



# Student Protection Processes

Catholic Education  
Archdiocese of Brisbane  
19 January 2015



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Education

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## EXECUTIVE DIRECTOR'S MESSAGE

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

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

The Archdiocese of Brisbane Catholic Education Council Student Protection Policy states:

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

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

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

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

These processes also conform to relevant legislative and church requirements as explained in the pages that follow.

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



**Pam Betts**

Executive Director of Catholic Education  
Archdiocese of Brisbane

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## IMPORTANT INFORMATION

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

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

*If a staff member has reported a concern according to these processes but does not feel sure that the appropriate action is being taken to ensure a student is safe from harm he/she should contact the Area Supervisor or Manager Professional Standards and Student Protection within the Brisbane Catholic Education office and/or the police directly.*

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

# 1.0 Overview

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## 1.1 INTRODUCTION

Brisbane Catholic Education is committed to the safety and wellbeing of all students and the protection of students from harm and abuse.

In Catholic Education, protection for students is based upon the belief that each person is made in the image of God and that the inherent dignity of all should be recognised and fostered.

The Student Protection Processes arise primarily from the Brisbane Catholic Education community's concern about the reality of child abuse. This concern flows from our Christian belief in the dignity of all persons. We see children as entrusted to us by the love of God, and we are committed to the protection of their rights.

The processes outlined in this document are also formulated in accordance with child protection legislation relevant to non-state schools in Queensland. The processes have been developed in accordance with Brisbane Catholic Education's obligations under the *Education (General Provisions) Act 2006*, the *Child Protection Act 1999*, the *Education (Accreditation of Non-State Schools) Regulation 2001*, the *Working with Children (Risk Management and Screening) Act 2000* and the *Education (Queensland College of Teachers) Act 2005*.

This document is also underpinned by the Archdiocese of Brisbane Catholic Education Council's *Student Protection Policy (2011)* and complements the procedures developed by the National Committee for Professional Standards entitled *Towards Healing – Principles and Procedures in Responding to Complaints of Abuse Against Personnel of the Catholic Church in Australia (2010)* and the document entitled *Integrity in the Service of the Church (September 2011)*.

This document provides the underpinning principles and the subsequent processes to be followed when responding to student protection matters. It also provides guidance for the provision of pastoral support for personal safety and welfare of students, and of others who may be involved in student protection matters.

It is hoped that our continued efforts in the implementation of these Student Protection Processes will help to enhance the protection of students and bring healing and peace to young people and any others who may have been adversely affected.

## 1.2 PURPOSE

The purpose of this document is to provide school staff with guidance for responding to allegations or suspicions of, or circumstances involving:

- significant harm or risk of significant harm to a student caused by abuse or neglect;
- inappropriate behaviour by a staff member towards a student; or
- a student at risk of becoming 'a child in need of protection'.

The document sets out the processes to be followed to ensure that prompt, professional, sensitive and appropriate action is taken by Brisbane Catholic Education staff in schools and within the Brisbane Catholic Education office to address the above mentioned concerns.

## 1.3 COMPLIANCE AND ADVICE

All Brisbane Catholic Education staff have legislated and policy responsibilities that are outlined in this document. If Brisbane Catholic Education staff, parents or students require further information in relation to any of the processes mentioned in this document and/or other student protection compliance requirements, advice should be obtained from the Principal, the school's Student Protection Contacts or Brisbane Catholic Education office Professional Standards and Student Protection staff.

Each Principal is responsible for ensuring that:

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



## 1.4 DELEGATION

Pursuant to s 366B of the *Education (General Provisions) Act 2006*, the Archbishop of Brisbane, as the sole director of The Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane, has delegated to the person performing the duties of the position of Director - Employee Services, Brisbane Catholic Education, his obligations under s 366 and 366A of the *Education (General Provisions) Act 2006* and, more particularly, the obligations of the director of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

## 1.5 SCOPE

The processes in this document apply to:

- a reasonable suspicion of significant harm and/or risk of significant harm to a student enrolled at a Brisbane Catholic Education school caused by abuse and/or neglect;
- a report about or reasonable suspicion of inappropriate behaviour towards a student enrolled at a Brisbane Catholic Education school by a person who is a staff member;
- a reasonable suspicion of significant physical harm to a student enrolled at a Brisbane Catholic Education school by another student enrolled at a Brisbane Catholic Education school; or
- a reasonable suspicion that a student enrolled at a Brisbane Catholic Education school is at risk of becoming a child in need of protection if no preventative support is given.

A situation may arise in which Brisbane Catholic Education becomes aware that a current staff member has been under police investigation or has been prosecuted for an offence against a child who is not a student attending the school. In such a case, Brisbane Catholic Education will take all appropriate measures to ensure that students are protected. Such a response will be guided by the processes outlined in this document.

## 1.6 GUIDING PRINCIPLES AND COMMITMENTS

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

- every child and young person has a right to protection from abuse and/or neglect and also protection from inappropriate behaviour by Brisbane Catholic Education staff members;
- the welfare and best interests of the child/young person are paramount;
- all adults have a responsibility to care for children and young people, to positively promote their welfare, and to protect them from any kind of harm;
- the interactions of Brisbane Catholic Education staff with students take place in the context of the staff member being in a position of trust arising from the nature of their role;
- in every preventative and/or protective action related to a student the total wellbeing of the student is the primary concern, while respecting the rights and welfare of others;
- appropriate confidentiality should be observed relating to student protection matters, and relevant information should be kept in a secure place;
- the cultural diversity of students and families in our schools (particularly indigenous students and their families) is to be recognised, acknowledged and respected. The management of student protection issues needs to be carried out with sensitivity to cultural issues;
- the special needs and vulnerabilities of students with disabilities and their rights to an educational and family environment free from abuse, discrimination, harassment or victimisation must also be recognised, acknowledged and respected;
- the value of the family unit is to be respected but not in such a manner as to be detrimental to the wellbeing of the student;
- all persons who are the subject of an allegation of improper conduct, abuse and/or neglect should be treated fairly, respectfully and with dignity and provided with access to support services as appropriate; and
- all persons who honestly and reasonably report a matter in good faith in accordance with these procedures should not be disadvantaged for doing so.



Brisbane Catholic Education seeks to fulfil its duty of care to all within its school communities and particularly its duty of care to students. In order to do this, Brisbane Catholic Education is committed to:

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

## 1.7 CONFIDENTIALITY

Staff members who have access to information regarding suspected abuse or neglect of a student, or inappropriate behaviour by a staff member towards a student, must observe appropriate confidentiality in relation to the matter, and must ensure that any associated documentation is kept in a secure place. Staff members are directed that student protection matters should never become a topic of gossip and should never be spoken about freely with others.

## 1.8 THE ROLE OF BRISBANE CATHOLIC EDUCATION OFFICE STAFF

Principals and other Student Protection Contacts may consult with relevant staff in the Brisbane Catholic Education office regarding the processes outlined in this document. The Area Supervisor or Professional Standards and Student Protection staff will be able to provide advice concerning staff inappropriate behaviour and/or assist with an assessment of harm/likely harm to a student caused by abuse and/or neglect.

## 1.9 COMPLAINTS

A person may make a complaint to Brisbane Catholic Education under the *Complaints Procedure for Non-compliance with Brisbane Catholic Education's Student Protection Processes* where the person believes that a Brisbane Catholic Education staff member has not complied with these processes. The complaint will be dealt with in the manner described in the *Complaints Procedure for Non-compliance with Brisbane Catholic Education's Student Protection Processes*.

## 1.10 DEFINITIONS

The following is a list of relevant definitions that can assist in clarifying important terms used within this document.

### **BCE**

BCE means Brisbane Catholic Education.

### **Bullying**

Bullying is repeated, unreasonable and less favourable treatment of one person by another. The person experiencing the treatment considers it to be unwelcome, intimidating, degrading or threatening and it would be perceived as such by a reasonable person.

### **Child**

Child has the same meaning given to the term in s 8 of the *Child Protection Act 1999*; an individual under 18 years.

### **Child in Need of Protection**

A child in need of protection is defined under s 10 of the *Child Protection Act 1999* as 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 harm.

