and Procedure

Updated June 2015

FOREWORD

One of the most important concerns of any community should be the health, safety and wellbeing of its children and young people. Children and young people should grow up free of violence and exploitation. They should be able to develop spiritually, physically, intellectually, emotionally and socially in conditions of freedom and dignity.

The Catholic Church affirms that:

“The Catholic School sets out to be a school for the human person and of human persons. ‘The person of each individual human being, in his or her material and spiritual needs, is at the heart of Christ’s teaching: that is why the promotion of the human person is the goal of the Catholic school’.”

‘The Catholic School on the Threshold of the New Millennium’
(Congregation for Catholic Education, 1999) n.9.

This document highlights the commitment of Catholic educators to the protection of children and young people and upholding their right to a safe and secure environment.

Those in positions of responsibility acknowledge their responsibility to have in place proactive policies and procedures which will

provide students with a safe school environment

ensure that school personnel have the knowledge and skills they need to promote such a safe environment;
and

provide a prompt and supportive response to an allegation or suspicion of harm of any kind

Padua College will

comply fully with all the relevant legislative requirements current within the State of Queensland

comply fully with the commitment to the Principles and Procedures of “*Towards Healing*” 2010 that deals with responding to complaints of abuse against personnel of the Catholic Church of Australia; and

commit to ensuring high principles and standards for those who are involved in the Church’s Ministry of Education

In updating this document, as required, the staff of Padua College will continue to fulfil its duty of care to children/students. This Padua College Student Protection Policy and Procedure will promote and protect the interests of students and the school community and is in accordance with the Franciscan ethos of care, justice and peace.

Robert Out

Rector – Padua College

June 2015



School Student Protection Contacts and Student Protection Officer

Padua College

Concern about the inappropriate behaviour of staff members or volunteers at the school should be reported to:

THE SCHOOL STUDENT PROTECTION CONTACTS APPOINTED BY THE RECTOR PADUA COLLEGE

Robert Out	Rector	3857 9999	rout@padua.qld.edu.au
Ben Lowrie	Vice Rector Pastoral Care	3857 9980	blowrie@padua.qld.edu.au
Sally Dwyer	Student Counsellor	3857 9972	sdwyer@padua.qld.edu.au
Julia McDonald	Student Counsellor	3857 9952	jmcdonald@padua.qld.gov.au
Chris O'Shea	House Guardian	3857 9924	coshea@padua.qld.edu.au
Ty Casey	Pastoral Guardian	3857 9931	tcasey@padua.qld.edu.au

THE STUDENT PROTECTION OFFICER FOR PADUA COLLEGE is Anthony Benedetti

Anthony Benedetti, Student Protection Officer 047 773 5253 anthony.benedetti@publicguardian.qld.gov.au

Mark McSweeney, Chairperson of the Board of Directors of Padua College, 0411 472 275 mark@gpecapital.com.au

A current completed copy of this form must be kept at the school and be freely available to staff, students and parents. A current completed copy must also be given to each Student Protection Contact.

Concerns about inappropriate behaviour of staff members at Padua College may be reported to the Student Protection Contacts whose names appear above: (There must be at least two staff members at the school who are appointed as Student Protection Contacts by the Rector. One must be the Rector.)

WHILE STAFF MEMBERS ARE REQUIRED TO FOLLOW THE PROCEDURES AS SET OUT IN THIS MANUAL, THIS DOES NOT LIMIT THE FREEDOM OF ANY PERSON TO ADDRESS COMPLAINTS OR CONCERNS ABOUT THE SAFETY OF STUDENTS DIRECTLY TO: Queensland Police Service or Department of Communities (Child Safety Services)

Please note: This form must be kept up to date and retained in this folder to meet legislative requirements. A copy of this information must also be displayed prominently at the school



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1

1.0 OVERVIEW

1.1 Compliance

The student policy and procedures set out in this document have been designed to ensure compliance with all requirements of Government and Church Authorities in matters of student protection.

This document explains the actions to be taken by staff, volunteers and contractors to protect students in circumstances where harm is known or suspected, or where there is a risk a student may be harmed. In particular, this document specifies the legislative mandatory reporting requirements of staff to provide a written report if they become aware of, or reasonably suspect, that a student under 18 years of age attending the school or a person with a disability who is being provided with special education at the school, has been sexually abused, is suspected to have been sexually abused, or is likely to be sexually abused by another person. This document also specifies the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department of Communities, Child Safety Services, 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”) under section 13E of the *Child Protection Act 1999*.

Staff who fail to immediately report sexual abuse or suspected sexual abuse of a student under 18 years of age attending the school or a person with a disability who is being provided with special education at the school, may be in breach of section 366 of the *Education (General Provisions) Act 2006* (maximum penalty 20 units) and may also be liable to disciplinary action, including termination.

Staff who fail to immediately report the likely sexual abuse of a student under 18 years of age attending the school or a person with a disability who is being provided with special education at the school, may be in breach of section 366A of the *Education (General Provisions) Act 2006*. Section 366A(9) of the *Education (General Provisions) Act 2006* states that a person does not commit an offence only because the person omits to do an act under section 366A. However, as with failing to report the sexual abuse or suspected sexual abuse of a student, they may be liable to disciplinary action, including termination.

Teachers, who fail to report a reasonable suspicion that a child has suffered, is suffering, or is at an 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”), under section 13E of the *Child Protection Act 1999*, do not commit an offence under that Act. However, as with failing to report the sexual abuse, suspected sexual abuse or likely sexual abuse of a student, they may be liable to disciplinary action, including termination.

The policies and procedures set out in this document and their implementation at Padua College will continue to be reviewed as required by any changes to relevant legislation, policy or church documents.



1.2 Introduction

Any form of harm caused to children or young people by persons in positions of trust and authority is a serious matter. Padua College is committed to the implementation of student protection strategies and procedures that are intended to prevent harm to students, and to help equip staff with the skills to respond quickly and effectively when they reasonably suspect or are informed of any type of harm or risk of harm to a student caused by another person or self-harm by the student himself or herself.

Harm to students can take many forms and may be caused by the actions of:

- a member of the school staff (or office staff of Padua College), religious, priest, or lay person, whether teacher, ancillary staff or connected to the school in some administrative or pastoral capacity
- a fellow student
- a volunteer whose presence in the school has been authorised
- someone at a distance from the immediate school community such as a parent/caregiver, relative, neighbour, family friend or stranger
- the student himself or herself

1.3 Purpose

This document is intended to provide processes and information to foster the attitudes and action that will ensure that all students at Padua College experience appropriate care and protection. Implementation of these processes will assist in fulfilling the duty of care Padua College has in this area and any obligations owed in law.

This document provides processes on how to deal with allegations of physical, sexual, psychological or emotional inappropriate behaviour and harm, suspicions of harm or risk of harm to children/students at Padua College.

In particular this document sets out the processes for:

- The mandatory reporting of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person in compliance with sections 366 and 366A of the *Education (General Provisions) Act 2006* (a Category 1 Mandatory Report).
- The mandatory 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 where there may not be a parent able and willing to protect the child from the harm (a “reportable suspicion”) under section 13E of the *Child Protection Act 1999* (A Category 1 Mandatory Report).
- The response to other forms of harm in compliance with section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*.
- The reporting of staff member inappropriate behaviour - professional misconduct (a Category 2 Report).
- The reporting of staff member inappropriate behaviour - minor incidents (a Category 3 Report).

The processes in this document are to be used in conjunction with other Padua College Office policies and guidelines/processes where applicable.



1.4 Guiding principles

- The welfare and best interests of the child/student are paramount.
- Every child/student has a right to protection from harm.
- All adults have a responsibility to care for children and young people, to positively promote their welfare and to protect them from any kind of harm.
- Sexual, physical, psychological or emotional harm to children/students by persons in positions of trust and authority is a serious matter.
- Padua College is committed to the implementation of child/student protection strategies and processes in accordance with legislative and church requirements.
- All staff members are required to report sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person to the Rector of Padua College. All staff members are required to respond to significant harm, suspicions of significant harm or risk of significant harm to a student (other than sexual abuse, suspected sexual abuse, or likely sexual abuse by another person) in accordance with legislative requirements and this policy.
- All instances of known or suspected harm or risk of harm to a student will be responded to according to statutory and Padua College policy obligations.
- Padua College will respond immediately and treat seriously any allegation or report of suspected or actual harm, or risk of harm to a child/student by another person or self-harm by the child/student himself or herself.
- Padua College will seek to ensure that a person who honestly reports a matter in good faith to a Relevant State Authority in accordance with these processes will not be disadvantaged for doing so in any way.
- All persons involved in situations where harm is suspected or disclosed must be treated with sensitivity, dignity and respect.
- Padua College will act fairly and reasonably towards a staff member or volunteer who is the subject of an allegation of improper conduct and will provide access to support services as appropriate in accordance with the principles of Towards Healing 2010 and the Franciscan ethos.
- Padua College will similarly support a staff member or volunteer who is the subject of a proven false allegation of causing harm to a child/student.
- Support of the child/student and the staff member against whom the allegation is made is assisted by ensuring:
 - (a) confidentiality
 - (b) transparency of processes and procedures
 - (c) adherence to student protection processes,
 - (d) reporting to and involving Relevant State Authorities
 - (e) provision of appropriate emotional support and pastoral care
- In every preventative and/or protective action related to student harm, the total wellbeing of the student is the primary concern, while trying at the same time to balance the rights and welfare of others involved.
- The value of the family unit is to be respected but not to the detriment of the wellbeing of the student.
- It is important to recognise, acknowledge and respect the cultural diversity of the students and families in our schools and to be sensitive to how this may impact on the management of student protection issues.



- It is important to recognise, acknowledge and respect the special needs and vulnerabilities of students with disabilities and their rights to an educational and family environment free from harm, discrimination, harassment or victimisation in relation to those disabilities.
- Staff members who have access to information regarding suspected or disclosed student harm have a clear obligation to observe appropriate confidentiality in relation to the matter and an obligation to ensure that relevant information is kept in a secure place.
- Where there is any doubt about an allegation or report of harm to a child/student the decision must be in favour of reporting the allegation.

1.5 Definitions and explanatory notes

allegation: means an assertion or information still to be proved.

approved teacher: means a person who

1. is a registered teacher; or
2. holds a permission to teach under the *Education (Queensland College of Teachers) Act 2005*.

Board of Directors: The Board of Directors is the authoritative body which sets the strategic directions for the College and elaborates its purposes in clear policies, which guide the Rector and the staff in leading and managing the College's daily work. The Board of Directors is the body to which the Rector, as Chief Executive Officer, reports. The leader of the Board is the Chairperson of the Board of Directors.

child: means a person under eighteen years of age (*Child Protection Act 1999, s. 8*).

child in need of protection: means a child who has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and does not have a parent able and willing to protect the child from the harm (*Child Protection Act 1999, s10.*).

church authority: includes a bishop, a leader of a religious institute and the senior administrative authority of an autonomous lay organisation, and their authorised delegates, responsible for the church body to which a cleric or religious is or was connected at the time of the alleged behaviour.

church personnel: includes any cleric, member of a religious institute or other persons who are employed by a Church body, or appointed by a Church body to voluntary positions in which they work with children or young people, or engage in other forms of pastoral care at a school (Towards Healing 2010).

complainant: means any person making an allegation of physical, sexual, psychological or emotional abuse of a child/student against another person.

delegate: means the person to whom the responsibility or authority has been given to act for the Rector.

director of the school's governing body: means the chairperson of Padua College.

domestic violence: is violence, abuse, intimidation, harassment, indecent behaviour (or a threat of such act) perpetrated by a person against another in a spousal relationship or an intimate personal relationship or an informal care relationship causing fear, physical, sexual and/or psychological harm.

employee: An employee includes a staff member and any other person who is engaged to carry out work at the school for financial reward, and includes any cleric, and any religious appointed to a role at the school pursuant to an agreement with a religious order.

first person: The "first person" is the staff member who becomes aware or reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused or is likely to be sexually abused by another person. [Education (*General Provisions*) Act 2006 Sec 366(1) & 366A (1)].

harm: is defined in Section 3 of the *Education (Accreditation of Non-State Schools) Regulation 2001* as:

- (1) "Harm", caused to a student under 18 years, is any detrimental effect of a significant nature on the student'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.*

Whilst the definition of “*harm*” as outlined above only relates to children/students less than 18 years of age, this document extends the general meaning to cover all students of Padua College regardless of their age. Examples of harm include, but are not limited to:

emotional abuse: is behaviour that can damage the confidence of a child/student resulting in significant emotional deprivation or trauma. It involves impairment of a child/student’s social, emotional, cognitive, intellectual development and/or disturbance of a child/student’s behaviour. Examples of emotional abuse include constant criticism, public humiliation, belittling, teasing and scapegoating. It can also consist of failure to provide the psychological nurturing necessary for a child/student’s physical and emotional growth and development. Deliberately withholding praise and affection or constant yelling can constitute emotional abuse (Source: Queensland Police Service).

neglect: is the failure by the person responsible for a child to provide the child with adequate food, clothing, shelter and supervision and protection needed for the child’s safety and optimal growth and development. Failure to provide access to medical care and educational opportunities may also be deemed as neglect. Child neglect occurs where a child is harmed by the failure to provide the basic physical and emotional necessities of life. Neglect is often characterised as a continuum of omissions in parental care taking.

physical abuse: refers to non-accidental injury to a child or young person by a person responsible for the child or young person. It may include a threat with intent to commit an act of physical abuse or assault. It includes but is not limited to injuries which are caused by excessive discipline, beatings or shakings, attempted suffocation or strangulation and is evidenced by bruising, lacerations or welts, burns, fractures or dislocations, and death. It could also include practices such as giving extra physical tasks to children or young people as “*punishment*” especially if they are already tired, since this could be dangerous to their health (Source: Queensland Police Service).

assault is defined in s. 245 of the *Criminal Code Act 1899* as:

“A person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without the other person’s consent, or with the other person’s consent if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without the other person’s consent, under such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect the person’s purpose, is said to assault that other person, and the act is called an assault.”

sexual abuse: occurs when a person or persons involves a child/student in sexual activity. Sexual abuse involves but is not limited to a range of activity including exposing a child/student to pornographic images, exhibitionism, sexual touching, kissing or fondling, oral sex and intercourse. It can include sexual misconduct.