## Child Protection Legislation

Child Protection Legislation in these processes includes the *Child Protection Act 1999*, *Child Protection Regulation 2011*, *Education (General Provisions) Act 2006*, *Education (General Provisions) Regulation 2006*, *Education (Accreditation of Non-State Schools) Act 2001*, *Education (Accreditation of Non-State Schools) Regulation 2001* and *Working with Children (Risk Management and Screening) Act 2000*.

## Church Authority

A church authority includes a bishop, a leader of a religious institute, the senior administrative authority of an autonomous lay organisation, and their authorised delegates, responsible for the Church body to which a cleric or member of a religious order is, or was connected.

## Cleric

A cleric is an ordained priest or deacon of the Catholic Church.

## Complaint

A complaint is an expression of concern or dissatisfaction, either oral or written.

## Department of Child Safety

Means the Department responsible for administering the *Child Protection Act 1999*, which is at the date of this document, the Department of Communities, Child Safety and Disability Services.

## Director – Employee Services

The Director – Employee Services is the person appointed and holding the office of the Director – Employee Services within Brisbane Catholic Education; otherwise the person who has been appointed to act in the role of Director – Employee Services.

## Director of the Office of Professional Standards (Qld) (*Towards Healing*)

The Director of the Office of Professional Standards (Qld) (*Towards Healing*) is the person appointed by the bishops and heads of religious institutes in Queensland to manage the implementation of the *Towards Healing* principles and processes.

## 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 member of a religious order appointed to a role at the school pursuant to an agreement with a religious order (see also definition of staff member).

## Executive Director

The Executive Director is the person appointed by the Catholic Archbishop of Brisbane to be the Executive Director of Brisbane Catholic Education and who has the delegated authority to administer and manage diocesan and parish schools in the Archdiocese of Brisbane; otherwise the person who has the authority to act in the position of Executive Director from time to time.

## 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.

## Harm:

Harm has the same meaning given to the term in s 9 of the *Child Protection Act 1999* as:

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

Note: Whilst the definition of “harm” as outlined above relates only to students under 18 years of age, under this document the meaning is extended to include harm to students attending Brisbane Catholic schools who are 18 years of age or above.

## Inappropriate Behaviour

Inappropriate behaviour includes but is not limited to any behaviour, including words, actions and the use of technology and social media, directed towards or in the presence of a student that is contrary to what is required of staff members under *Archdiocese of Brisbane Catholic Education Code of Conduct*. Examples of staff inappropriate behaviour are contained in Section 12 of this document.

Further, any report from a person, including a student, about a staff member’s behaviour directed towards or in the presence of a student, that the person making the report considers to be inappropriate, is to be taken as an allegation of inappropriate behaviour. It must be responded to in accordance with the processes contained within this document.

## Parent

A parent of a child has the meaning given to the term in s 11 of the *Child Protection Act 1999* and is the child’s mother, father or someone else having or exercising parental responsibility for the child, and includes in relation to an Aboriginal or Torres Strait Islander child, a person who under Aboriginal tradition or Island custom is regarded as a parent of the child. A person standing in the place of a parent of a child on a temporary basis is not a parent of the child.

## Prescribed Entity

In these processes, a prescribed entity has the meaning given in s 159D of the *Child Protection Act 1999* and includes a Principal of a Brisbane Catholic Education school that is accredited or provisionally accredited under the *Education (Accreditation of Non-State Schools) Act 2001*.

## Principal

The Principal is the staff member appointed to be the religious and educational leader of a Brisbane Catholic Education school within the Archdiocese of Brisbane; otherwise a person who has the delegated authority to act in the position of Principal.

## Record of Concern

A Record of Concern is a written record by a staff member that documents concerns about a student’s safety or wellbeing. The Record of Concern is generated in the Student Protection Case Management System.

## Reasonable Suspicion

A *reasonable suspicion* is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. That is, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances. More information about forming a reasonable suspicion is contained in Section 2.8 of this document.

## Reportable Suspicion

A reportable suspicion is defined under s 13E(2) of the *Child Protection Act 1999*, as 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 and the child may not have a parent who is able and willing to protect the child from harm.

## Relevant State Authority

A relevant State authority means the Department of Child Safety and/or the Queensland Police Service (QPS), (and includes for example a QPS specialist unit such as the Child Protection Investigation Unit - CPIU).

## Religious Order

A religious order is an institute of consecrated life or a society of apostolic life within the Catholic Church. Members of religious orders are generally known as brothers, nuns or sisters.

## Sexting

Sexting refers to an act of sending sexually explicit photographs or messages electronically.

## Sexual Abuse

Sexual abuse of a student occurs when a person uses power or authority over the student to involve the student in sexual activity or to sexually exploit the student. Sexual abuse can be physical, verbal or emotional. Physical force may sometimes be involved. More detailed information about sexual abuse/likely sexual abuse including legislative guidance is contained in Section 2.5.1 of this document.

## Social Media

Social media includes, but is not limited to, communications through email, SMS, Facebook, Myspace, Instagram, Snapchat and YouTube.

## Staff Member

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

## Student

A student is any person enrolled as such at a Brisbane Catholic Education school or college.

## Student Protection Case Management System

The Student Protection Case Management System (SPCMS) is the Brisbane Catholic Education database for the collection and storage of all information relating to a concern, complaint or allegation about abuse or harm of a student or inappropriate behaviour towards a student. The SPCMS enables any staff member to record the details of any student protection concern in the form of a Record of Concern and for mandated staff to make a Student Protection Report to a State authority. In addition, Principals will be able to administer the processes required to manage a report or allegation of inappropriate behaviour towards a student by a staff member. The SPCMS is accessed by clicking on the 'Student Protection' button on the KWeb homepage.

## Student Protection Contact (SPC)

A Student Protection Contact (SPC) is one of at least two persons who are appointed to that role in each Brisbane Catholic Education school in compliance with the *Education (Accreditation of Non-State Schools) Regulation 2001* s 10 (4). The primary role of a Student Protection Contact is to receive reports of concerns about the wellbeing of students and alleged inappropriate behaviour by staff towards students and to take subsequent action as set down in the processes within this document. The names of the Student Protection Contacts are to be made known to the members of the school community and prominently displayed around the school. In Brisbane Catholic Education schools the school Principal is to be one of the Student Protection Contacts. Further information relating to the role of the Student Protection Contacts is to be found in Section 15.

## **Student Protection Officer**

A Student Protection Officer is a Brisbane Catholic Education office staff member appointed to assist school staff in managing student protection matters. Their duties include assisting school staff in the assessment of sexual abuse/likely sexual abuse or harm/risk of harm caused by abuse or neglect and offering guidance in assessing whether there may be a parent able and willing to protect the student. They also offer support and guidance to schools during and after State authority intervention and assist with the facilitation of compliance with student protection policies and processes, including developing and facilitating student protection training for staff.

## **Student Protection Report**

A Student Protection Report is a written report submitted to a State authority in accordance with the requirements of relevant child protection legislation.

## **Teacher**

Teacher has the same meaning given to the term in s 3 to the *Child Protection Act 1999* and means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

## **Volunteer**

A volunteer is any person who performs work on a voluntary basis in a Brisbane Catholic Education school. The relationship between the volunteer and Brisbane Catholic Education is not bound by a contract of employment and no payment is made by Brisbane Catholic Education to the volunteer or anybody on their behalf, for the work performed.

## 2.0 Important Concepts Relating to Reporting Harm, Abuse and Neglect

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### 2.1 OVERVIEW

All staff have obligations to report and respond to allegations of, or reasonable suspicions that a student may have suffered, be suffering or be at an unacceptable risk of suffering harm caused by abuse or neglect.

This Section 2 of the student protection processes provides guidance to staff on the following:

- requirement to report;
- harm as defined in the *Child Protection Act 1999*;
- sources and causes of harm;
- assessing harm from abuse and neglect including signs of suspected abuse or neglect;
- forming a reasonable suspicion;
- assessing whether a parent may be able and willing to protect a student from harm;
- responding to disclosures;
- photographing injuries; and
- making contact with parents and carers where there are concerns.

### 2.2 REQUIREMENT TO REPORT

It is a requirement of Brisbane Catholic Education that all staff report suspicions of harm or an unacceptable risk of harm to a student caused by abuse and/or neglect to the Principal or other Student Protection Contact.

In addition, the following mandatory reporting obligations apply to staff under legislation:

- all staff are required to report sexual abuse/likely sexual abuse of a student - *Education (General Provisions) Act 2006*; and
- teachers are required to report a 'reportable suspicion', which means a reasonable suspicion that a child has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by sexual and/or physical abuse where the student may not have a parent able and willing to protect the student from the harm - *Child Protection Act 1999*.

Details about the reporting obligations of staff are discussed in detail in subsequent sections of this document.

### 2.3 WHAT IS HARM?

Harm refers to the detrimental effect or impact of abuse/neglect on a child. To assess harm, actions or behaviour (abuse/neglect), and any motivation or intent are identified to determine the impact for a child, which may be cumulative in nature. The term 'abuse/neglect' in the child protection context, refers to the action or inaction of another person towards a child.

Harm is defined in s 9 of the *Child Protection Act 1999* as:

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

Harm may have been experienced by the child in the past, and/or is being experienced in the present. It may also be assessed that there is an unacceptable risk of harm to a child in the future, due to insufficient protective factors existing to ensure a child's safety and well-being.

For reporting to a State authority to be required under law, the level of harm must be having or be at unacceptable risk of having a detrimental effect of a significant nature on the well-being of a child, and the harm must be identifiable or observable through physical, emotional and / or psychological impacts. Examples of significant physical harm include broken bones, bruising and burns. Examples of significant emotional or psychological harm include depression, self-harm, hyper-vigilance, disassociation, anxiety and post-traumatic stress.

## 2.4 SOURCES OF HARM

For the purposes of this document, the various sources of harm are classified as follows:

- (a) Source 1 - harm to a student by a staff member, other employee or volunteer;
- (b) Source 2 - harm to a student by another person such as parent, carer, other family member or other persons in the community;
- (c) Source 3 – harm to a student by another student at the school; and
- (d) Source 4 – self-harm by a student.

### Source 1 – Staff member, other employee or volunteer

Significant harm caused by sexual, physical or emotional abuse of a student by a staff member, other employee or volunteer of the school can occur. The role of a school staff member such as a teacher, support officer or Principal can provide opportunities for significant harm to a student through the misuse of the staff member's power and authority, at times inadvertently. Harm of a student due to abusive behaviour by a school staff member, other employee or volunteer may be especially damaging because of the special position of trust that is held by the adult within the school and because those working in a Catholic school do so on behalf of the Catholic Church.

### Source 2 - Another person such as parent, carer, other family member or other persons in the community

Unfortunately, most harm to a child caused by abuse or neglect is by someone the child knows and trusts, such as a parent, carer, sibling, other relative or family friend. The younger the child, the more vulnerable they are and the more serious the consequences are likely to be. Abuse of a child by a close family member can often have permanent negative effects on the child's development and life opportunities as well as upon the family itself, therefore early intervention is vital. Abuse of a child can also occur by others in the community such as sports coaches or by people who are a stranger to the child.

### Source 3 - Another student at the school

A student can experience harm caused by the abusive behaviour of another student at the school. The following interactions between students may result in physical, psychological and/or emotional harm and require an appropriate response from the school.

#### (i) Misuse of electronic communication media

Misuse of electronic communication media can cause harm to students. Mobile phones, computers and social media can be used to bully. Some misuse of electronic media may result in significant harm to a student and can constitute a criminal offence.

Situations involving bullying should be managed by the Principal in accordance with the *Preventing and Responding to Student Bullying in Schools Policy, Guidelines & Procedures* and the school's student behaviour support plan.

#### (ii) Student sexual behaviours

Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of this behaviour may be considered developmentally appropriate for the child's age and stage of development. Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex).

- Schools need to respond appropriately to **any** sexual behaviour between students that comes to their attention.



- It is important that **all** cases of sexual behaviour be taken seriously, and responded to in a timely manner.
- Assistance is available from a BCE Student Protection Officer in assessing the seriousness of the sexual behaviour exhibited.

If sexual behaviour that is of concern is identified, steps should be taken to ensure the safety of the student or students who are involved or who could be exposed to such behaviour. Where appropriate, schools should comply with Student Protection Reporting processes outlined in Section 5 of this document.

#### Source 4 - Self-harm

During the course of their schooling, some students may be at risk of harming themselves. This may be by direct means such as self-injurious behaviour or by engaging in serious risk-taking behaviours such as alcohol/substance abuse, recklessly dangerous physical activities and/or unsafe sexual behaviour.

Each of these situations presents the possibility of a complex range of precipitating circumstances and possible interventions.

If student self-harm is identified steps should be taken to ensure the initial safety of the student. It is important to keep in mind that in some cases, self-harm may be an indication that the student has been sexually, physically or emotionally abused or neglected.

## 2.5 CAUSES OF HARM

Harm can be caused by sexual abuse, physical abuse, emotional abuse or neglect. A discussion of each type of abuse and neglect is detailed in the following sections of this document.

### 2.5.1 SEXUAL ABUSE / LIKELY SEXUAL ABUSE

S 364 of the *Education (General Provisions) Act 2006* provides that sexual behaviour between the relevant person and another person in the circumstances described below is considered to be sexual abuse:

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

The following additional advice is offered to assist staff members.

Sexual abuse/likely sexual abuse of a student occurs when there is an imbalance of power between the student and the other person. Characteristics of a power imbalance include significant differences in age, developmental ability, authority, influence or some kind of control over the student. The imbalance of power allows force, trickery, emotional bribery, blackmail or emotional pressures to be used against the student to involve him/her in sexual activity or to sexually exploit him/her. Secrecy, the misuse of power and distortion of adult-child relationships may also be involved. It is important to note that activity between peers may also be considered abusive, especially if the relationship is coercive or the behaviour forceful, degrading or threatening.

Sexual activity between young people under 16 years of age is not automatically considered to be sexual abuse, even though technically it is unlawful in Queensland. The dynamics and characteristics of the sexual activity is a key consideration. For example, if a young person under the age of 16 years engages in sexual activity with a peer and there is no imbalance of power, coercion or manipulation involved, this may not be considered sexual abuse. On the other hand, if there is a power imbalance, coercion or manipulation in the sexual activity between a young person 16 years and older and another person, this may be considered sexual abuse. If assistance is required in determining whether or not sexual activity between students constitutes sexual abuse/likely sexual abuse, contact Brisbane Catholic Education Student Protection Officers.

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

Sexual abuse involving physical contact with a student could include:

- touching, kissing, holding or fondling a student's body in a sexual manner;
- touching, kissing or fondling a student's genital area;
- engaging in or attempting to engage in vaginal or anal intercourse with a student;

- penetrating or attempting to penetrate a student's vagina or anus with a finger or other object;
- engaging or attempting to engage in oral sex with a student; or
- engaging or attempting to engage in masturbation with a student.

It does not matter whether the student is clothed or unclothed whilst sexual abuse involving physical contact takes place.

Engagement of a student in sexual acts by duress or through inducements of any kind is considered sexual abuse. Examples include pressuring or forcing the student to:

- touch or fondle another person's genital area;
- touch or fondle another person's body in a sexual manner;
- engage in or attempt vaginal or anal intercourse with another person;
- penetrate or attempt to penetrate another person's vagina or anus with a finger or other object;
- engage or attempt to engage in oral sex with another person; or
- masturbate or to attempt to masturbate.

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

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

Note: Whilst the legislation relating to the mandatory reporting of sexual abuse/likely sexual abuse as outlined above relates only to students **under 18 years of age**, this document extends the meaning to include students attending Brisbane Catholic schools who are 18 years of age or above. Suspicions of sexual abuse/likely sexual abuse of a student **18 years or older** are to be reported to the Queensland Police Service.