It takes place between a child or young person and a person who may be older, or has power, authority or control over the child or young person. This authority allows the other person to use force, trickery, emotional bribery or blackmail or other emotional pressures. It could also involve secrecy, misuse of power and distortion of adult-child relationships.

Sexual abuse is defined at section 364 of the *Education (General Provisions) Act 2006* as follows:

“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.”*



This definition provides a non-exhaustive list of the circumstances in which sexual behaviour would constitute sexual abuse. It is not intended to be exhaustive or restrict the matters that should be reported as giving rise to a reasonable suspicion of sexual abuse, suspected sexual abuse or likely sexual abuse.

Note: Children under 16 years cannot legally consent to sexual acts and such activity is a criminal offence even if the child has, or appears to have, consented. Young people over sixteen can be subject to sexual abuse in a situation of power and improper use of authority and forced consent is not an excuse in these cases either. (Source: Queensland Police Service). Further information around sexual abuse can be found in section 2.3.

inappropriate behaviour: includes unnecessary physical contact or non-physical contact that a student or other individual considers inappropriate.

minor incident: is a one off allegation involving a staff member or volunteer where no physical injury results, there is no suggestion of sexual activity or sexual misconduct and there is no suggestion that the staff member or volunteer intended to inflict severe pain or suffering.

Principal: means the school's CEO and means the Rector at Padua College.

reasonably suspects: is defined in Schedule 4 of the *Education (General Provisions) Act 2006* as "suspects on grounds that are reasonable in the circumstances". The suspicion may emanate from a written or oral report, disclosure or observation.

Rector: means the person appointed to be the religious and educational leader of Padua College; otherwise a person who has the delegated authority to act in the position of Rector.

relevant person under section 13E of the Child Protection Act 1999: means a person who 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*"

relevant person under the Education (General Provisions) Act 2006: means a person mentioned in section 365(1) (a) to (c), 365A (1)(a) to (c) or 366(1)(a) to (c) or 366A(1)(a) to (c) of the *Education (General Provisions) Act 2006*.

reportable suspicion: means "a reasonable suspicion that a child-

(a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and

(b) may not have a parent able and willing to protect the child from the harm."

(Child Protection Act 1999 section 13E)

school: In relation to this document, the term "school" refers to Padua College.

sexual misconduct: includes, but is not limited to, unwarranted and inappropriate touching of students, obscene language of a sexual nature, suggestive remarks or actions, jokes of a sexual nature, obscene gestures and the possession, distribution or display of pornography.

staff member: includes any person employed, engaged, hired or contracted by, for or on behalf of Padua College on whatever basis including without limitation on a casual, fixed term or continuing basis or as an independent contractor to work in whatever capacity at a school. Staff member also includes "church personnel" earlier defined.

student: is any person, regardless of age, who is or was enrolled at Padua College. Student also includes: a person with a disability who is being provided with special education at Padua College.



School Student Protection Contact: (school based person) means a person(s) appointed within each school in compliance with the *Education (Accreditation of Non-State Schools) Regulation (s. 10(4))*. This person's role is to receive reports of alleged harm to students and to take subsequent action as set down in these processes.

Student Protection Officer: means a person(s) appointed by Padua College to assist staff members when required in the assessing of harm, suspected harm and/or risk of harm to students, offering support and guidance to schools during and after intervention, and assisting schools with compliance with student protection policies and processes.

Volunteer: A volunteer is any person who performs work on a voluntary basis at Padua College. The relationship between the volunteer and Padua College is not bound by a contract of employment and no payment is made by Padua College to the volunteer or anybody on their behalf, for the work performed.

1.6 Legislative framework

The following legislation applies to the reporting of harm of students by staff members of schools and is the relevant legislation relating to this document:

- Education (Accreditation of Non-State Schools) Act 2001
- Education (Accreditation of Non-State Schools) Regulation 2001
- Education (General Provisions) Act 2006
- Education (General Provisions) Regulation 2006
- Education (Queensland College of Teachers) Act 2005
- Working with Children (Risk Management and Screening) Act 2000
- Working with Children (Risk Management and Screening) Regulation 2011
- Anti-Discrimination Act 1991 (Qld)
- Evidence Act 1977
- Child Protection Act 1999



2

2.0 IDENTIFYING ABUSE AND HARM

2.1 Types of abuse and harm

Harm includes any significant detrimental effect on a child's or a student's physical, psychological or emotional wellbeing. It can be caused by physical abuse, emotional abuse, sexual abuse or neglect by a parent, caregiver or other person including staff members and volunteers at the school.

Children and young people being exposed to domestic violence situations can be harmed or be at risk of harm as a result. Harm can be caused by other children, students or young people via the use of electronic/cyber mediums, physical assault and problem sexual behaviour. Students can also self-harm.

2.2 Sources of abuse and harm

The majority of children/students who are harmed, are harmed by someone they know and trust - a parent, caregiver, sibling or other relative, family friend, caregiver or teacher.

The younger the child, the more vulnerable they are and the more serious the consequences are likely to be.

For the purposes of this document, reportable harm to children and students is considered as being categorised as:

1. Category 1 - Sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person and significant harm, suspected significant harm or risk of significant harm (see Flow Chart 2 – section 5.0)
2. Category 2 – Inappropriate behaviour (professional misconduct) see Flow Chart 3 – section 5.0
3. Category 3 – Inappropriate behaviour (minor Incident) see Flow Chart 4 – section 5.0

2.3 Seeing the signs of abuse and harm

There are many signs that might lead staff members of the school to have concerns about a student.

Staff members should be aware of physical, emotional and behavioural signs and patterns of abuse and harm.

These signs may indicate that a student is at risk of harm or may actually be suffering harm.

These signs are more significant if they are severe, occur in combination and/or continue over a period of time.

It is important to remember:

- to keep an open mind when encountering signs of harm to a child as the presence of these signs does not necessarily mean that harm has occurred.



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

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

- nervousness/withdrawal
- passivity/excessive compliance
- poor peer relationships
- trouble concentrating at school/unexpected drop in school academic performance
- frequent absences from school without acceptable explanations
- being aggressive, stealing or running away
- out of character behaviour
- behaviour that is different to peers
- in younger students: separation anxiety, changed eating patterns
- in older students: drug/alcohol use, sexual promiscuity, self-harm or reckless and risk-taking behaviour

The *Child Protection Act 1999* provides some additional guidance as to whether the harm to a child is “*significant*”, which is a key element in determining whether the concern is a “*reportable suspicion*” and necessitates a report to Child Safety Services. Specifically, section 13C of the *Child Protection Act 1999* states:

“(2) *The matters that the person may consider include—*

- (a) *whether there are detrimental effects on the child's body or the child's psychological or emotional state —*
 - (i) *that are evident to the person; or*
 - (ii) *that the person considers are likely to become evident in the future; and*
- (b) *in relation to any detrimental effects mentioned in paragraph (a)—*
 - (i) *their nature and severity; and*
 - (ii) *the likelihood that they will continue; and*
- (c) *the child's age.*

(3) *The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.”*

Sexual abuse: be aware

Perpetrators of sexual abuse may plan their abuse of children by “*grooming*” or luring them into “*special*” or “*power based*” relationships by building trust. This “*grooming*” may take place on school grounds and in the classroom environment.

It may be behaviour demonstrated by another staff member or volunteer. Perpetrators of sexual abuse come from all walks of life. They may be male or female. They may be young or old. They may be married or single. They may have children of their own. They may be the person you least suspect.

Offenders may take time to groom their victims by, for example:

- isolating children or groups of children
- creating opportunities to work with or be alone with children
- creating “*special*” relationships with children and their families or care-givers



- buying children gifts
- paying special attention to a particular child
- asking children to keep secrets from their parents, siblings and friends
- unnecessary touching

Some indicators of potential sexual abuse include:

- obscene language of a sexual nature
- suggestive remarks or actions
- jokes of a sexual nature
- obscene gestures
- unwarranted and inappropriate touching
- sexual exhibitionism
- undressing in front of students
- personal correspondence with students in respect of the staff member's sexual feelings for the student
- deliberate exposure of students to sexual behaviours of others, other than in the case of prescribed curriculum materials in which sexual themes are contextual
- possession, distribution or display of pornography
- electronic transmission of messages or files which are sexually explicit, offensive or contain inappropriate jokes
- sending SMS (text) messages which are sexually explicit, offensive or contain inappropriate jokes

Examples of signs for the specific types of abuse and harm you may see include:

<p>PHYSICAL</p> <ul style="list-style-type: none"> • Facial, head, neck bruises or lacerations • Burns/scalds • Multiple injuries or bruises, especially over time • Fractures, dislocations, twisting injuries • Explanation offered by child not consistent with the injury • Repeated injuries with the same explanation e.g. <i>"I fell off my bike"</i> 	<p>NEGLECT</p> <ul style="list-style-type: none"> • Delay in achieving developmental milestones • Untreated physical problems • Poor personal hygiene leading to social isolation • Scavenging for/stealing food; lack of adequate school lunches • Self-comforting behaviour • Extreme seeking of adult affection • Flat and superficial way of relating 	<p>DOMESTIC VIOLENCE</p> <ul style="list-style-type: none"> • Difficulties in eating and sleeping • Regressive behaviour • Developmental delays • Child is over-protective of the mother • Abuse of siblings/parent
<p>EMOTIONAL/PSYCHOLOGICAL</p> <ul style="list-style-type: none"> • Inability to value self and others • Lack of trust in people • Statements from the child e.g. <i>"I'm bad"</i> or <i>"I was born bad"</i> • Extreme attention seeking behaviours 	<p>SEXUAL</p> <ul style="list-style-type: none"> • Direct or indirect disclosures of abuse • Age-inappropriate sexual behaviour and 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 little girls • Physical trauma to buttocks, breasts, genitals, lower abdomen, thighs • Unexplained accumulation of money/gifts 	



1.4 Making a determination if a parent is able and willing

There are a number of situations where a parent may not be able/willing to protect a student from harm.

These include, though are not limited to:

- Situations where a parent is not able to take actions to protect the student from harm. For example, the student's high risk behaviours are causing him/her serious physical, medical or emotional harm, or pose a risk of such harm, AND there is not a parent who is able to take actions to protect the student.
- This can also include the refusal of a parent to meet the student's medical needs or treat a serious or significant injury or medical condition.
- A parent may be willing but not able due to drug or alcohol use, or mental health conditions, medical, or developmental, or cognitive disability affecting his/her capacity to protect the student from harm or provide adequate supervision.
- It can apply to situations where a parent knows that an environment has a substantial risk but allows the student to continue remaining in this environment or with a person who may be a risk to the child.



3

3.0 RESPONDING TO ALLEGATIONS OF ABUSE, HARM AND INAPPROPRIATE BEHAVIOUR

3.1 Background

Nothing that is written below prevents a staff member of the school or any person from taking immediate action to notify the state authorities (i.e. the Queensland Police Service and/or the Department of Communities (Child Safety Services)) if he/she believes that it is essential to act in that way to ensure child/student safety.

If a staff member of the school has notified a concern according to these processes but does not feel sure that the appropriate action is being taken to ensure a child/student is safe from harm, he/she should contact the state authority directly.

Where there is any doubt about a serious allegation, suspicion or report of significant harm to a child/student by any person the decision must be in favour of reporting the allegation.

In an emergency outside business hours, reports can be made to the Department of Communities (Child Safety Services) 24 hour service, (Ph. 1800 177 135) or the Queensland Police Service in the relevant school community. (Stafford Child Protection Investigation Unit Ph. 3364 1923).

This document provides three intervention categories for responding to and reporting allegations of harm, suspected harm or risk of harm or inappropriate behaviour to a student as follows:

- **CATEGORY 1** – Mandatory reporting of allegations of sexual abuse, suspected sexual abuse, likely sexual abuse, significant harm, suspected significant harm or risk of significant harm.
- **CATEGORY 2** – Allegations of inappropriate behaviour - professional misconduct.
- **CATEGORY 3** - Allegations of inappropriate behaviour - a minor incident.

3.2 Reasonable grounds to suspect abuse or harm has been caused or there is risk of abuse or harm

“Reasonable grounds to suspect” means:

- A student reports or discloses information to a staff member that leads the staff member to suspect that the student has been abused or harmed or is at risk of abuse or harm.
- A student reports or discloses information to a staff member that leads the staff member to suspect that the student knows a student/child who has been abused or harmed, or is at risk of abuse or harm.
- Someone else gives a staff member information that leads the staff member to suspect that a student/child has been abused or harmed, or is at risk of abuse or harm (this information may come from a relative, friend, acquaintance of the student, or sometimes could be anonymous).



- A staff member's own observation of a particular student's behaviour or physical appearance, or knowledge of children generally, leads the staff member to suspect that the student has been abused or harmed or is at risk of abuse or harm.

Please Note: At times information may come to a staff member's attention indirectly (perhaps third hand). In these cases the following issues should be considered:

- In some cases, clarification of this information may be appropriate. However, it is not the school's role to investigate or confirm the validity of the information. Staff members should always err on the side of caution and report their reasonable suspicions of significant harm.
- Details about how the information came to the school's attention should be included in the school's written report (see reporting forms in section 7).

3.3 Pastoral guidelines for dealing with a disclosure

Staff members are often the first people students may tell when they are feeling unsafe. It is therefore important to be aware of how children/young people disclose.