### Likely sexual abuse

Likely sexual abuse of students must be reported where a reasonable suspicion is formed that unless someone intervenes to prevent it, sexual abuse is more probable than not to occur in the future. One situation where such a reasonable suspicion could occur would be as a result of a reasonable suspicion that 'grooming' is occurring.

### Grooming

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

Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's carers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her carers will trust the offender and not suspect any intended wrongdoing. The establishment of a relationship of trust which is then misused is often very confusing and damaging to the child, who may not even immediately recognise what is happening to them as abuse.

Recognition of the grooming process that is used as a preparation for the sexual abuse of a child is an indicator of likely sexual abuse. Grooming behaviour is unlikely to be recognised when observed as a one-off event, but a pattern of grooming of the intended victim and/or the intended victim's carers is likely to be recognised. Grooming will tend to develop in intensity over time. It will also tend to include elements of secrecy and concealment. It is important to be aware of the types of behaviours that can be used in the process of grooming a child or young person, while remembering that some of the behaviours might equally reflect normal interactions based on

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

Some examples of 'grooming' behaviour could include:

- befriending a vulnerable student;
- giving the student special attention;
- treating the student more favourably than others, for example with school work or in extra-curricular activities;
- giving gifts to, or doing favours for, the student;
- sharing secrets with the student;
- arranging opportunities to be alone with the student;
- sending email or SMS messages of a personal nature;
- making personal comments to the student about sexuality or relationships;
- directing suggestive jokes, remarks or actions towards the student;
- acting as a substitute parent or confidant of the student;
- befriending the student's family and visiting the family home;
- offering to babysit or provide transport; or
- offering individual coaching or special help to the student.

### **Student sexual behaviour**

Suspicious that a student has been sexually abused may also be formed in some cases where a student exhibits concerning sexual behaviour. Some of these situations could emerge through the student's use of technology, e.g. in some incidents of 'sexting'.

## **2.5.2 PHYSICAL ABUSE OR UNACCEPTABLE RISK OF PHYSICAL ABUSE**

### **Physical abuse**

Physical abuse refers to non-accidental use of physical force against a child by another person that results in significant harm to the child. Examples of physical abuse include but are not limited to hitting, shaking, throwing, burning, biting, poisoning and female genital mutilation. The definition of physically abusive behaviour extends to the fabrication, exaggeration and inducing of illness symptoms in a child. A person does not have to intend to physically harm a child to have physically abused them (for example, physical punishment that results in bruising or fractures would generally be considered physical abuse). Physical abuse does not always leave visible marks or injuries. Physical abuse can result in significant physical harm (for example, fractures, burns or bruises) and/or emotional/psychological harm (for example, hypervigilance, depression or persistent state of fear and anxiety) to a child.

### **Unacceptable risk of physical abuse**

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

When considering if a child is at unacceptable risk of suffering harm caused by physical abuse by a person, a range of factors are considered. Examples include, the person's propensity towards violence, the degree of control a person has over their own behaviour or the behaviour of others, the physical force used and the ability and willingness of another adult to act protectively to prevent the physical abuse. Examples of situations which give rise to an unacceptable risk of physical abuse include but are not limited to domestic violence involving the throwing of objects or situations in which a baby is shaken but not obviously injured.

## 2.5.3 EMOTIONAL ABUSE OR UNACCEPTABLE RISK OF EMOTIONAL ABUSE

### Emotional abuse

Emotional abuse is the persistent emotional ill-treatment of a child which causes severe and persistent adverse effects on the child's emotional development. Examples of emotional abuse include but are not limited to constant criticism, public humiliation, belittling, constant yelling, withholding praise and affection, excessive teasing, scapegoating, rejection, hostility, exposure of a child to domestic and family violence and conveying that a child is worthless or unloved, inadequate or valued only insofar as the child meets the needs of another person.

Emotional abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of reasonable exploration and learning or preventing the child from participating in normal social interaction.

Emotional abuse can result in significant harm to a child, for example, it can result in significant emotional / psychological harm such as depression, attachment disorders, chronic feeling of fear/anxiety or self-harm.

### Unacceptable risk of emotional abuse.

A child is considered to be at unacceptable risk of suffering harm caused by emotional abuse if there are grounds to suspect that unless someone intervenes to prevent it, the actions of a person will result in or be likely to result in a detrimental impact of a significant nature on the child's physical and/or emotional functioning. This may be due to a range of factors such as the frequent, chronic and entrenched verbal criticisms and hostility directed at the child by another person.

## 2.5.4 NEGLECT OR AN UNACCEPTABLE RISK OF NEGLECT

### Neglect

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

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

### Unacceptable risk of neglect

A child is considered to be at an unacceptable risk of suffering harm caused by neglect if there are grounds to suspect that, unless someone intervenes to prevent it, the actions of a person will result in or be likely to result in significant harm caused by neglect of a child. This may be due to a range of factors such as severe or chronic substance misuse, significant mental illness, lack of parenting skills and addiction to gambling by the child's primary parent or carer inhibiting their capacity to provide sufficient care.

## 2.6 ASSESSING HARM CAUSED BY ABUSE/NEGLECT

When attempting to assess whether harm caused by abuse and/or neglect has taken place or is likely in the future, the following questions may be useful.

- What is the cause of the harm? Do you suspect sexual abuse, physical abuse, emotional abuse and/or neglect?
- What is the source of the abuse or harm?
- What are the grounds for suspecting that the student has suffered, is suffering or is likely to suffer harm caused by abuse and/or neglect? (refer to Section 2.8 in this document entitled '*Forming a reasonable suspicion*')

- What are the signs to suggest harm/likely harm? (refer to Section 2.7 in this document entitled 'Recognising signs of harm')
- What information is needed to provide background and context?
- What information is not evident that might be required in order to make an adequate assessment?

## 2.7 RECOGNISING SIGNS OF HARM CAUSED BY ABUSE/NEGLECT

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

It is important to remember:

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

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

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

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

### Physical

- bruises or lacerations, especially on face, head and neck;
- burns/scalds;
- multiple injuries or bruises, especially over time;
- fractures, dislocations, twisting injuries;
- explanations offered by the child not consistent with the injury or the injury is unable to be explained by the child;
- repeated injuries with a recurring or similar explanation.

### Neglect

- delay in achieving developmental milestones;
- medical or therapeutic needs not attended to;
- poor personal hygiene leading to social isolation;
- scavenging for/stealing food; lack of adequate school lunches;
- extreme seeking of adult affection;
- flat and superficial way of relating.

### Domestic violence

- difficulties in eating and sleeping;
- hyper vigilance;
- regression to age-inappropriate behaviours;

- developmental delays;
- child is over-protective of a parent;
- excessively controlling or aggressive/violent behaviour;
- abuse of siblings/parent.

### Emotional/psychological

- inability to value self and others;
- lack of trust in people;
- statements from the child e.g. *"I'm bad; I was born bad"*;
- extreme attention-seeking behaviours.

### Sexual

- direct or indirect disclosures of abuse;
- concerning sexual behaviour and/or age-inappropriate sexual knowledge;
- use of threats, coercion or bribery to force other children into sexual acts;
- sexual themes/fears expressed in artwork, written work or play;
- repeated urinary tract infections, especially in younger girls;
- physical trauma to buttocks, breasts, genitals, lower abdomen, thighs;
- unexplained accumulation of money/gifts;
- presence of sexually-transmitted infections, especially in younger children.

## 2.8 FORMING A REASONABLE SUSPICION

A staff member may form a reasonable suspicion that a student may have experienced, is experiencing or is at an unacceptable risk of experiencing significant harm caused by sexual abuse/likely sexual abuse, physical and/or emotional abuse and/or neglect or may be subject to inappropriate behaviour by a staff member if:

- a student reports or discloses to a staff member information of concern about him/her or about another person's behaviour;
- another student reports or discloses information of concern about a student or about another person's behaviour in relation to that student;
- a parent or another person reports information of concern about a student and/or another person's behaviour (This information may come from a relative, friend, acquaintance of the student, or sometimes could be anonymous);
- relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained.

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

- in some cases, it may be appropriate to seek additional information to clarify the situation;
- it is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information;
- if the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant reporting process described in this document;
- if the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant reporting process described in this document;
- details about how the information came to the staff member's attention should be included in the Record of Concern that the staff member provides to the Principal or consults with the school's nominated Student Protection Contact.



## 2.9 ASSESSING IF A PARENT MAY BE ABLE AND WILLING TO PROTECT A CHILD FROM SIGNIFICANT HARM

When staff and Principals are considering the appropriate action to take to respond to concerns about a student's wellbeing, including considering their reporting obligations as detailed in these processes, it is important to determine or consider if the student may have a parent able and willing to protect the student from significant harm.

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

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

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

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

An assessment of whether a parent is able and willing is based on the observations and knowledge the Principal and staff members may have of the family circumstances and/or disclosures made by a child or information provided by another person. The Principal or staff member is not expected to conduct an investigation to ascertain if a parent is able and willing to act protectively.

BCE Student Protection Officers may be contacted to assist in determining if there is a parent able and willing to protect the child from significant harm.

Student Protection Reports must be provided to the Department of Child Safety, in relation to significant harm to students, where the student may not have a parent able and willing to protect the child from harm. Further details of the reporting obligations are contained Sections 5, 6 and 7 of this document.

## 2.10 RESPONDING TO A STUDENT DISCLOSURE

### 2.10.1 PASTORAL GUIDELINES FOR DEALING WITH A DISCLOSURE

School personnel are often the first people a student may tell when they are feeling unsafe. It is important for staff members to be aware of how children/young people disclose and how to respond in the most appropriate manner. If a student tells a staff member about being abused or harmed:

#### Do

- listen attentively, actively and without judgement;
- let the child use their own words;
- respond calmly to the information the student provides;
- only question the student if absolutely necessary and restrict questions to open ended question 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 for the behaviour of others;
- provide pastoral support to the student;
- be aware of the privacy issues involved;
- be honest about your responsibility to take action;
- make detailed notes.



### Do not

- react emotionally or accuse;
- 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 such as the Principal or another Student Protection Contact about the information;
- leave the student alone immediately after a disclosure;
- discuss the situation with parents, carers or others (other than with those designated in these processes e.g. Principal or other Student Protection Contact).

## 2.10.2 GENERAL ADVICE ABOUT HANDLING DISCLOSURES

- Remember it is not a school staff member's role to investigate a suspicion of an unacceptable risk of abuse/harm, from any source, or alleged inappropriate behaviour by another staff member. It is the role of officers of Queensland Police Service and qualified officers of the Department of Child Safety to investigate and collect evidence in the required circumstances. In cases relating to alleged inappropriate behaviour by another staff member it is the role of the Principal/Area Supervisor/Director - Employee Services to assess the alleged behaviour.
- Only ask enough questions to help you decide whether you have honest and reasonable grounds to form a suspicion of harm/abuse or an unacceptable risk of harm/abuse, or inappropriate behaviour by another staff member. Be aware that any questioning beyond this could cause distress and confusion and could interfere with the integrity of any subsequent investigation undertaken by relevant authorities.
- As soon as possible after the disclosure, make detailed relevant notes about any signs, disclosures, injuries, and behaviours that caused you to be concerned for the student's safety or wellbeing.

## 2.10.3 TAKING PHOTOGRAPHS OF INJURIES

Staff must **NOT** take photos of injuries to students. If required, this will be done by the Queensland Police Service or the Department of Child Safety.

## 2.10.4 CONTACT WITH PARENTS/CARERS

When concerns of abuse/harm to a student arise 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 or staff member concerned before or after the Student Protection Report is made, without first receiving advice about this from the relevant State authority (Department of Child Safety or Queensland Police Service). There is further information about managing contact with parents in Section 8 of this document.

## 3.0 Student Reporting Processes

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### IMPORTANT INFORMATION

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

Nothing that is written below should prevent a student from reporting any matter of concern to his/her parent(s), to any staff member at a school, or to the police.

**If a student has reported a concern according to these processes but the student or their parent or another person does not think that the appropriate action under these processes has been taken he/she should complete a Brisbane Catholic Education *Record of Complaint about Non-compliance with Brisbane Catholic Education Student Protection Processes* form. Assistance in completing the form can be obtained by contacting Professional Standards and Student Protection staff within the Brisbane Catholic Education office.**

Should a student wish to report abuse/neglect or an unacceptable risk of abuse/neglect to himself/herself or to any other student, he/she may report this to the Principal or other Student Protection Contact at the school.

Should a student consider that the behaviour of a staff member towards him/her or towards another student is or has been inappropriate, he/she may report this to the Principal or other Student Protection Contact at the school. A student may make the report orally, in writing, or through any other means of communication.

A student's parent or carer may make the report to the Principal or other Student Protection Contact on behalf of the student.

Whether or not the staff member receiving the report is a Principal or Student Protection Contact, on receiving such a report from or on behalf of a student, the staff member must respond in accordance with the requirements set down in this document.

## 4.0 Overview of Staff Reporting Responsibilities

Brisbane Catholic Education requires that:

- all concerns, allegations or suspicions of harm or risk of harm to a student or inappropriate behaviour by a staff member towards a student are taken very seriously by all staff;
- all staff must be aware of their responsibilities for reporting and responding to concerns, allegations or reasonable suspicions of harm or risk of harm to a student or inappropriate behaviour by a staff member towards a student; and
- all staff, either under legislation or as required by Brisbane Catholic Education, report and respond in accordance with these processes to concerns, allegations or reasonable suspicions that a student may have suffered, be suffering or be at unacceptable risk of suffering harm caused by abuse or neglect or a staff member has behaved inappropriately towards a student.

The Child Protection Guide is an online tool developed by the Department of Child Safety for professionals. This tool can assist school based employees when considering whether suspicions of harm reach the threshold for reporting to Queensland Police Service or the Department of Child Safety. The tool assists in decision making but is used in conjunction with professional judgment and conferring with Principals, other Student Protection Contacts or Guidance Counsellors and/or a Brisbane Catholic Education Student Protection Officer. Where the threshold for reporting is not reached, alternative family support options may need to be considered.

For further information, visit:

<http://www.communities.qld.gov.au/childsafety/partners/our-government-partners/queensland-child-protection-guide/online-child-protection-guide>

This section of the processes sets out a summary of the action that must be taken if any staff member has concerns, allegations, or suspicions about harm or abuse of students. Further details of the required reporting or appropriate responses are contained in Sections 5 - 13 in this document.

### 4.1 MANDATORY REPORTING REQUIRED UNDER LEGISLATION

#### **All staff – requirement to report sexual abuse or likely sexual abuse under the *Education (General Provisions) Act 2006***

All staff must at law, immediately provide a written report to the Principal or Director – Employee Services, if a staff member has a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by another person. The Principal is required by law to immediately give a Student Protection Report to the Queensland Police Service.

The Principal must also immediately provide a copy of the Student Protection Report which the Principal sends to the Queensland Police Service to the Director –Employee Services. Student Protection Reports generated from the Student Protection Case Management System will satisfy this requirement.

Details about the mandatory reporting requirements to Queensland Police Service for sexual abuse/likely sexual abuse are contained in Section 5 of this document.

#### **Approved Teachers – requirement to report harm/unacceptable risk of harm caused by physical or sexual abuse under the *Child Protection Act 1999***

In addition to the mandatory reporting obligations of sexual abuse/likely sexual abuse to the Queensland Police Service, approved teachers have a mandatory reporting obligation to the Department of Child Safety. If a teacher forms a 'reportable suspicion' about a student, then the teacher must, under the *Child Protection Act 1999*, provide a written Student Protection Report to the Department of Child Safety without delay.

A 'reportable suspicion' is a reasonable suspicion that a child is suffering, has suffered or is at an unacceptable risk of suffering significant harm, caused by physical or sexual abuse AND the child may not have a parent who is able and willing to protect the child from harm.

Details about the mandatory reporting requirements to the Department of Child Safety for sexual or physical abuse are contained in Sections 5 and 6 of this document.