3.3.1 If a student tells you about being abused or harmed

Do

- listen attentively, actively and be non-judgemental
- react calmly to the information the student provides
- only question the student if absolutely necessary and restrict yourself to questions of clarification such as *'Tell me what happened...and/or Tell me more about that...'*
- reassure the student that they have done the right thing to tell; e.g. *'I am pleased you have told me these things'*
- reassure them they are not to blame
- provide pastoral support to the student and be aware of the privacy issues involved
- be honest about your responsibility to take action

Do not

- react emotionally or make accusations
- seek any more information than is absolutely necessary
- ask leading or probing questions or put words in the student's mouth
- make promises that you cannot keep – particularly about not telling others about the information such as the Rector or other School Student Protection Contact
- leave the child alone immediately after a disclosure
- discuss the situation with parents, caregivers or others (other than those designated e.g. Rector or School Student Protection Contact)

3.3.2 General information about handling disclosures

Remember:

- It is not a staff member's role to investigate.



- Only ask enough questions to help you decide whether you have reasonable grounds to suspect significant harm or significant risk of harm.
- Excessive questioning may cause distress and confusion and may also interfere with any subsequent investigation undertaken by the Relevant State Authority such as Child Safety and/or Police.
- As soon as possible after the disclosure take detailed notes about any signs, disclosures, injuries, and behaviours that cause you to be concerned for the student's safety. Record the actual words used by the person making the disclosure and then record the time and date and sign your record.

3.3.3 Taking photographs of injuries

- Staff members must not take photos of injuries to students. If required, this is facilitated by the Queensland Police Service.

3.3.4 Contact with parents/carers

- When the concerns of harm to a student are in relation to someone in the student's family and/or someone who resides in the student's home, the parents/guardians must not be informed of the concerns by the school before or after the report is made as this may interfere in subsequent investigations.

3.3.5 Student reports and confidentiality

Should the allegation of inappropriate behaviour, abuse and/or harm, suspected abuse or harm, or risk of abuse or harm take the form of a report by a student, the student should be advised that his/her report has been noted and that the information will be actioned. The student should be asked not to discuss the matter with any other staff or students and it should be suggested that she/he discuss the matter only with his/her parents (as long as they are protective) and/or the appropriate authorities (e.g. the Queensland Police Service or the Department of Communities (Child Safety Services)). No further questioning or interviews should be held with the student at this stage besides ensuring the immediate safety of the student and others.

The staff member who has reported the alleged inappropriate behaviour and/or abuse or harm to a student by another staff member or volunteer must maintain confidentiality and be careful not to discuss the incident with others. The staff member must not inform the person who is the subject of the allegation.

3.4 Intervention procedural steps

3.4.1 Category 1 interventions - allegations of abuse and harm, suspected abuse or harm or risk of abuse or harm - MANDATORY REPORTING

A Category 1 intervention will be implemented when there are allegations of:

- sexual abuse or likely sexual abuse of a student by another person
- significant harm or risk of significant harm to a student where there may not be a parent willing or able to protect the student from the harm
- significant harm or risk of significant harm to a student by a staff member or volunteer

The allegation of harm may take the form of a written or verbal disclosure of information or observation.

Sections 366 & 366A - sexual abuse, suspected sexual abuse or likely sexual abuse Sections 366 and 366A of the *Education (General Provisions) Act 2006* requires a staff member who becomes aware, or reasonably suspects, in the course of their employment at the school, that a student has been sexually abused, or is likely to be sexually abused by another person to immediately make a written report to the Rector or the director of the school's governing body, being the Chair of the Board of Directors at Padua.



These provisions capture circumstances where the alleged abuse or risk of abuse relates to conduct and/or behaviour of any person, including, but not limited to, a staff member of the school.

The mandatory reporting requirements of sections 366 and 366A of the *Education (General Provisions Act) 2006* apply to reasonable suspicions of sexual abuse or likely sexual abuse formed in the course of a staff member's employment at the school. If the suspicion is formed outside of this context, for example a staff member and student of the school both happen to attend the same football club unrelated to the school, and the student makes a disclosure of sexual abuse, then this should still be reported by the staff member.

In all circumstances where there is a suspicion by a staff member of sexual abuse or likely sexual abuse, the same reporting procedure is to be followed, regardless of how or where the suspicion is formed.

While this mandatory reporting requirement is limited to significant harm caused by physical or sexual abuse, it is the policy of Padua College that significant harm or risk of significant harm as a result of any form of abuse must be reported to Child Safety Services where there may not be a parent able and willing to protect the child from the harm.

Similarly to the mandatory reporting requirements under the *Education (General Provisions) Act 2006*, the mandatory reporting requirements of the *Child Protection Act 1999* only apply to reportable suspicions formed in the course of the teacher's employment. However, section 13A of the *Child Protection Act 1999* states that any person may inform the Department of Communities, Child Safety Services if the person reasonably suspects a child may be in need of protection. Consequently, if a staff member forms a reasonable suspicion that a student may be in need of protection outside of the course of their employment at the school, they may act under this provision in order to ensure the safety of the student.

The mandatory reporting requirements of the *Child Protection Act 1999* applies to teachers, however it is the policy of Padua College, that this reporting requirement applies to all staff members. As such, any staff member who fails to report a reasonable suspicion of significant harm or risk of significant harm as a result of any form of abuse to Child Safety Services where there may not be a parent able and willing to protect the child from the harm, may be subject to disciplinary action.

The procedure to be followed by staff to comply with mandatory reporting obligations around suspicions of sexual abuse, likely sexual abuse, significant harm or risk of significant harm as set out below.

If a staff member (the first person) becomes aware, or reasonably suspects that a student attending the school has been sexually abused or is likely to be sexually abused by another person; and/or

If a staff member (the first person) becomes aware, or reasonably suspects that a student has suffered, is suffering or is at risk of suffering significant harm and may not have a parent able and willing to protect them from harm:

- The staff member, as the first person, must immediately make a written report by completing Part A of the *Category 1 Mandatory Reporting Form* (see section 7).
- Part A of the *Category 1 Mandatory Reporting Form*, once completed by the first person, is to be immediately provided to the Rector (or the Chairperson of the Board of Directors body where the allegation is against the Rector).
- Upon receiving the report from the first person, the Rector (or the Chairperson of the Board of Directors) completes Part B of the *Category 1 Mandatory Reporting Form* and, immediately submits Part A and B to the Queensland Police Service if the allegation is of sexual abuse or likely sexual abuse, or if the allegation is of significant harm or risk of significant harm caused by a staff member or volunteer.
- If the allegation is of significant harm or risk of significant harm, sexual abuse or likely sexual abuse and the information is that the student's parent is not able or willing to protect the student from harm, the report must also be submitted to the Department of Communities Child Safety Services – Regional Intake Service.



- If the first person is a teacher, and the allegation constitutes a reportable suspicion under *the Child Protection Act 1999* (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) the teacher must ensure that the report is submitted to Child Safety Services.
- To ensure proper and important internal school communications, this is achieved by the Rector advising the teacher that the report has been lodged with Child Safety Services, and if such confirmation is not received, the teacher must ensure the report has been made.
- After the *Category 1 Mandatory Reporting Form* is provided to the Queensland Police Service (and/or Child Safety Services if applicable), the Rector or the Chairperson of the Board of Directors have fulfilled their reporting obligations.
- The Rector or Chairperson of the Board of Directors must then inform the first person that the forms have been submitted immediately to the relevant state authority.

If the Rector (as 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; and/or the Rector (as the first person) becomes aware, or reasonably suspects that a student has suffered, is suffering or is at risk of suffering significant harm and may not have a parent able and willing to protect them from harm:

- If the allegation is of sexual abuse or likely sexual abuse by another person (including a staff member or volunteer), the Rector must immediately make a written report by completing Part A and Part B of the *Category 1 Mandatory Reporting Form* (see section 7) and then immediately submit Part A and B of the *Category 1 Mandatory Reporting Form* to Queensland Police Service. If the allegation includes information that the student does not have a parent willing and able to protect the student from harm, then the report must also be submitted to the Department of Communities, Child Safety Services.
- The Rector must also immediately submit a copy of Part A and Part B of the *Category 1 Mandatory Reporting Form* to the Chairperson of the Board of Directors (if the allegation is of sexual abuse or likely sexual abuse). The Chairperson will check that the report has been appropriately submitted.
- If the allegation is of significant harm or risk of significant harm caused by a staff member or volunteer, the Rector must immediately make a written report by completing Part A and Part B of the *Category 1 Mandatory Reporting Form* (see section 7) and then immediately submit Part A and B of the *Category 1 Mandatory Reporting Form* to Queensland Police Service.
- If the allegation is of significant harm or risk of significant harm by any other person and that the student's parent is not able or willing to protect the student from harm, the Rector must immediately make a written report by completing Part A and Part B of the *Category 1 Mandatory Reporting Form* (see section 7) and then immediately submit Part A and B of the *Category 1 Mandatory Reporting Form* to the Department of Communities Child Safety Services – Regional Intake Service.
- The Rector must also immediately submit a copy of Part A and Part B of the *Category 1 Mandatory Reporting Form* to the Chairperson of the Board of Directors (if the allegation is of sexual abuse or likely sexual abuse). The Chairperson will check that the report has been appropriately submitted.

If a staff member (as the first person) becomes aware, or reasonably suspects that a student attending the school has been sexually abused or is likely to be sexually abused, or has been significantly harmed or is at risk of significant harm by the Rector:

- The staff member, as the first person, must immediately make a written report by completing Part A of the *Category 1 Mandatory Reporting Form* (see section 7).
- The completed Part A of the *Category 1 Mandatory Reporting Form* must be provided by the first person to the Chairperson of the Board of Directors.
- Upon receiving the report from the first person, the Chairperson of the Board of Directors must complete Part B of the *Category 1 Mandatory Reporting Form* and immediately send a copy to the



Queensland Police Service. If the allegation also indicates that there may not be a parent able and willing to protect the child from the Rector, then the Chairperson of the Board of Directors must submit the report to the Department of Communities Child Safety Services – Regional Intake Service.

- Again, if the first person is a teacher, and the allegation constitutes a reportable suspicion under *the Child Protection Act 1999*, the teacher must ensure that the report is submitted to Child Safety Services. This is achieved by the Chairperson of the Board of Directors advising the teacher that the report has been lodged with Child Safety Services, and if such confirmation is not received, the teacher must ensure the report has been made.

Note: A copy of the *Category 1 Mandatory Reporting Form* must be filed confidentially in the school's secure Student Protection File for accountability and compliance requirements as demonstration that the student protection reporting processes have been followed. If the allegation is against the Rector, the report will be stored securely by the Chairperson of the Board of Directors.

A person who makes a report pursuant to Sections 366 or 366A of the *Education (General Provisions) Act 2006* or section 13E of the *Child Protection Act 1999* will be protected from any 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.

3.4.2 Responses to other forms of significant harm to a student

A student may suffer, or be at risk of suffering, other forms of significant harm that do not constitute a mandatory report under the applicable legislation. For example, a student may harm themselves, be harmed by another student, or be harmed by a person not associated with the school or family – for example the abduction of a child on the way to school. The following outlines the responses to these forms of harm.

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

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

The staff member then raises the concern of self-harm with the Rector, and contact should be made with the student's parent/care-provider.

Where the staff member forms a reasonable suspicion that a student has suffered significant self-harm, or is at risk of significant self-harm and may not have a parent willing and able to protect the student from harm, for example refusing to support the student in accessing medical or psychological care, then a written report must be made in accordance with the Category 1 reporting process as a concern of neglect.

In all cases of self-harm, parents and care-providers should be made aware of the self-harm concern in order to protect the student outside of school, unless doing so places the student at an increased risk of significant harm, in which case mandatory reporting processes would apply. As per the broader student protection policy and procedure requirements, parents would not be informed that a report has been made to Child Safety Services (if applicable); rather, parents would be informed as to the concern of self-harm in order that the student can be monitored and supported outside of school hours.

As with all concerns of harm, support and care for the student is the primary consideration. Consideration should be given to referring the student to supports including, but not limited to:

- supporting any other student or employee who may be affected by an incident of self-harm
- consult with qualified staff such as the school counsellor to ensure ongoing safety and wellbeing of the student



- utilise established referral protocols and pathways to local mental health service providers, such as the Child and Youth Mental Health Services (CYMHS) if urgent mental health advice and assistance is required
- developing a support plan, in collaboration with the student's parents/care-provider and monitor the student

Documenting the management of the concern, and any further issues is important in all cases of student self-harm.

Flowchart 5 highlights the process to follow in relation to responding to student self-harm.

3.4.2.2 Harm to a student caused by another student

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

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

Behaviour between students should be managed in accordance with the school's written processes for the conduct of students, often referred to as behaviour management guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through Queensland Police Service.

Allegations of bullying behaviours, including online behaviours, should be managed in accordance with the school's bullying procedures.

In order to ensure the ongoing safety of students, the following action should be considered:

- developing risk management plans and documented behaviour management plans to address the ongoing conduct and safety of students
- utilising protective behaviours programs and curriculum as a means of re-enforcing key safety messages
- contacting the parents of all affected students
- ensuring support for any affected student, for example accessing the school counsellor
- where applicable, developing monitoring plans - for example monitoring student interactions in the playground
- documenting the management of the concern and any further issues

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

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

In circumstances where there is a parent willing and able to protect the student from harm, then the parents must be notified of the concerns as soon as possible. Where there is not a parent willing and able to protect the student and there is a reasonable suspicion of significant harm or risk of harm, then the Category 1 reporting process must be followed. Where the risk is immediate, for example the abduction of a student walking to school, then the Queensland Police Service must be contacted immediately.



3.4.3 Category 2 interventions - allegations of inappropriate behaviour - professional misconduct against a staff member or volunteer

A Category 2 intervention will be implemented when there are allegations of inappropriate behaviour - professional misconduct, by a staff member or volunteer that do not constitute sexual abuse, suspected sexual abuse or likely sexual abuse. These allegations may include professional misconduct, which, if proved to the required standard, would make the staff member liable for disciplinary action.