## 4.2 COMPULSORY REPORTING REQUIRED BY BCE – EMOTIONAL ABUSE OR NEGLECT

### All staff – requirement to report harm/unacceptable risk of harm caused by emotional abuse or neglect

All staff are required to report to the Principal or another Student Protection Contact suspected emotional abuse or neglect, self-harming behaviour or incidents between students resulting in significant harm.

The Principal or Student Protection Contact will provide advice and guidance to staff in relation to these concerns and assist the staff member to complete a written report in the form of a Record of Concern, which the staff member must complete without delay.

### Principals – requirement to report emotional abuse or neglect

Where the Principal forms a reasonable suspicion that a student has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by emotional abuse or neglect AND the student does not have a parent who is able and willing to protect the student from harm, the student will be considered to be a 'child in need of protection' and BCE requires the Principal to provide a written Student Protection Report to the Department of Child Safety without delay.

Details about the compulsory reporting requirements in relation to emotional harm and neglect are contained in Section 7 of this document.

## 4.3 PRINCIPALS – REQUIREMENT TO REFER STUDENTS LIKELY TO BECOME A 'CHILD IN NEED OF PROTECTION'

If a Principal reasonably suspects that a student is likely to become a 'child in need of protection' if no preventative support is given, the Principal should refer the student's family to external family support services. For example, a Principal may suspect that a family is under financial and emotional stress and is struggling to pay bills, cope with the demands of parenting, and the stress is impacting on relationships within the family; but there is no information to suggest significant harm to the child/ren by the parents. However, there is a concern that if preventative action is not taken the child/ren may become a child in need of protection.

Details about how Principals refer vulnerable families to preventative support measures are contained in Section 9 of this document.

## 4.4 COMPULSORY REPORTING REQUIRED BY BRISBANE CATHOLIC EDUCATION REGARDING INAPPROPRIATE BEHAVIOUR OF A STAFF MEMBER TOWARDS A STUDENT

### 4.4.1 REPORTING ALLEGED INAPPROPRIATE BEHAVIOUR OF A STAFF MEMBER TOWARDS A STUDENT

If a staff member reasonably suspects, that another staff member has behaved inappropriately towards a student (not being sexual abuse or likely sexual abuse) including abusive action resulting in significant physical or emotional harm to a student, the staff member is **compulsorily** required by Brisbane Catholic Education to report to the Principal or another Student Protection Contact at the school without delay about the matter.

### 4.4.2 MANAGING A REPORT FROM A STUDENT/PARENT REGARDING ALLEGED INAPPROPRIATE BEHAVIOUR OF A STAFF MEMBER TOWARDS A STUDENT

If a student, parent or other person complains to a staff member about another staff member's behaviour towards a student that the student or parent considers inappropriate, the staff member must immediately report the matter to the Principal or another Student Protection Contact at the school without delay.

### 4.4.3 SELF-REPORTING ALLEGED INAPPROPRIATE BEHAVIOUR TOWARDS A STUDENT

If a staff member becomes aware of an allegation against him/her in relation to his/her alleged inappropriate behaviour towards a student, he/she must report the matter to the Principal at the school without delay.

### 4.5 REPORTING OF CHILDREN WHO ARE NOT STUDENTS AND UNBORN CHILDREN

Staff members may have suspicions of harm/risk of harm about other children who are not students at a BCE school or an unborn child.

Staff members are encouraged to report suspicions of harm/risk of harm about a child (who is not a student but is a sibling) or an unborn sibling to the Principal or Student Protection Contact (who should report the concerns to the Principal). The Principal should make a report to the Department of Child Safety or Queensland Police Service if they have suspicions of abuse or neglect or unacceptable risk of abuse or neglect in relation to other children who are not students but are siblings of students or an unborn sibling.

The Principal is encouraged to make a verbal report to the Department of Child Safety or Queensland Police Service if they have suspicions of abuse or neglect or unacceptable risk of abuse or neglect in relation to other children who are not students, for example, students from a school other than a BCE school or an unborn child.

### 4.6 LEGAL ISSUES

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

- In reporting cases of abuse/neglect or an unacceptable risk of abuse/neglect to a student, school staff reporting to a relevant State authority are not required to prove the case; they need only report on their reasonable suspicion and their reasons for it.
- School staff should be very careful to report only to the persons or authorities that are mentioned within this document.
- The matter must remain highly confidential and should never become a topic of gossip and should never be spoken about freely with others.
- If you communicate the restricted and confidential Record of Concern or Student Protection Report to others, an action for damages for defamation could be taken or a complaint may be made to the Office of the Australian Information Commissioner in relation to a breach of the student's privacy.
- Staff are permitted under privacy legislation to disclose personal information about a student when making Student Protection Reports to the Queensland Police Service or the Department of Child Safety, or where the staff member reasonably believes that the disclosure is necessary to prevent threats to life or health.
- The identity of individuals, who report their concerns about a child to the Department of Child Safety is confidential. Persons are protected from civil liability (meaning that the person is protected from legal action taken against him/her) where the person has acted honestly and reasonably in giving information about alleged harm or risk of harm under the *Child Protection Act 1999* (s 197A) and s 366 (5) & (6) and s 366A (7) & (8) of the *Education (General Provisions) Act 2006*. However, in some cases staff members may be subpoenaed to attend court as a witness. In this instance the identity of the individual cannot be kept confidential. Brisbane Catholic Education Legal Counsel (Employee Services) can be of assistance to a staff member who is subpoenaed to attend court.
- In the unlikely event of civil action being brought against a staff member as a consequence of reporting, Brisbane Catholic Education through the terms and conditions of its insurer's policy will indemnify (i.e. accept responsibility to defend or settle claims) those staff who have acted conscientiously within the scope of their professional duties.

## 5.0 Responding to Suspected Sexual Abuse/Likely Sexual Abuse of a Student

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

### 5.1 OVERVIEW OF MANDATORY REPORTING OBLIGATIONS

Mandatory reporting is a requirement of the law and a staff member may risk civil action for a breach of their statutory obligations if he/she fails to act, as well as being subject to disciplinary sanctions by their employer. In addition, it is a criminal offence to fail to report sexual abuse under the *Education (General Provisions) Act 2006*, and a financial penalty is payable under that Act for such failures.

All staff have a mandatory requirement under the *Education (General Provisions) Act 2006*, to report the sexual abuse or likely sexual abuse of a student

In addition, under the *Child Protection Act 1999*, teachers are mandated to report to the Department of Child Safety significant harm caused by sexual abuse where the student may not have a parent able and willing to protect the student from the harm.

### 5.2 MANDATORY REPORTING RESPONSIBILITIES

#### 5.2.1 ALL STAFF MEMBERS/PRINCIPALS – STUDENT PROTECTION REPORT TO QUEENSLAND POLICE SERVICE UNDER THE *EDUCATION (GENERAL PROVISIONS) ACT 2006*

##### **Mandatory reporting under the *Education (General Provisions) Act 2006***

The *Education (General Provisions) Act 2006* requires that if a staff member (*the first person*) reasonably suspects, in the course of his/her employment at the school, that a student under 18 years of age attending the school has been sexually abused or is likely to be sexually abused by another person, the first person **must immediately** give a written report to the Principal or the Director - Employee Services who **must immediately** provide a report to the Queensland Police Service.

If the first person is the Principal, the Principal **must immediately** give a Student Protection Report to the Queensland Police Service and the Director - Employee Services.

##### **Process for managing a mandatory report to the Queensland Police Service**

A staff member who reasonably suspects that a student has been sexually abused or is likely to be sexually abused by another person must:

- immediately consult with the Principal or the Student Protection Contact
- complete a Record of Concern in the Student Protection Case Management System and submit it to the Principal. The Principal must immediately provide a written Student Protection Report to the Queensland Police Service. This is a mandatory obligation.

Where the 'first person' is the Principal, the Principal must immediately complete a Record of Concern in the Student Protection Case Management System and complete a written Student Protection Report and immediately give that Student Protection Report to the Queensland Police Service. This is a mandatory obligation.

The Principal must also, without delay, send the mandatory Student Protection Report to the Director-Employee Services. Student Protection Reports generated from the Student Protection Case Management System will satisfy this requirements.