Examples of incidents requiring a Category 2 intervention include, but are not limited to:

- inappropriate non-physical and/or physical contact
- exposing or subjecting the child/student to emotionally or psychologically inappropriate behaviour

If a staff member becomes aware of a Category 2 allegation he or she must provide a written or oral report to the Rector or the School Student Protection Contact as soon as practicable. (If it is about the Rector, it is to be provided to and progressed by the Chairperson of the Board of Directors). If an oral report is provided by the staff member in the first instance, a written report in the form of a *Category 2 Inappropriate Behaviour (Professional Misconduct) Reporting Form* (see section 7), must be provided by the reporting staff member to the Rector or School Student Protection Contact as soon as practicable thereafter.

If a School Student Protection Contact receives a report of a Category 2 allegation he or she must provide a written report using the *Category 2 Inappropriate Behaviour (Professional Misconduct) Reporting Form* to the Rector as soon as practicable, (or if about the Rector, to the Chairperson of the Board of Directors). The *Category 2 Inappropriate Behaviour (Professional Misconduct) Reporting Form* must be read and signed by the Rector (or Chairperson of the Board of Directors if about the Rector). A copy of the *Category 2 Inappropriate Behaviour (Professional Misconduct) Reporting Form* (see section 7) is also filed confidentially in the school's student protection file for accountability and compliance requirements as demonstration that the student protection reporting processes have been followed.

The Rector of Padua College (or Chairperson where it is about the Rector) will initiate that appropriate staff assess, investigate and respond to the Category 2 allegation. If about the Rector, the Chairperson will seek advice and consider external assistance rather than internal school staff to assess, investigate and respond. If the investigation identifies that the allegations should be reclassified as Category 1 allegations, the Rector (or Chairperson) will immediately implement the procedure outlined for Mandatory Reporting Category 1 interventions (see section 3.4.1). Where the inappropriate behaviour of the staff member or volunteer appears to constitute a crime, the matter must be reported to Police.

3.4.4 Category 3 interventions - allegations of inappropriate behaviour - minor incident by a staff member or volunteer

Category 3 interventions relate to allegations of minor inappropriate behaviour by a staff member or volunteer. The types of allegations suited to Category 3 interventions include but are not limited to a one-off allegation of inappropriate behaviour by a staff member or volunteer where no physical injury results. The allegations may involve low level physical contact from a staff member or volunteer.

The matter is a Category 3 allegation if all of the following criteria are met:

- A complaint/allegation/report (in any form) has been received which alleges conduct or behaviour by a staff member or volunteer towards a student that contravenes the Code of Conduct.
- If the complaint/allegation/report involves low level physical contact from a staff member or volunteer, no physical injury was sustained by the student.
- The complaint/allegation/report does not relate to sexual abuse, suspected sexual abuse, likely sexual abuse or other harm or suspected harm or risk of harm of a student by the staff member or volunteer.
- The conduct alleged does not warrant formal disciplinary action if proven.



- The Rector (Chairperson of the Board of Directors if the allegation is about the Rector) considers the matter could be dealt with effectively at the local level.

If a staff member becomes aware of a Category 3 allegation they must provide a written or oral report to the Rector (or Chairperson of the Board of Directors, if it is about the Rector) as soon as practicable. If an oral report is provided by the staff member in the first instance a written report in the form of Part A of the *Category 3 Inappropriate Behaviour (Minor Incident) Reporting Form* (see section 7) must be provided by the reporting staff to the Rector (or Chairperson of the Board of Directors) as soon as practicable.

If a School Student Protection Contact receives a report of a Category 3 allegation he or she must provide a written report in the form of Part A of the *Category 3 Inappropriate Behaviour (Minor Incident) Reporting Form* to the Rector (or Chairperson of the Board of Directors, if it is about the Rector) as soon as practicable.

The Rector (or Chairperson of the Board of Directors, if it is about the Rector) will cause an assessment of the allegations to be made and formulate an appropriate response if required. Where the subject matter relates to the Rector, the Chairperson of the Board of Directors of Padua College will progress the matter.

If the assessment identifies that the allegations are Category 1 or Category 2 allegations, the Rector (or Chairperson of the Board of Directors, if it is about the Rector) will immediately, using the appropriate reporting form (see section 7) implement the procedure outlined for Mandatory Reporting Category 1 or Category 2 interventions as appropriate.

Where the assessment outcome finds the allegations warrant guidance and or correction, the Rector or (or Chairperson of the Board of Directors, if it is about the Rector) will formulate a plan to address any inappropriate behaviour and provide support as required. This may include mediation and/or conciliation, management correction and guidance. Where the improvements relate to the Rector, the Chairperson of the Board of Directors may consult and progress with the Student Protection Officer of Padua College.

At the completion of the assessment, the Rector or the Chairperson (as applicable) must complete Part B of the *Category 3 Inappropriate Behaviour (Minor Incident) Reporting Form* (see section 7).



3.4.5 Category 2 & Category 3 inappropriate behaviour intervention framework

Criteria	Category 2 <i>Professional Misconduct</i>	Category 3 <i>Minor Incident</i>
Examples of complaints/allegations	<ul style="list-style-type: none"> ● Behavior that may have a psychological impact on a student including targeted and sustained criticism, belittling or teasing ● Using inappropriate locations or social isolation outside of the school's normal protocol as punishment ● Any form of corporal punishment ● Restraining a student for any purposes other than a student's actions causing imminent harm to self or others ● Holding a student ● Using fear or threats against a student 	<ul style="list-style-type: none"> ● Inappropriate behaviour where no physical injury results ● Yelling at a student ● Allowing a student to over-step rules ● Discussing personal details of lifestyle of self or others ● Making inappropriate personal comments about a student (that are not considered to cause any detrimental effect of a significant nature)
Broad assessment criteria	<ul style="list-style-type: none"> ● Matters which, if proved to the required standard, could result in formal disciplinary action ● Repeated minor incidents that have not responded to management correction and guidance 	<ul style="list-style-type: none"> ● Relatively minor matter ● No injury evident ● All parties agree to informal resolution at school level ● No history of similar conduct by staff member who is subject of allegation
Type of intervention	<ul style="list-style-type: none"> ● Rector or delegate for assessment and investigation 	<ul style="list-style-type: none"> ● Information resolution and/or assessment process at school level
Who intervenes?	<ul style="list-style-type: none"> ● Rector or delegate or Chairperson of Board of Directors where relating to the Rector 	<ul style="list-style-type: none"> ● Rector or Chairperson of Board of Directors if allegation is about the Rector.
Who approves this mode of intervention?	<ul style="list-style-type: none"> ● Rector or delegate or Chairperson of Board of Directors where relating to the Rector 	<ul style="list-style-type: none"> ● Rector or Chairperson of Board of Directors if allegation is about the Rector

Note: Even minor assaults can be criminal offences. The management and investigation of these matters will depend on the significance of any injury, the wishes of the parties involved and whether the staff member has a history of similar conduct. If significant harm is reasonably suspected staff members must report in accordance with a Category 1 intervention i.e. reporting to the Police and/or Child Safety Services. Where the inappropriate behaviour of the staff member or volunteer constitutes a crime, the matter must be reported to Police.

4

4.0 REPORT RECEIVED BY PADUA COLLEGE FROM POLICE

4.1 Procedural steps

When Padua College receives a report from police of an allegation of a criminal nature against a staff member, or a volunteer, there will be liaison with the police regarding the appropriateness of informing the staff member or volunteer.

If it is determined, in consultation with the police, that the staff member or volunteer should be informed of the allegations, the Rector and/or delegates will meet with the staff member or volunteer to inform him or her that a report has been received from the police of an allegation made against him/her. The staff member or volunteer will be invited to have at this meeting an appropriate adviser/witness/support person. A written report of this meeting will be kept by Padua College and appropriately filed with a copy provided to the staff member or volunteer.

The Rector and/or delegates and or legal/human resources advisors will cause a risk assessment to be made. This is to determine the appropriate action to be taken at this interim time. This is including whether the staff member will be suspended or terminated and on what basis this will be done. In accordance with the principles of Towards Healing 2010, the staff member will be reminded of the confidential counselling services already available to all employees.

If the allegations are made against a volunteer, she/he may be excluded from the school until the matter is resolved. Any contact with the school must be with the written approval of the Rector which will be handed to or posted to the volunteer at the time of exclusion.

The Rector or his or her delegate, preferably with a witness may discuss (if appropriate) with the staff member or volunteer, any issues in relation to the process of release of information and content of information released to the school community in relation to the allegations.

This needs to be done after consideration of and/or consultation with, as appropriate, the key stakeholders (i.e. staff member, volunteer, student, student's family, complainant, child safety staff and police).

Following the notification from police, it might be appropriate for the Rector, upon advice, to also conduct an internal investigation which is parallel to the police investigation. The decision to conduct an internal parallel investigation will depend on the circumstances of each particular case and must involve discussion with the investigating police.

In all cases, the pastoral care of students and staff will need to be monitored and support provided if deemed necessary. After a police investigation and possible court proceedings, there are various possible outcomes in relation to the criminal process conducted. They are: **No Charge, Charge, No Conviction or Conviction.**



4.2 Outcomes of Police Investigations

4.2.1 No charge

A decision by the police not to charge a staff member or volunteer may be made where:

- there is insufficient evidence to support a charge following a police investigation; or
- there is insufficient evidence to proceed to court with a charge. An example may be a case where the student and/or parents are unwilling for the student to appear as a witness in any court proceedings.

Where there will be no charge, the matter is referred back to the Rector of Padua College or his or her delegates to make a decision about any further action concerning the allegations. Of particular concern will be the duty of care to students, staff members, volunteers and others who may be affected by the allegation.

For the purpose of protecting a student, the standard of proof required to support a breach of professional misconduct is different from that required to warrant a charge or conviction in criminal proceedings. The Rector or his delegates may decide to proceed with their own risk assessments and investigations regarding a possible breach of professional and ethical standards in the absence of any charge.

The Rector of Padua College or his or her delegate will document the actions that are taken including the fact that no charge was recorded and that investigations into professional misconduct are being conducted. While there is no charge there may still be found by Padua College a serious breach of professional conduct which could warrant dismissal. Where required, given the gravity of such matters, legal advice and Human Resources advice can be sought to confirm a just decision by Padua College in these matters.

The Rector of Padua College or his or her delegates may decide that no further investigation will be taken with the person against whom the allegation has been made. This record of these matters will be kept in the confidential student protection file.

4.2.2 Charge

Where the police charge the staff member or volunteer, then the Rector of Padua College or his or her delegates will cooperate with any lawful requests or arrangements made by police but may seek legal advice if required. The Rector of Padua College and or his or her delegates will put in writing any relevant and developing details and record the fact that a charge has been made.

In the case where a staff member or volunteer has been charged, the Rector or his or her delegates will consider it appropriate to conduct their own risk assessments and investigations. This should be done in consultation with the police to ensure the police investigations is not interfered with.

The staff member or volunteer charged, may be deemed to be in breach of serious professional misconduct and may be summarily dismissed from Padua College or at least suspended. Where required, given the gravity of such matters, legal advice and Human Resources advice can be sought to confirm a just decision by Padua College in these matters. The record of these matters will be kept in the student protection confidential file.



4.2.3 No conviction

The decision of a court not to record a conviction against the staff member against whom the allegation has been made and who has been charged with a criminal offence, does not necessarily mean that the allegation was unwarranted or that the staff member had no case to answer as a member of staff or a volunteer at Padua College.

In the case where no conviction is recorded, responsibility lies with the Rector or his or her delegates to examine the matter thoroughly and if deemed necessary, to conduct further risk assessment and investigation.

The Rector or his or her delegates will document the outcome of any further risk assessment and investigation including the fact that no conviction was recorded and whether an investigation into professional misconduct is to be conducted. The absence of a conviction does not mean there was no finding or plea of guilty to the offence.

The staff member or volunteer, despite no conviction on a charge, may still be deemed responsible for an act of serious professional misconduct and may be summarily dismissed from Padua College. Where required, given the gravity of such matters, legal advice and Human Resources advice can be sought to confirm a just decision by Padua College in these matters.

4.2.4 Conviction

If the staff member and has been convicted in a court of law of an offence that is deemed an act of serious professional misconduct, then he/she will be summarily dismissed from Padua College. If the person is a volunteer and has been convicted on a charge that is deemed an act of serious misconduct, then he or she will be excluded as a volunteer from Padua College. As indicated, where required, given the gravity of such matters, legal advice and Human Resources advice can be sought to confirm a just decision by Padua College in these matters. The Rector or his or her delegates will document the outcome of the court proceedings and record the staff member's or volunteer's conviction, summary dismissal or exclusion. This record will be kept in a confidential student protection file.

If the staff member against whom the allegation has been made is a teacher and is convicted of the offence, Padua College will inform, in writing, the Queensland College of Teachers of the offence and the court outcome. In all cases the pastoral care of student/s and staff will need to be monitored and support provided if deemed necessary.