If the 'first person' reasonably suspects sexual abuse or likely sexual abuse of a student by the school Principal, or the staff member believes it is not appropriate to make a report to the Principal, the first person must immediately



complete the Record of Concern and submit it to the Director - Employee Services who must immediately provide a written Student Protection Report to the Queensland Police Service. This is a mandatory obligation.

## **5.2.2 TEACHERS/PRINCIPALS – STUDENT PROTECTION REPORT TO THE DEPARTMENT OF CHILD SAFETY UNDER THE *CHILD PROTECTION ACT 1999***

### **Mandatory reporting under the *Child Protection Act 1999***

In addition to the mandatory reporting to Queensland Police Service described under Section 5.2.1, under the *Child Protection Act 1999*, teachers are required to provide a written report to the Department of Child Safety, when they reasonably suspect that a student has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by sexual abuse and may not have a parent able and willing to protect the student from the harm. This is known as a 'reportable suspicion'.

A teacher is defined under the *Child Protection Act 1999* as "an approved teacher under the *Education (Queensland College of Teachers) Act 2005* who is employed at a school". This means that teachers (including registered teachers who may be employed in other roles within a school e.g. Support Officer or Guidance Counsellor) and Principals working at BCE schools have mandatory reporting obligations to the Department of Child Safety under the *Child Protection Act 1999*.

### **Process for managing a mandatory report to the Department of Child Safety**

If a teacher forms a reportable suspicion due to sexual abuse or an unacceptable risk of sexual abuse of a student, the teacher should immediately inform the Principal or Student Protection Contact and provide a written Record of Concern to the Principal (or the Director –Employee Services if the abuse is suspected to be caused by the Principal).

The Principal must provide a mandatory Student Protection Report to the Department of Child Safety without delay. The online Queensland Child Protection Guide may be used to inform professional judgement.

The Principal must, without delay, provide a written confirmation to the teacher who submitted the Record of Concern that the Student Protection Report has been sent to the Department of Child Safety. The Principal must also, without delay, send the mandatory Student Protection Report to the Director-Employee Services. Student Protection Reports generated from the Student Protection Case Management System will satisfy these requirements.

The reason why a teacher must receive a written confirmation from the Principal that the Student Protection Report has been sent to the Department of Child Safety is because the *Child Protection Act 1999* places a mandatory obligation on teachers to report a 'reportable suspicion'. Under the *Child Protection Act 1999* a teacher can discharge this obligation if the teacher reasonably supposes that the Department of Child Safety has been notified (which would include, where the Principal has lodged a Student Protection Report with the Department of Child Safety).

If the teacher forms a 'reportable suspicion' about a student (as described above), and the teacher does not reasonably suppose that the Principal has provided a mandatory Student Protection Report to the Department of Child Safety, the teacher must contact BCE Student Protection staff for assistance in making this report, to ensure that the teacher has fulfilled their mandatory reporting obligations to the Department of Child Safety.

## **5.2.3 RESPONSE WHERE THE DECISION IS NOT TO REPORT TO THE DEPARTMENT OF CHILD SAFETY**

If the Principal or Director - Employee Services, upon receiving a Record of Concern from a staff member or completing one themselves after receiving information verbally from another person, believes that it does not give rise to a 'reportable suspicion', he/she must document this and the reasons for their decision not to report. The online Queensland Child Protection Guide may be used to inform professional judgement. (A report must still be made to Queensland Police Service as described in Section 5.2.1.)

The Principal or Director – Employee Services must inform the staff member who has provided the Record of Concern to them of the decision not to report to the Department of Child Safety. The relevant documentation must be retained in a confidential file. Records entered or uploaded into the Student Protection Case Management System will satisfy these requirements. If the teacher does not agree with the Principal's assessment the teacher should contact BCE Student Protection staff for further advice.

If the report is about a current staff member, the matter must then be dealt with under Section 12 and 13 of these



processes.

If the report is about the behaviour of another student, a volunteer or other member of the school community, or student self-harm, the Principal is responsible for ensuring that appropriate steps are taken including minimising the risk of harm to the student concerned and/or others within the school.

### **5.3 REPORTING TO STATE AUTHORITIES AND ACTIONS AFTER REPORTING**

The Principal or Director - Employee Services (or delegate) must take action as detailed in Section 8 of this document in relation to making and following up a Student Protection Report to a State authority, together with the appropriate actions to be undertaken after the Student Protection Report has been made.

## 6.0 Responding to Suspected Physical Abuse/Risk of Physical Abuse of a Student

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

### 6.1 OVERVIEW OF MANDATORY AND COMPULSORY REPORTING OBLIGATIONS

Mandatory reporting is a requirement of the law. Principals and teachers may be in breach of their duties under legislation or risk civil action if they fail to act, as well as being subject to disciplinary sanctions by their employer.

Under the *Child Protection Act 1999*, teachers are mandated to report to the Department of Child Safety, significant harm caused by physical abuse where the student may not have a parent able and willing to protect the student from the harm.

All staff are compulsorily required to report to the Principal or other Student Protection Contact at the school, any physical abuse or unacceptable risk of physical abuse to a student, irrespective of the source of the concern. This includes reporting to the Principal or Student Protection Contact, concerns about physical harm to a student caused by the behaviour of a staff member, other employee or volunteer. In addition, all staff are required to report concerns about abusive behaviour of a student by another student resulting in significant physical harm.

### 6.2 REPORTING OBLIGATIONS

#### 6.2.1 TEACHERS/PRINCIPALS - MANDATORY STUDENT PROTECTION REPORTING UNDER THE *CHILD PROTECTION ACT 1999*

##### **Mandatory reporting to the Department of Child Safety**

Under the *Child Protection Act 1999*, teachers are required to provide a written report to the Department of Child Safety, when they reasonably suspect in the course of their employment that a student has suffered, is suffering or is at an unacceptable risk of suffering significant harm caused by physical abuse and may not have a parent able and willing to protect the student from the harm. This is known as a 'reportable suspicion'.

A teacher is defined under the *Child Protection Act 1999* as "an approved teacher under the *Education (Queensland College of Teachers) Act 2005* who is employed at a school. This means that teachers (including registered teachers who may be employed in other roles within a school e.g. Support Officer or Guidance Counsellor) and Principals working at BCE schools have mandatory reporting obligations under the *Child Protection Act 1999*.

##### **Process for mandatory reporting to the Department of Child Safety**

If a teacher forms a reasonable suspicion of physical abuse of a student or an unacceptable risk of physical abuse of a student, the teacher should immediately inform the Principal or Student Protection Contact and provide a Record of Concern to the Principal without delay (or Director-Employee Services where the abuse or risk of abuse is suspected to be caused by the Principal).

If the matter is a 'reportable suspicion' about a student, (as described above) the Principal must provide a mandatory Student Protection Report to the Department of Child Safety without delay. The online Queensland Child Protection Guide may be used to inform professional judgement.

The Principal must, without delay, provide a written confirmation to the teacher who completed a Record of Concern that the Student Protection Report has been sent to the Department of Child Safety. A copy of the Student Protection Report must be provided to the Director-Employee Services. Student Protection Reports generated from the Student Protection Case Management System will satisfy this requirement.

The reason why a teacher must receive a written confirmation from the Principal that the Student Protection

Report has been sent to the Department of Child Safety is because the *Child Protection Act 1999* places a mandatory obligation on teachers to report a 'reportable suspicion'. Under the *Child Protection Act 1999* a teacher can discharge this obligation if the teacher reasonably supposes that the Department of Child Safety has been notified (which would include, where the Principal has lodged a Student Protection Report with the Department of Child Safety).

If the teacher forms a 'reportable suspicion' about a student (as described above), and the teacher does not reasonably suppose that the Principal has provided a mandatory Student Protection Report to the Department of Child Safety, the teacher must contact BCE Student Protection staff for assistance in making this mandatory Student Protection Report to ensure that their mandatory reporting obligations to the Department of Child Safety are fulfilled.

If a report in the form of a Record of Concern is made to the Director-Employee Services (as the abuse is suspected to be caused or at risk of being caused by the Principal), the report will be processed by BCE Student Protection staff and Student Protection staff will assist the Director –Employee Services to provide the appropriate response, including making all Student Protection Reports to the relevant State authorities.