5

Flowchart 1 - Overview of reporting procedures

5.0 REPORTING FLOWCHARTS

Staff member suspects or is informed of:

- sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person (Category 1);
- significant harm or risk of significant harm to a student where there may not be a parent willing and able to protect the student (Category 1);
- significant harm or risk of significant harm to a student by a staff member or volunteer (Category 1)
- professional misconduct by a staff member or volunteer (Category 2) or
- a minor incident involving employee staff member or volunteer (Category 3)

Staff member ensures immediate safety of affected student and others that may be affected

Staff member as the 'first person' reports allegation in accordance with one of the following categories

Category 1

Sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person; significant harm or risk of significant harm to a student where there may not be a parent willing and able to protect the student, significant harm or risk of significant harm to a student by a staff member or volunteer

Written report to be completed by 'first person' using **Part A of the Category 1 Mandatory Reporting Form**

If the first person is a **teacher** and the allegation is a **reportable suspicion** under the *Child Protection Act 1999* the teacher must ensure that the report has been lodged with Child Safety Services

(see *Section 7 of Student Protection Policy and Procedure*)

Category 2

Inappropriate Behaviour -
Professional Misconduct

Written report to be completed by 'first person' using the **Category 2 Inappropriate Behaviour Professional Misconduct Reporting Form**

(see *Section 7 of Student Protection Policy and Procedure*)

Category 3

Inappropriate Behaviour –
Minor Incident

Written report to be completed by 'first person' using **Part A of Category 3 Inappropriate Behaviour Minor Incident Reporting Form**

(see *Section 7 of Student Protection Policy and Procedure*)

Rector or (or Chairperson of the Board of Directors, if it is about the Rector) to complete **Part B of the Category 1 Mandatory Reporting Form** and follow submission instructions on form

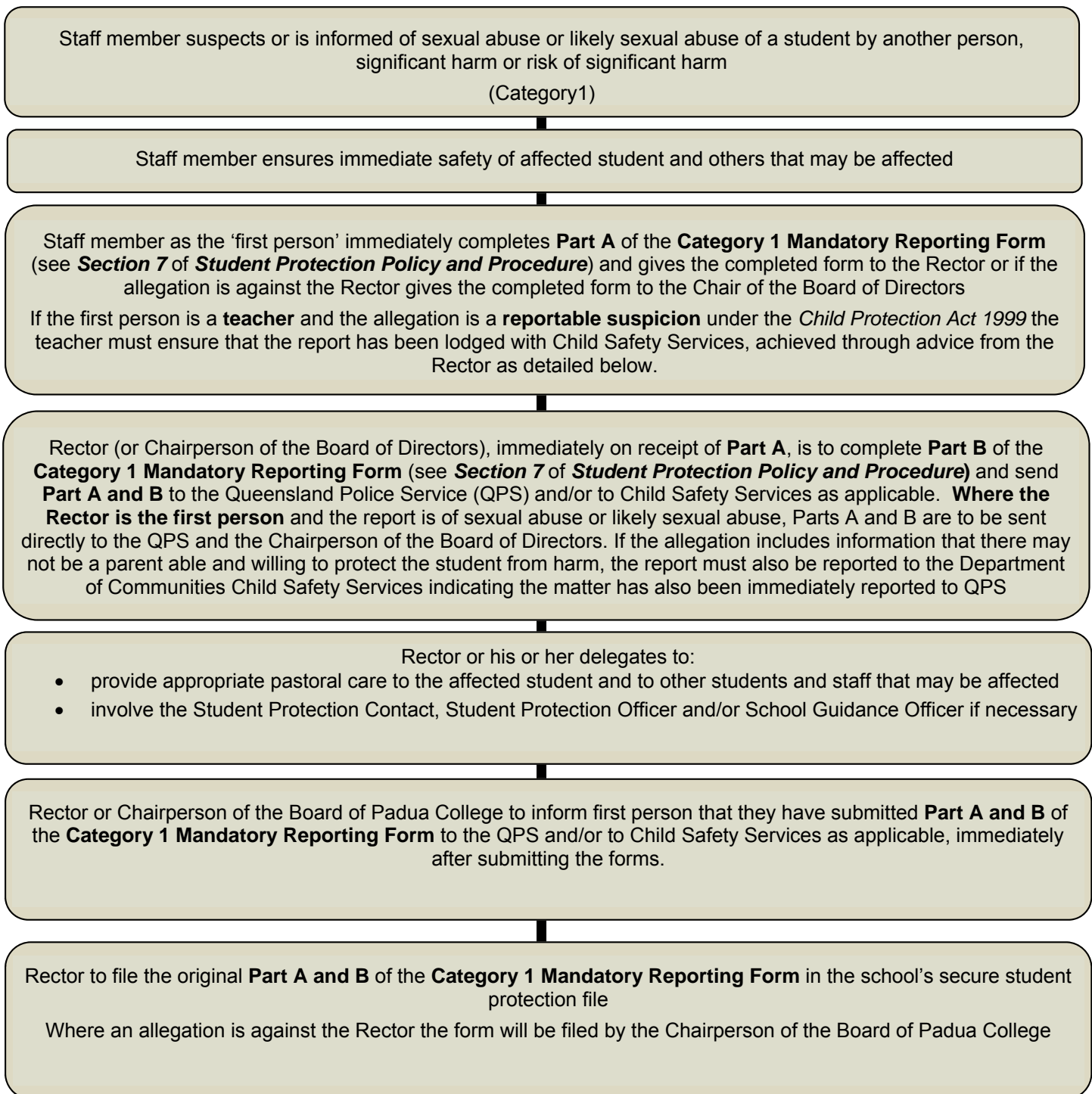
Rector to countersign **Category 2 Reporting Form** and follow submission instructions on form

Rector to complete **Part B of the Category 3 Reporting Form** and follow submission instructions on form

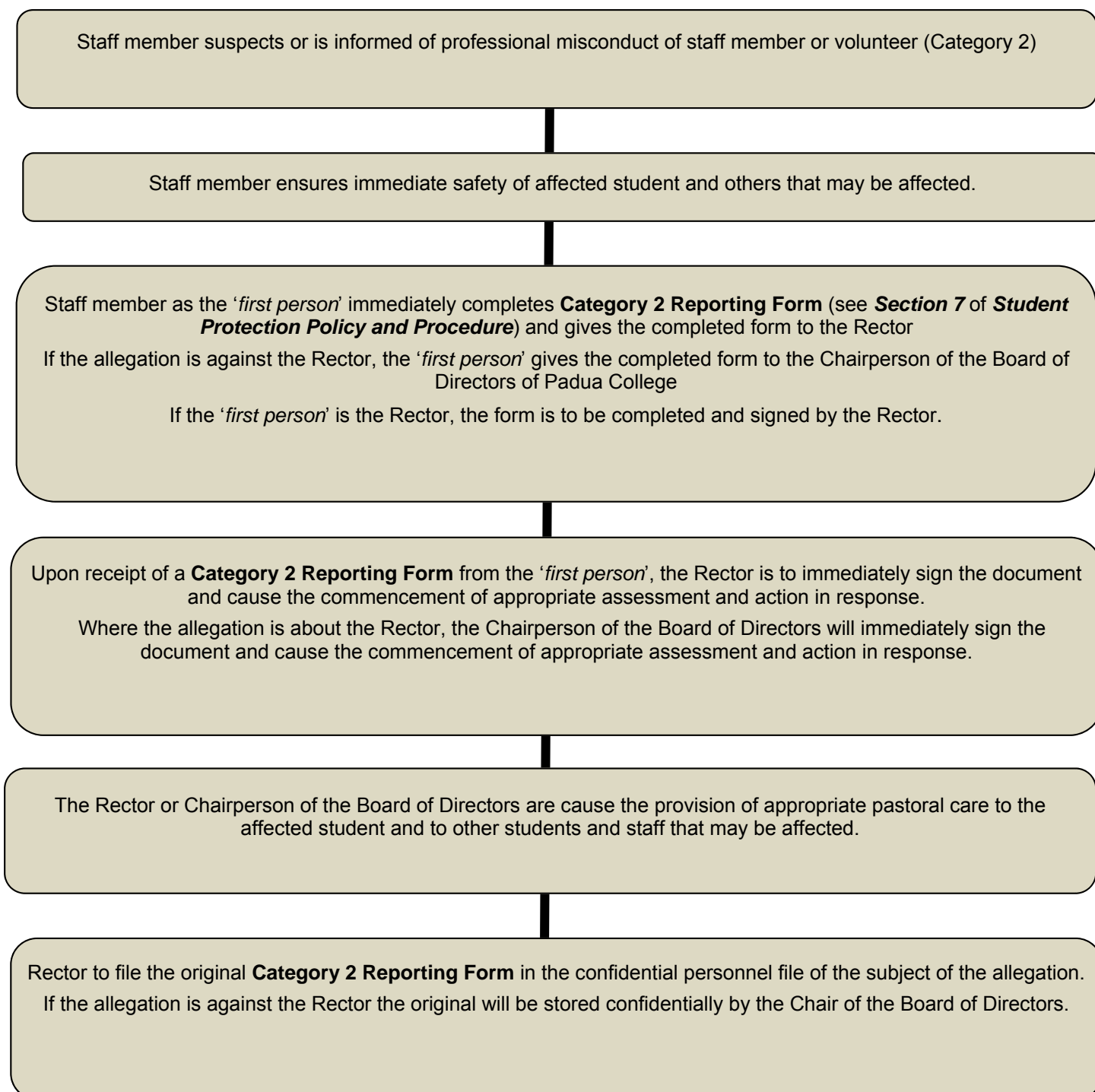
Specific reporting steps for the category of allegation are described in

- Flowchart 2 - Category 1 (page 31)
- Flowchart 3 - Category 2 (page 32)
- Flowchart 4 - Category 3 (page 33)
- Flowchart 5 – Responding to Self-Harm (page 34)

Flowchart 2 – Reporting procedure for Category 1 reports of sexual abuse, suspected sexual abuse or likely sexual abuse by any person, significant harm or risk of significant harm



Flowchart 3 – Reporting procedure for Category 2 - Inappropriate behaviour - professional misconduct



Flowchart 4 – Reporting procedure for Category 3 - Inappropriate behaviour - minor incident

Staff member suspects or is informed of a minor incident involving staff member or volunteer.
(Category 3)

Staff member ensures immediate safety of affected student and others that may be affected.

Staff member as the '*first person*' immediately completes **Part A** of the **Category 3 Reporting Form** (see **Section 7** of **Student Protection Policy and Procedure**) and gives the completed form to the Rector.
If the allegation is against the Rector, the '*first person*' gives the completed **Part A** of the **Category 3 Reporting Form** to the Chairperson of the Board of Directors.
If the '*first person*' is the Rector, **Part A** and **B** of the form are to be completed and signed by the Rector once the matter has been assessed and dealt with.

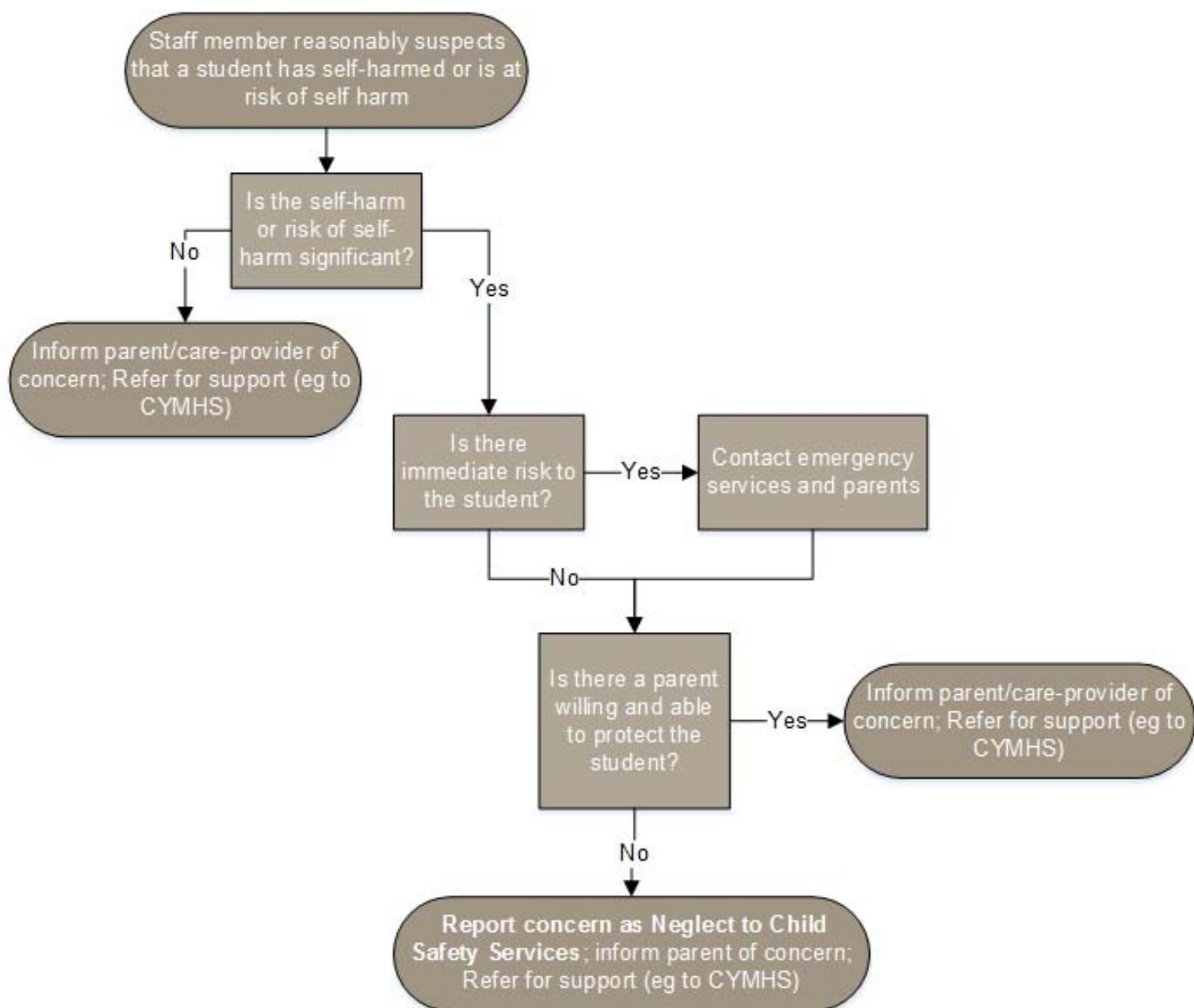
Upon receipt of a **Part A** of **Category 3 Reporting Form** from the '*first person*' the Rector is to immediately take action and then complete **Part B** of the **Category 3 Reporting Form**.
Where the allegation is about the Rector and reported to Chairperson, the Chairperson is to immediately take action and complete and sign the form once the matter has been assessed and dealt with.

The Rector, Chairperson of the Board of Directors and other involved staff are to ensure the provision of appropriate pastoral care to the affected student and to other students and staff that may also be affected.

Rector to file the original **Category 3 Reporting Form** in the personnel file of the subject of the minor incident.
If the allegation is against the Rector the form will be stored confidentially by the Chairperson of the Board of Directors of Padua.



Flowchart 5 – Responding to self-harm



6

6.0 REPORTING FORMS GUIDELINES

6.1 Category 1 reporting form guidelines

6.1.1 Guidelines for using the Category 1 mandatory reporting form for allegations of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person, significant harm or risk of significant harm

Part A must be completed by the first person who becomes aware or reasonably suspects the sexual abuse or likely sexual abuse of a student by another person, significant harm or risk of significant harm where there may not be a parent willing and able to protect the student from the harm, or where the significant harm or risk of significant harm is caused by staff member or volunteer.

Parts A and B of the *Category 1 Mandatory Reporting Form* must be given to the Rector or the Chairperson of the Board of Directors (if the allegation concerns the Rector) who must complete Part B and provide the *Category 1 Section 366 & 366A Mandatory Reporting Form* immediately to the Queensland Police Service and/or Child Safety Services.

If the first person is a teacher, and the allegation constitutes a reportable suspicion under *the Child Protection Act 1999* (the teacher must ensure that the report is submitted to Child Safety Services. This is achieved by the Rector advising the teacher that the report has been sent to Child Safety Services, and if such confirmation is not received, the teacher must ensure the report has been made.

Where the Rector is the first person and the allegation is of sexual abuse or likely sexual abuse, the report must also be sent to the Chairperson of the Board of Directors of Padua College.

The first person must be informed that the completed *Category 1 Mandatory Reporting Form* has been submitted to the Queensland Police Service and/or Child Safety Services as soon as possible after the form was immediately sent.

6.2 Category 2 reporting form guidelines

6.2.1 Guidelines for using the Category 2 Inappropriate behaviour - professional misconduct reporting form

The *Category 2 Inappropriate Behaviour - Professional Misconduct Reporting Form* can be completed by the first person, Rector or School Student Protection Contact.

The person completing the *Category 2 Inappropriate Behaviour - Professional Misconduct Reporting Form* should provide as much information as is available and attach any supplementary documentation that exists.

The *Category 2 Inappropriate Behaviour - Professional Misconduct Reporting Form* and documentation must be signed and faxed by the Rector or the School Student Protection Contact (where the allegation is against the Rector) to the Chairperson of the Board of Directors of Padua College immediately after becoming aware of the Category 2 allegation.



6.3 Category 3 reporting form guidelines

6.3.1 Category 3 Inappropriate behaviour - minor incident reporting form

The *Category 3 Inappropriate Behaviour - Minor Incident Reporting Form* is to be completed by the first person when reporting an allegation of a minor incident by a staff member or volunteer (other than sexual abuse or harm or suspected sexual abuse or harm).

Part A of this form must be completed by the first person and provided as soon as practicable to the Rector, or when the allegation concerns the Rector provided to the Chairperson of the Board of Directors. Part B of this form must be completed by the Rector. Where the allegation concerns the Rector, the Chairperson of the Board of Directors will complete Part B.

The *Category 3 Inappropriate Behaviour - Minor Incident Reporting Form* must be signed by the Rector on completion of the assessment and intervention of the Category 3 allegation. Where the allegation concerns the Rector, the Chairperson of the Board of Directors will complete Part B on completion of the assessment and intervention of the Category 3 allegation.

6.3.2 Category 3 Inappropriate behaviour - minor incident - checklist following assessment and intervention

It is the Rector's responsibility (or the Chairperson's of the Board of Directors of Padua College if the allegation is about the Rector) to ensure that:

- They advise both the parents/caregiver and the staff member that the details provided on the *Category 3 Inappropriate Behaviour - Minor Incident Reporting Form* are entered and retained in the confidential student protection records.
- The parents/caregivers and the staff member are advised, in writing, of the outcome of the allegation.
- The original copy of the *Category 3 Inappropriate Behaviour - Minor Incident Reporting Form* is placed on the staff member's personnel file retained by the school (or Chairperson of the Board of Directors in the case of the Rector).



7

7.0 REPORTING FORMS

CATEGORY 1: MANDATORY REPORTING FORM

For reporting an allegation of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person; a reasonable suspicion of significant harm or risk of harm to a student.

(under sections 366 & 366A of the Education (General Provisions) Act 2006, section 13E of the Child Protection Act 1999, and section 10 of the Education (Accreditation of Non-State Schools) Regulation 2001)

PART A

TO BE COMPLETED **IMMEDIATELY** ON ALLEGATION BEING RECEIVED BY THE **FIRST PERSON** i.e. The staff member who first receives information concerning the 'sexual abuse', 'suspected sexual abuse' or 'likely sexual abuse' of a student by another person: a reasonable suspicion of 'significant harm or risk of harm to a student' where there may not be a parent able and willing to protect the student from harm; or allegations of 'significant harm or risk of harm by a staff member or volunteer' AND PRESENTED TO THE RECTOR OR THE CHAIRPERSON OF THE BOARD.

DETAILS OF FIRST PERSON MAKING THE REPORT			
Name		Position/Role	
School/Workplace			
Address of first person		Suburb	
Postcode			

TYPE OF ABUSE/HARM	Sexual Abuse	<input type="checkbox"/>	Likely Sexual	<input type="checkbox"/>	Abuse	<input type="checkbox"/>
	Significant Harm	<input type="checkbox"/>	Risk of Significant	<input type="checkbox"/>	Harm	<input type="checkbox"/>

SUSPICION FORMED	In the course of employment at school	<input type="checkbox"/>	school outside of employment	<input type="checkbox"/>
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ALLEGEDLY ABUSED OR HARMED STUDENT DETAILS *(if more than one student please attach the details on a separate page)*

Name <i>(incl. aliases)</i>							
D.O.B.	/ /	Age		Gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>	
Does the student have a disability?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type and severity of disability			
Please specify if this disability impacts on a potential interview process							
Residential address							
Suburb				State		Postcode	
Cultural Background		<input type="checkbox"/> Aboriginal please	<input type="checkbox"/> Torres Strait specify	<input type="checkbox"/> Islander	Other –		
Does the student speak English?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> If no, please specify language:			
Is an Interpreter required?		<input type="checkbox"/> Yes	<input type="checkbox"/> No				

SIGNATURE			
Signature of first person		Date	



PARENT/GUARDIAN DETAILS				
Parent/Guardian's name				Relationship to student
Address (if different from student)				
Phone (Home)		(Work)		(Mobile)
Parent/Guardian's name				Relationship to student
Address (if different from student)				
Phone (Home)		(Work)		(Mobile)

ALLEGATION/DISCLOSURE MADE BY				
Name				
Relationship to student allegedly sexually abused or likely to be sexually abused				
School/Workplace			Suburb	
Postcode		Phone	Fax	

ALLEGATION MADE AGAINST <i>(if more than one person is reported please attach on additional page)</i>				
Name			Date of Birth/Approximate age	
Relationship to student allegedly abused or harmed			<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the allegation against a staff member or volunteer?				
Address			Suburb	
Postcode		Phone		

DETAILS OF THE BASIS FOR THE FIRST PERSON BECOMING AWARE OR REASONABLY SUSPECTING THAT THE STUDENT HAS BEEN ABUSED OR HARMED			
Date of allegation/disclosure/suspicion		Time of allegation/disclosure/suspicion	
How and where was the allegation/disclosure made or suspicion formed? eg phone call to school; face to face in Rector's office		Who was present during allegation/disclosure/formation of suspicion?	

Examples of physical abuse include hitting, shaking, throwing, burning, biting, poisoning, drowning, using a weapon to inflict punishment.

Examples of neglect include providing unhygienic or unsafe housing, failing to seek medical treatment when required, insufficient supervision, providing insufficient food, clothing or bedding. It can also include failing to act protectively in response to another person's actions (eg allowing a convicted child sex offender to have unsupervised contact with your child).

Sexual abuse can be physical, verbal or emotional in nature. It can include non-contact and contact activities. Examples include kissing, holding or otherwise touching a child in a sexual manner, exposing a sexual body part to a child, having sexual relations with a child under 16 years of age, using sexually explicit language which is not age or developmentally appropriate when communicating with a child, penetration of the vagina or anus by penis, finger or any other object, oral sex, rape, incest, having a child pose or perform in a sexual manner, forcing a child to watch a sexual act or pornographic material or child prostitution. Sexual abuse may also be suspected based on a child displaying sexualised behaviour which is considered outside the range of age-appropriate sexualised behaviours.

Examples of emotional/psychological abuse include rejection, hostility, teasing/bullying, yelling criticism, exposure to domestic and family violence.

SIGNATURE			
Signature of first person			Date



<p>Type of abuse (tick as many as apply)</p> <p><i>This should include the type of abuse the student is at risk of.</i></p>	<p><input type="checkbox"/> Physical Abuse <input type="checkbox"/> Neglect <input type="checkbox"/> Sexual abuse <input type="checkbox"/> Emotional/psychological abuse</p>
<p>What concerns have led you to reasonably suspect that the student has been abused or significantly harmed, or is at risk of abuse or significant harm?</p> <p><i>Include as many details as possible around the circumstances that lead you to reasonably believe that a subject child has experienced or is at risk of experiencing significant harm.</i></p> <p><i>Significant harm can be physical, emotional and/or psychological. Examples of significant harm include internal injuries, burns, fractures, death, learning and developmental delays, neurological changes in a developing brain, fear, anxiety, depression, suicidal ideations, hyper vigilance, and disorganised attachment. Significant harm can also be in consequence of a pattern of harmful events and experiences that may have occurred in the past or are ongoing. When this occurs it is considered to be cumulative harm.</i></p>	
<p>Provide known details of dates and locations where abuse/ harmful incidents have occurred:</p>	
<p>What have you noticed about the student's appearance and/or behaviour?</p> <p><i>This section aims to identify any presenting behaviours or appearance concerns which may be linked to abuse. Examples include: showing wariness and distrust, rocking, sucking or biting, bedwetting or soiling, demanding or aggressive behaviour, sleeping difficulties, withdrawing from normal activities, self-harming, suicidal thoughts and attempts, having unexplained bruising, being vague about an injury, being overly obedient, being reluctant or fearful to go home, creating stories, poems or artwork about abuse, begging, stealing, hoarding, having matted hair, dirty skin, strong body odour, frequent illness, infections or sores and presenting as underweight or malnourished.</i></p>	
<p>Does the student have a current physical injury or experienced a previous physical injury as a result of the incident/s? No <input type="checkbox"/> Yes <input type="checkbox"/></p> <p><i>In this section provide as much detail as known around any injury for example location, size, colour, if child is experiencing pain. If known, also provide details regarding any explanations given in regards to the injury</i></p> <p>If yes, please provide details:</p>	
<p>If yes to physical injury, did the student require medical treatment or does the child require medical treatment?</p> <p>No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/></p>	
<p>If yes, was/has medical treatment been provided to the student? No <input type="checkbox"/> Yes <input type="checkbox"/> Unknown <input type="checkbox"/></p>	
<p>If yes, provide details of what treatment has or is being provided:</p>	

SIGNATURE			
Signature of first person		Date	



Are there any factors which may be impacting negatively on parent/caregivers' functioning?

No Yes Unknown

For example domestic violence, alcohol/substance misuse, disability, mental health instability, physical/intellectual disability.

If yes, provide details of these factors and their impact.

Is the parent/caregiver aware of the incident/s or circumstances which have led to the abuse/significant harm or may be placing the child at risk of abuse// significant harm?

No Yes Unknown

This relates to whether the parent is aware of the significant harm concerns identified above and if so what has been their response to these concerns. For example is a mother aware that the father has been frequently hitting a child with a horse whip and if so, what actions or inactions has she taken in response to this awareness.

This question is to assist in identifying if there is a parent willing and able to protect the child. If a parent is aware of the concerns but has failed to take action to protect the child, this suggests a parent may not be willing or able. If the parent is not aware of the concerns, the parent may not be able to be willing and able to protect the child. Further, if it is not known if the parent is aware of the concerns or whether they have responded to these concerns, again the parent may not be a parent willing and able to ensure a child's care and protective needs are met.

If yes, provide details regarding the parent/caregiver's actions or inaction in response to the incident/s

Has the school referred or attempted to refer the family to a service? No Yes

If yes, provide details.

What other services or supports are currently in place to support the student and their parents/carers (If known)?

This can include family, friends, church, non-government organisations, government organisations who are providing a service and/or supporting the family and/or children.

Other relevant information – e.g. immediate safety concerns; previous actions or interventions by the school or other agencies with student or employee (please attach separate page if you require more space)



FURTHER DETAILS ABOUT THE STUDENT ALLEGEDLY ABUSED OR HARMED			
All household members at home address of student ie siblings, extended family and others (please attach separate page if required)			
Name	Age	Sex M/F	Relationship to student
		<input type="checkbox"/> M <input type="checkbox"/> F	
		<input type="checkbox"/> M <input type="checkbox"/> F	
		<input type="checkbox"/> M <input type="checkbox"/> F	
		<input type="checkbox"/> M <input type="checkbox"/> F	
		<input type="checkbox"/> M <input type="checkbox"/> F	
		<input type="checkbox"/> M <input type="checkbox"/> F	
If more household members, please attach details			
COURT ORDERS IN PLACE (e.g. Child Protection, Domestic Violence, Family Court)			
Family Court Order	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		Please specify details
Domestic Violence Order	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		Please specify details
Child Protection Order	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown		Please specify details

DETAILS OF PERSONS WHO MAY HAVE FURTHER INFORMATION AROUND ALLEGED ABUSE OR HARM			
<i>(if more than one person is reported please attach on additional page)</i>			
Name		Date of birth/Approximate age	
Relationship to student allegedly abused or harmed			
Address		Suburb	
Postcode		Phone	

Are you aware of any prior relevant contact this family/carers have had with: If yes please provide any details you might have of this contact <input type="checkbox"/> Child Safety Services <input type="checkbox"/> Queensland Police Service <input type="checkbox"/> Queensland Health/ CYMHS <input type="checkbox"/> SCAN Request
Details
Other actions taken by school or other agencies to date that are relevant to this allegation/disclosure:
Details

SIGNATURE	
Signature of first person	Date



Category 1: Mandatory Reporting Form

For reporting an allegation of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person; a reasonable suspicion of significant harm or risk of harm to a student

(under sections 366 & 366A of the *Education (General Provisions) Act 2006*,
section 13 E of the *Child Protection Act 1999*, and
section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*)

PART B – Record of Action

TO BE COMPLETED *IMMEDIATELY* BY THE **RECTOR AND/OR THE CHAIR OF THE BOARD OF DIRECTORS** ON RECEIVING THE ALLEGATION FROM THE FIRST PERSON (i.e. the staff member who first receives information concerning the 'sexual abuse', 'suspected sexual abuse' or 'likely sexual abuse' of a student by another person; a reasonable suspicion of 'significant harm or risk of harm to a student' where there may not be a parent able and willing to protect the student from harm; and allegations of 'significant harm or risk of harm by a staff member or volunteer'.

PARTS A AND B THEN IMMEDIATELY SENT TO THOSE NAMED IN THE TABLE BELOW

REPORT FAXED TO:	State Authority contacted:	Name of authorised officer:	Fax Number:
<input type="checkbox"/> Queensland Police Service – Child Protection Investigation Unit	Stafford Police Child Protection Investigation Unit PH 3364 1923		Fax 3352 6125
<input type="checkbox"/> Child Safety Services Regional Intake Service (<i>where the allegation is of significant harm or risk of significant harm and there may not be a parent willing and able to protect the student</i>)	Brisbane Regional Intake Service PH 1300 682 254, 9-5pm. After Hours Child Safety PH 3235 9999		Fax 3259 8771
<input type="checkbox"/> Chairperson of the Board of Directors of Padua College (<i>where the allegation is against the Rector</i>)	Chairperson of the Board of Padua College PH 0411472275	Mark McSweeney	Request Fax or scan details

THEN:

- STORE THE COMPLETED ORIGINAL IN THE SCHOOL'S SECURE STUDENT PROTECTION FILE
- NOTIFY FIRST PERSON OF THESE ACTIONS AS SOON AS POSSIBLE

DETAILS OF PERSON COMPLETING 'PART B' (THIS FORM)			
Name		Position/Role	
School/Workplace name			
School/Workplace Address		Suburb	
Postcode		Phone	

DETAILS OF REPORT OF ABUSE OR HARM			
Date on which Part A was received		Time that Part A was received	
Immediate response by person completing Part B to allegation to ensure safety of student/s			
Date when Parts A & B sent to Police and/or Child Safety Services where applicable		Time that Parts A & B sent to Police and/or Child Safety Services where applicable	

SIGNATURE			
Of person completing Part B (this form)		Date	
E-MAIL CONTACT			
E-mail address of person completing Part B (this form)			
SIGNATURE			
Signature of first person		Date:	



Category 2: Inappropriate Behaviour (Professional Misconduct) Reporting Form

**For reporting allegation or incident of staff member
or volunteer professional misconduct**

TO BE COMPLETED *IMMEDIATELY* BY FIRST PERSON AND SUBMITTED TO THE RECTOR (OR SUBMITTED TO THE CHAIRPERSON, BOARD OF DIRECTORS IF ALLEGATION IS AGAINST THE RECTOR) UPON BECOMING AWARE OF CATEGORY 2 INCIDENT, THEN:

- ORIGINAL TO BE STORED ON THE CONFIDENTIAL FILE OF THE SUBJECT OF THE ALLEGATION

DETAILS OF SCHOOL REPORT IS BEING SENT FROM				
School name				
Rector/Acting Rector's name				
Address		Suburb		
Postcode		Phone		Fax

PROFESSIONAL MISCONDUCT ALLEGATION MADE BY <small>(first person)</small>					
Name					
Address					
Suburb		Postcode			
Phone	Home		Work		Mobile

ALLEGATION MADE AGAINST <small>(if more than one person is reported please attach on additional page)</small>					
Name					
Position/Role					
School/Workplace					
Address					
Suburb		Postcode			
Phone	Home		Work		Mobile

PROFESSIONAL MISCONDUCT ALLEGATION DETAILS			
Date of allegation		Time of allegation	
How and where was the allegation made? e.g. phone call to school; face to face in Rector's office.		Who was present during allegation?	

SIGNATURES			
Rector's or Chairperson, Board of Directors (where allegation is against Rector) signature		Date	



Details of student/other person affected by misconduct (if more than one student/person please attach an additional page)							
Name <i>(incl. aliases)</i>							
D.O.B.	/ /	Age		Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Year Level
Does the student/ person have a disability?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type and severity of disability			
Please specify if this disability impacts on a potential interview process							
Residential address							
Suburb			State		Postcode		
Cultural Background	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Other – please specify						
Does the student/other person speak English?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, please specify language			
Is an interpreter required?		<input type="checkbox"/> Yes	<input type="checkbox"/> No				
Description of alleged professional misconduct – e.g. description of any injuries; details of any disclosures; pattern/history of harm; emotional/behaviour indicators							
Other relevant information – e.g. actions taken previously to address misconduct of staff member or volunteer; actions taken with student /other person affected by misconduct							

DETAILS OF PERSONS WHO MAY HAVE FURTHER INFORMATION AROUND ALLEGED MISCONDUCT <i>(if more than one person is reported please attach on additional page)</i>		
Name	Date of birth/Approximate age	
Relationship to student/other person affected by misconduct		
Address	Suburb	
Postcode	Phone	

SIGNATURES			
Rector's or Chairperson's, Board of Directors (where allegation is against Rector) signature		Date	



Category 3: Inappropriate Behaviour (Minor Incident) Reporting Form

**For reporting the allegation of a minor incident
by a staff member or volunteer**

PART A TO BE COMPLETED BY **FIRST PERSON** IMMEDIATELY ON SEEING OR HEARING OF MINOR INCIDENT and **PART B** TO BE COMPLETED BY THE **RECTOR OR CHAIRPERSON, BOARD OF DIRECTORS (if allegation is against the RECTOR)** IMMEDIATELY AFTER A MINOR INCIDENT IS DEALT WITH AT THE SCHOOL AND:

- PLACED ON THE CONFIDENTIAL FILE OF THE SUBJECT OF THE ALLEGATION

THEN

- ADVISE THE STAFF MEMBER OR VOLUNTEER SUBJECT TO THE ALLEGATION AND THE PARENTS/GUARDIAN OF ANY AFFECTED STUDENT/S THAT THIS FORM HAS BEEN COMPLETED, IS KEPT ON RECORD.
- ADVISE THE STAFF MEMBER OR VOLUNTEER SUBJECT TO THE ALLEGATION AND THE PARENTS/GUARDIAN OF ANY AFFECTED STUDENTS OF THE OUTCOMES (IN WRITING)

PART A

DETAILS OF SCHOOL WHERE REPORT IS BEING MADE				
School name				
Rector/Acting Rector's name				
Address			Suburb	
Postcode		Phone		Fax

DETAILS OF FIRST PERSON COMPLETING THIS REPORT					
Name					
Address					
Suburb		Postcode			
Phone	Home		Work		Mobile

ALLEGATION OF MINOR INCIDENT MADE AGAINST <small>(if more than one person please attach on additional page)</small>						
Name						
Position/Role						
School/Workplace						
Address						
Suburb			Postcode			
Phone	Home		Work		Mobile	

MINOR INCIDENT ALLEGATION DETAILS			
Date of allegation		Time of allegation	
How and where was the allegation made? e.g. phone call to school; face to face in Rector's office		Who was present during allegation?	

SIGNATURES			
Rector's or Chair of Board's (where allegation is against Rector) signature		Date	



Details of student/other person affected by minor incident (if more than one student/person please attach an additional page)							
Name <i>(incl. aliases)</i>							
D.O.B.	/ /	Age		Gender	<input type="checkbox"/> Male	<input type="checkbox"/> Female	Year Level
Does the student/person have a disability?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	Type and severity of disability			
Please specify if this disability impacts on a potential interview process							
Residential address							
Suburb			State		Postcode		
Cultural Background	<input type="checkbox"/> Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Other – please specify						
Does the student/other person speak English?		<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, please specify language			
Is an interpreter required?		<input type="checkbox"/> Yes	<input type="checkbox"/> No				
Description of alleged minor incident – eg description of any injuries; details of any disclosures; pattern/history of harm; emotional/behaviour indicators							

DETAILS OF PERSONS WHO MAY HAVE FURTHER INFORMATION AROUND ALLEGED INCIDENT <i>(if more than one person is reported please attach on additional page)</i>		
Name	Date of birth/Approximate age	
Relationship to student/other person affected by minor incident		
Address	Suburb	
Postcode	Phone	

PART B

Details of action taken by the Rector or Chairperson of Board of Directors (where allegation is against the Rector)
Outcomes of action taken by the Rector or Chairperson of Board of Directors (where allegation is against the Rector)

SIGNATURES		
Rector's or Chairperson of Board of Director's (where allegation is against Rector) signature		Date



8

8.0 STUDENT PROTECTION RECORDS

8.1 Making student protection records

The notes, records and reports staff members make about student protection concerns are important documents containing important information. Staff members could be interviewed as part of an investigation, or required to attend court. They may need to refer to their notes later. These notes could be subpoenaed and become the subject of court proceedings. In making any record of concerns about any student protection issue staff members are encouraged to keep in mind the following:

Do

- be as objective as you can and record factual information as soon as possible
- write down exactly what has been observed or heard, noting the date and time
- record statements made by the student, parent or other notifier verbatim and in quotation (“ ”) marks
- always sign and date the record. It should be clear whether the record was made on the same day as the incident, or after
- add supplementary notes/records if there is insufficient space on the Mandatory Reporting Form
- record any observations that has been noticed in student’s behaviour

Do not

- express an opinion about what was observed or heard
- record judgements
- interpret what was observed or heard
- use emotive terms

8.2 Use of reporting forms

Completed Padua College student protection reporting forms demonstrate that the school is following the student protection reporting processes, a component of compliance under the *Education (Accreditation of Non-State Schools) Regulation 2001*.

See section 7 for the applicable form to be used for:

- The mandatory reporting of sexual abuse, suspected sexual abuse or likely sexual abuse of a student by another person in compliance with sections 366 and 366A of the *Education (General Provisions) Act 2006* (a Category 1 Mandatory Report).
- The mandatory reporting of a reasonable suspicion that a child has suffered, is suffering, or is at an unacceptable risk of suffering significant harm where there may not be a parent able and willing to protect the child from the harm (a “*reportable suspicion*”) under section 13E of the *Child Protection Act 1999* (A Category 1 Mandatory Report).
- The response to other forms of harm in compliance with section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001*.
- The reporting of staff member or volunteer inappropriate behaviour - professional misconduct (a Category 2 Report).
- The reporting of staff member or volunteer inappropriate behaviour - minor incidents (a Category 3 Report).

8.3 Storing student protection records

Padua College will keep individual student protection information secure and confidential to ensure accountability and transparency. These records may be the subject of a subpoena in future court proceedings or inquiries.



9

9.0 SUPPORTING

9.1 Ongoing support of students

All students affected by student protection matters will react differently, however generally providing the student with stability and security is important. To achieve this:

- provide security in regular routines and prepare students for changes in routines
- provide clear and consistent rules, boundaries and expectations if there are behavioural concerns
- provide the student with appropriate avenues for someone to talk to if they require it
- monitor peer relations, academic work and general behaviour. If there are significant changes in these areas, look for ways to provide support; and
- provide opportunities for the student to have positive outcomes and feel good about themselves

9.2 Ongoing support of Rector and staff

Taking action in student protection matters can be stressful for all staff members.

Staff members need to be aware of their own reactions. They may need support and assistance for their own feelings of anger, fear and helplessness.

It is consistent with the Franciscan ethos that the Rector or his or her delegates should ensure that any staff member, including themselves, involved in any student protection incident, is provided with opportunities for support and debriefing.

10

10.0 PROACTIVE BUILDING OF KNOWLEDGE AND UNDERSTANDING

10.1 Knowledge of staff members and volunteer workers

All staff members and volunteers can expect to be provided with training in student protection processes and other associated protective policies on a regular basis.

The delivery of student protection training has been an ongoing feature and commitment that Padua College continues to demonstrate for student protection.

10.2 Knowledge of students protection contacts and officers

Padua College will continue to have in place published and readily accessible procedures by which the names of designated people to whom students can report inappropriate behaviour.

10.3 Training and knowledge building activities

The below table lists some of the training and knowledge building activities that can be used to empower staff members, volunteers, students and parents with knowledge about student protection policies and procedures. Some of these have already been established at Padua College.

PARENTS	<ul style="list-style-type: none">• references made in school newsletters• information made available to all parents• presentation at parent information evenings• brochures in enrolment pack• policy and procedures available on school website• handouts for parents including the information sheet <i>Protective Behaviours – How do I talk to my child about it?</i>• all school libraries are developing a parent reference selection from which parents can borrow resources to support parent knowledge and awareness of student protection and other issues of importance to parents
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<p style="text-align: center;">STAFF MEMBERS AND VOLUNTARY WORKERS</p>	<ul style="list-style-type: none"> ● brochures made available to all staff members, volunteers, contractors ● regular staff meetings ● induction programs for newly appointed staff members, including Student Protection and Code of Conduct induction courses ● ongoing student protection in-service training for staff members ● policy and procedures placed on school website and intranet ● Code of Conduct ● specialised training for school based School Student Protection Contacts ● volunteer documentation, including the Student Protection Information for Volunteers, Volunteer Code of Conduct and Volunteer Declaration Form
<p style="text-align: center;">STUDENTS</p>	<ul style="list-style-type: none"> ● regular reference made at school assemblies ● presentations during class ● inclusion of protective behaviours programs in the school curriculum ● posters displayed on school grounds identifying School Student Protection Contacts

10.4 Interviews conducted with children at school by the Queensland Police Service and/or Child Safety Services

10.4.1 Background

Queensland Police Service (QPS) and Department of Communities (Child Safety Services) officers may conduct interviews with children at school premises for the purposes of conducting an investigation into allegations of harm, suspected harm or risk of harm to the child where the alleged harm may have involved the commission of a criminal offence, to assess the child's need of protection and take any necessary actions to secure the safety of the child.

10.4.2 Legislative framework

Evidence Act 1977

The *Evidence Act 1977*, section 93A, provides the legislative authority for QPS and Child Safety Services officers 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.

Interviews conducted in accordance with the *Evidence Act 1977*, section 93A, may also be referred to as "ICARE interviews". ICARE (Interviewing Children and Recording Evidence) is an interview technique designed to minimise further trauma to the child, collect admissible evidence which meets legislative and procedural requirements of the QPS and Child Safety Services, and reduce the likelihood of the need for the child to attend court and give evidence.

Child Protection Act 1999

There may be times when it is necessary to interview a child without the parents' consent or prior knowledge of the investigation and contact with the child. The *Child Protection Act 1999*, section 17, provides Child Safety Services and QPS officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

In accordance with the *Child Protection Act 1999*, section 17(5), if the officer reasonably believes informing the child's parents about the contact with the child at school may jeopardise the investigation or expose the child to harm, the officer may withhold contacting the child's parents until it is practicable to do so.

10.4.3 How is an interview with a child at school initiated?

The QPS and Child Safety Services recognise that the Rector or delegates is in charge of Padua College and its students while the students are at school. Prior to interviewing a child at Padua, either a QPS or Child Safety Services officer will notify the Rector or delegate of the intention to exercise the power under the provisions of section 17 of the *Child Protection Act 1999* and make a request of the Rector or delegate for permission to conduct an interview at the school.

Sufficient information will be provided to the Rector or delegate to allow an informed decision to be made. Explicit details of the investigation will not be provided. The amount of information provided will be contingent upon the case. The Rector or delegate will be asked to maintain confidentiality and provide a neutral setting for the interview. It is important for the Rector or delegate to ensure they receive contact details for the QPS and Child Safety Services officers involved in conducting the interview.

It is generally useful for staff members to be aware of contact details for the Child Safety Service Centre and Officer in Charge of the police station in their local area in the event that officers are required to attend Padua College in response to child protection concerns identified for a child.



10.4.4 Who conducts the interviews?

Whenever possible, interviews will be conducted jointly by the QPS and Child Safety Services. Where an interview is conducted with a child in accordance with the *Evidence Act 1977*, section 93A, the interview will, where practicable, be undertaken by an officer who is accredited in ICARE and may also be conducted by either QPS or Child Safety Services officers when a joint interview is not possible.

In accordance with the *Evidence Act 1977* (definitions section 3), when QPS and Child Safety Services officers conduct section 93A interviews, the evidence is recorded on video camera and audio cassette. Under the *Evidence Act 1977*, the recording of the child's evidence is a document that is presented to court.

10.4.5 Who can be a support person for the child?

QPS and Child Safety Services are responsible for ensuring the child feels safe and supported during the interview process and will exercise discretion when considering whether to allow an independent support person to be present during an interview with a child.

Padua College also have a responsibility to exercise a duty of care and regard it as desirable that a support person be present for interviews conducted with children at school premises by the QPS and Child Safety Services. The presence of someone else to support the rights of the child should normally be required.

In assessing the needs of the child, QPS and Child Safety Services officers will consider the child's age, maturity and any other relevant factors. If in consultation with the Rector or delegate, it is identified that an independent support person is required, QPS and Child Safety Services officers will select a person with whom the child feels comfortable.

10.4.6 What is the role of the support person?

The role of the support person is to support the child and be present during the interview. The roles and responsibilities of all persons involved, including the support person, will be clarified by the interviewing officers prior to and during the interview.

During an interview with a child, the presence of other people, especially if they hold a position of authority in relation to the child, may reduce the likelihood of a child disclosing harm or risk of harm. In order to address this issue and to assist in making the child feel safe and supported throughout the interview, the interviewing officer will:

- ask the child whether they are comfortable with the support person present
- advise the child and support person where the support person will sit (behind the child, out of the child's line of sight and out of reach of the child)
- advise the support person not to talk or make any actions that may disturb or influence the child, and
- advise the child they should not consult the support person during the interview

10.4.7 What are the legal implications of the support person role?

In accordance with the *Evidence Act 1977*, section 93A, any person present when the child provides their statement may be called as a witness to a court proceeding. Therefore, any staff member present as a support person during the interview may be required to provide a written and signed statement, attend court and give evidence as a result of their attendance at the interview.

10.4.8 What happens after the interview?

As soon as reasonably practical after the interview, QPS and Child Safety Services officers will be responsible for advising the Rector or delegate of future actions to be taken and any immediate support needs for the child.



Advising the parents of the contact with the child is the responsibility of interviewing officers and will be undertaken as soon as practicable after the interview, unless the officers reasonably believe someone may be charged with a criminal offence for harm to the child and advising the parents may jeopardise an investigation into the offence or may expose the child to harm.

10.4.9 Record of interview

A Record of Interview Form is to be completed by the Record (or delegate) and retained confidentially at the school level. The form should be filed in a secure location with other school student protection information. See following pages for a copy of the form.



RECORD OF INTERVIEW FORM

Padua College will make a record of there being an interview with a student for whom there are student protection concerns conducted by Department of Communities (Child Safety Services) and/or the Queensland Police Service at Padua College without parental consent.

This form is to be completed by the Rector (or delegate) and retained confidentially at school level. The form will be filed in a secure location with other school student protection documentation.

Request for interview record

DETAILS OF REQUEST FOR INTERVIEW			
School name	Padua College		
Child to be interviewed		DOB	
Date of request for interview			
Time period within which contact is required	<input type="checkbox"/> Immediate/today <input type="checkbox"/> 0 < 5 days <input type="checkbox"/> 5 days - 14 days+		
Agency/agencies intending to interview child	<input type="checkbox"/> Child Safety Services <input type="checkbox"/> Queensland Police Service		
Officers who will interview the child	Name	Position	Agency

RELEVANT SECTION OF THE <i>CHILD PROTECTION ACT 1999</i> FOR REQUEST
<input type="checkbox"/> Section 17, including that: <ul style="list-style-type: none"> It is in the child's best interests that the officer has contact with the child before the child's parents are told about the investigation The child's parents knowing in advance about the proposed contact with the child is likely to adversely affect or otherwise prevent the proper conduct of the investigation

PARENTAL CONTACT AND/OR CONSENT
<p>Interviews conducted under S 17 (1) (b) (i) and/or (ii)</p> <p>As per Section 17 (4) of the <i>Child Protection Act 1999</i> an officer of the</p> <p> <input type="checkbox"/> Department of Communities Child Safety Services <input type="checkbox"/> Queensland Police Service </p> <p>will, as soon as practicable after the officer has had contact with the child, tell at least one (1) of the child's parents that the officer has had contact with the child and the reasons for the contact</p>



PARENTAL CONTACT AND/OR CONSENT CONTINUED

Interviews that DO NOT fall under S 17 (1) (b) (i) and/or (ii)

Has the child's parent been contacted by Child Safety Services or the Queensland Police Service in relation to the planned interview? Yes No

***Note: An interview may proceed once the parent has been informed and has given consent.
Where parents do not consent, the interview may not proceed***

SUPPORT PERSON

Can Padua College provide the child with a support person during the interview?

Yes Outline any conditions of the support person's involvement in the planned interview

No A support person may not attend the interview.

Reason/s for not allowing a support person to be present during the interview

Interview record

RECORD OF INTERVIEW

Date and time interview conducted	
Officers from external agencies present during interview	

PADUA COLLEGE SUPPORT PERSON PRESENT DURING INTERVIEW

Name of support person	
Position	
Name of Rector (or delegate)	
Signature of Rector (or delegate)	
Date	



11.0 REFERENCES

11.1 Legislative framework

11.1.1 Education (Accreditation of Non-State Schools) Act 2001 and Education (Accreditation of Non-State Schools) Regulation 2001

The *Education (Accreditation of Non-State Schools) Act 2001* 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 2001* prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 9 of the Act.

Section 10(2) to 10(8) of the Regulation deals with the accreditation requirements relating to the health, welfare and safety of students.

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

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

These requirements are designed to capture sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person.

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

11.1.3 Education (Queensland College of Teachers) Act 2005

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

- investigations of harm to a child (s.76)
- the termination of a teacher's employment after commencement of the investigation, including resignation and dismissal (s.77)
- certain other dismissals that, in the opinion of the employing authority, call into question a teacher's competency to be employed as a teacher (s.78)

11.1.4 Working with Children (Risk Management and Screening) Act 2000

The *Working with Children (Risk Management and Screening) Act 2000* requires that Catholic School Authorities ensure that all staff members involved in child-related activities (with the exception of registered teachers to whom different regulations apply) hold a certification of suitability for such work, a "blue card".

The *Working with Children (Risk Management and Screening) Act 2000* also requires organisations and individuals providing regulated child-related services to be responsible for fostering safe service environments for children. Relevant organisations are required to develop and implement child-protection risk management strategies. Padua College will continue to demonstrate and review annually that their written child protection risk management strategy.



11.1.5 Anti-Discrimination Act 1991 (Qld)

This State Act sets out restrictions in discriminating against anyone on the basis of sex, relationship status, pregnancy, parental status, breastfeeding, age, race, impairment, religious belief or activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities. There are certain exceptions in the Act also. There is also Federal anti-discrimination legislation that might impact on educational environments.

11.1.6 Evidence Act 1977

Section 93A provides the legislative authority for the Queensland Police Service and the Department of Communities (Child Safety Services) 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.

11.1.7 Child Protection Act 1999

Section 17 provides Department of Communities (Child Safety Services) and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment. In accordance with the *Child Protection Act 1999*, section 17(5) if the officer reasonably believes informing the child's parents about the contact with the child at school may jeopardise the investigation or expose the child to harm, the officer may withhold contacting the child's parents until it is practicable to do so.

Section 13A of the *Child Protection Act 1999* states that:

- “(1) Any person may inform the chief executive if the person reasonably suspects—
(a) a child may be in need of protection; or
(b) an unborn child may be in need of protection after he or she is born.
(2) The information given may include anything the person considers relevant to the person's suspicion.”

Section 13E of the *Child Protection Act 1999* includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department of Communities, Child Safety Services, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a “reportable suspicion”).

Section 159M of the *Child Protection Act 1999* provides that certain professionals including Principals of non-state schools such as the Rector of Padua College, commencing January 2015, may refer families to Family and Child Connect or other support services without their consent, where they have concerns about a child that do not meet the threshold of a reasonable suspicion, and consider that the child is likely to become in need of protection if no preventative support is provided to the family. Family and Child Connect provides information and advice to people seeking assistance for children and families where there are concerns about their wellbeing. Family and Child connect locations are currently being established in phases across Queensland to be in place by January 2016.

A useful resource that can assist in child and or student protection is the “*Child Protection Guide*” which is an online tool to support professionals, such as teachers and others working with children and families in deciding where to refer or report concerns about a child's safety or wellbeing. It was developed by government and non-government agencies to ensure that professionals meet their reporting obligations, including reporting serious concerns to Child Safety, while also enabling families in need of support to access services without unnecessary statutory intervention. The “*Child Protection Guide*” is available at www.communities.qld.gov.au/stronger_families.



12.0 RESPONDING TO HISTORICAL MATTERS

12.1 Overview of Response

It could be the case that a person may contact Padua College to report a “*historical matter*” of abuse which relates to a past student of Padua College. The term “*historical matter*” is not one which is yet well defined. It has been used in current student and child protection language to indicate an incident of alleged harm or inappropriate behaviour to a student which is not relatively recent, and which could relate to years or even decades ago.

There a myriad of circumstances which could include “*historical matters*” such as the alleged offender having left Padua College years or decades ago or he or she may remain at Padua College currently. Padua College remains committed to transparency and to taking appropriate action in matters of student protection including those generally known as historical child abuse matters.

Padua College will, as reasonably as possible, respond to any individual wishing to complain about historical matters of sexual abuse or significant harm by treating the complaint as if the allegations were contemporaneous by progressing the allegations in accordance with the Category One Mandatory Reporting process. This is important particularly in circumstances where the alleged offender may have left Padua College but remains working with children, therefore justifying the appropriate referral at least to the Police in cases of alleged sexual abuse.

In the same way, Padua College will, as reasonably as possible, respond to any individual wishing to complain about historical matters of inappropriate behaviour by treating the complaint as if the allegations were contemporaneous by progressing the allegations in accordance with the Category Two or Three Reporting process. This will ensure that all individuals are afforded due respect and consideration which also demonstrates Padua College’s proper transparent dealing with historical matters.

13.0 COMPLAINTS

In the event that a person, for example a parent or student, has a concern that a staff member of Padua College has not properly followed the processes within this Student Protection Policy and Procedure, then the person is able to make a complaint.

Padua College is not able to respond to any decision or action taken by a staff member of the Police or Child Safety. A complaint regarding a staff member of Padua College not properly following the processes within the Student Protection Policy and Procedure will be treated seriously and attended to as soon as possible.

Padua College has a “*Complaints Against Employees Policy*” and also a “*Procedures for Dealing with Complaints Against Employees*”. These Policy and Procedure are publically available via the Padua College website of www.padua.qld.edu.au and then following: Home // About Us // Padua College // College Policies

Where the complainant considers that it may not be appropriate for the complaint to be made to the Rector of Padua College or his or her delegates, the complaint may be made to the Chairperson of the Board of Directors of Padua College.

Padua College welcomes the opportunity to improve its capacity for student protection which complaints may highlight.



14.0 STUDENT PROTECTION POSTERS

BE A HERO WHEN IT COMES TO YOUR SAFETY



RECOGNISE REACT REPORT

*You should always feel safe and be safe at home,
at school, online and in the community.*

If you're feeling unsafe talk to :



Teaching Challenging Transforming





You could be confronted by an unsafe situation at anytime, anywhere. If you're in control and aware of what is safe and unsafe, you can deal with it in the right way.

For assistance you can talk to