## **6.2.2 ALL OTHER STAFF – COMPULSORY REPORTS OF PHYSICAL ABUSE**

It is a BCE requirement for any other staff member (i.e. not a registered teacher) who forms a reasonable suspicion of physical abuse of a student or an unacceptable risk of physical abuse of a student, to inform the Principal or Student Protection Contact and provide a Record of Concern to the Principal (or the Director – Employee Services if the abuse is suspected to be caused by the Principal). If required, the Student Protection Contact must assist the staff member to complete the Record of Concern to submit to the Principal without delay (or the Director-Employee Services where the abuse or risk of abuse is suspected to be caused by the Principal).

The Principal (or Director - Employee Services) must process all concerns from staff members and the Student Protection Contact to determine if there is a 'reportable suspicion' as described in 6.2.1 which requires that they provide a Student Protection Report to the Department of Child Safety in accordance with the process described above.

## **6.2.3 DECISION NOT TO REPORT TO THE DEPARTMENT OF CHILD SAFETY**

If the Principal or Director - Employee Services receives a Record of Concern from a teacher or other staff member or a report from any other source, verbal or written, which does not meet the threshold of a 'reportable suspicion', he/ she must document this and the reasons for their decision not to report. The online Queensland Child Protection Guide may be used to inform professional judgement.

The Principal or Director – Employee Services must inform the staff member who has provided the initial Record of Concern of the decision. The relevant documentation must be retained in a confidential file at the school. A Record of Concern and Assessment generated from the Student Protection Case Management System will satisfy this requirement.

If the staff member does not agree with the Principal's assessment, the staff member should contact BCE Student Protection staff to obtain further guidance.

If the student protection concern relates to the conduct of a current staff member, refer to Sections 12 and 13 of this document.

## **6.2.4 ALL STAFF/PRINCIPALS – RESPONDING TO INCIDENTS BETWEEN STUDENTS RESULTING IN SIGNIFICANT PHYSICAL HARM**

All staff are required to report concerns about incidents involving abusive behaviour towards a student by another student which results in significant physical harm to the student, to the Principal or the Student Protection Contact. The Student Protection Contact must provide details of the concerns to the Principal without delay.

The Principal must determine the appropriate response to the concerns. The Principal must consider whether the concern forms a 'reportable suspicion' or a reasonable suspicion that the student may be a 'child in need of protection' which requires reporting to the Department of Child Safety under the *Child Protection Act 1999* as described in Sections 5.2, 6.2 and 7.2 of this document.

If the Principal does not form a 'reportable suspicion' or a reasonable suspicion that any student involved in the matter is a 'child in need of protection', then the matter will be responded to by the Principal in accordance with the

school's student behaviour support plan.

Where a physical altercation has occurred between students which does not require a mandatory report to the Department of Child Safety, the Principal must inform the parents of the affected student that parents may notify the Queensland Police Service of the assault. The Principal must make a record of these discussions and keep it in a confidential file at the school. Records generated from the Student Protection Case Management System will satisfy this requirement. If the parents do not make a report to the Queensland Police Service, the Principal may make a non-mandatory report to the Queensland Police Service (it is optional for the Principal). Additional steps to ensure the safety and wellbeing of all students should be taken by the Principal (see Section 8.5, Risk Management, of this document). The family of any other students directly involved in the altercation should be informed if the Principal takes the decision to report the matter to the Queensland Police Service.

### **6.2.5 RESPONDING TO INCIDENTS RESULTING IN SIGNIFICANT PHYSICAL HARM TO A STUDENT RELATING TO THE BEHAVIOUR OF A STAFF MEMBER, OTHER EMPLOYEE OR VOLUNTEER**

When a suspicion of significant physical harm of a student relates to the behaviour of a staff member, other employee or volunteer but there is a parent able and willing to protect the student, this matter will not amount to a 'reportable suspicion' and therefore, a Student Protection Report to the Department of Child Safety is **not** required.

However, if the student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of the staff member's, other employee's or volunteer's behaviour, the Principal must deal with this matter under Sections 12 and 13 of this document. The Principal must inform the parents that parents may notify the Queensland Police Service of the assault. The Principal must make a record of this discussion and keep it in a confidential file at the school. Records generated in the Student Protection Case Management System will satisfy this requirement. Depending upon the circumstances, the Director – Employee Services (or delegate) may make a report to the Queensland Police Service.

### **6.2.6 RESPONDING TO INCIDENTS RESULTING IN SIGNIFICANT PHYSICAL HARM TO A STUDENT RELATING TO THE BEHAVIOUR OF ANOTHER PERSON (NOT A PARENT, STUDENT AT THE SCHOOL OR STAFF MEMBER E.G. SPORTS COACH, MEMBER OF THE PUBLIC)**

When a suspicion of significant physical harm of a student relates to the behaviour of another person (not a parent, student or staff member e.g. sports coach, member of the public) but there is a parent able and willing to protect the student, this matter will not amount to a 'reportable suspicion' and therefore, a Student Protection Report to the Department of Child Safety is not required.

However, if the student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of another person's behaviour, the Principal must deal with this matter. The Principal must inform the parents that parents may notify the Queensland Police Service of the assault. The Principal must make a record of this discussion and keep it in a confidential file at the school. Records generated in the Student Protection Case Management System will satisfy this requirement. If the parents do not make a report to the Queensland Police Service, the Principal may make a report to the Queensland Police Service (it is optional for the Principal).

## **6.3 REPORTING TO STATE AUTHORITIES AND ACTIONS AFTER REPORTING**

The Principal or Director - Employee Services (or delegate) must take action as detailed in Section 8 of these processes in relation to making and following up a Student Protection Report to a State authority, together with the appropriate actions to be undertaken after the Student Protection Report has been made.

## 7.0 Responding to Suspected Emotional Abuse/ Neglect of a Student and Student Self-harm

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

### 7.1 OVERVIEW OF COMPULSORY REPORTING BY ALL STAFF

Compulsory reporting of other student protection concerns is a requirement of Brisbane Catholic Education and is consistent with Brisbane Catholic Education's responsibilities under the provisions of the *Education (Accreditation of Non-State Schools) Act 2001* and *Regulation 2001* and *Child Protection Act 1999*. A staff member may be subject to disciplinary sanction from the employer if he/she fails to act.

All staff members are compulsorily required to report to the Principal or Student Protection Contact suspected neglect or emotional abuse of a student, self-harming behaviour by a student or any incidents between students resulting in significant emotional harm.

Principals are compulsorily required to report to the Department of Child Safety their reasonable suspicions that a student has suffered harm caused by emotional abuse or neglect of a student, where the student does not have a parent able and willing to protect the student from the harm.

### 7.2 COMPULSORY REPORTING RESPONSIBILITIES

#### 7.2.1 PRINCIPALS/DIRECTOR – EMPLOYEE SERVICES - COMPULSORY STUDENT PROTECTION REPORTING OF EMOTIONAL ABUSE OR NEGLECT

Where the Principal (or Director – Employee Services if the matter concerns the principal) forms a reasonable suspicion that a student may be a 'child in need of protection' and the harm relates to emotional harm or neglect, the Principal (or Director – Employee Services) must make a written Student Protection Report to the Department of Child Safety.

The *Child Protection Act 1999* says that a 'child in need of protection' is 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.

BCE compulsorily requires Principals to report to the Department of Child Safety where the Principal forms a reasonable suspicion that a student may be a 'child in need of protection' and the harm to the student relates to emotional abuse or neglect.

#### **Process for compulsory reporting to the Department of Child Safety**

If a Principal forms a reasonable suspicion that a student may be a 'child in need of protection' due to emotional abuse or neglect, the Principal is compulsorily required to provide a Student Protection Report to the Department of Child Safety without delay.

The Principal must, as soon as practicable, inform any staff member who has submitted an initial Record of Concern to the Principal relating to the student abuse/neglect, that the report has been sent to the Department of Child Safety. The Principal must also, without delay, provide a copy of the written Student Protection Report to the Director - Employee Services. Reports generated from the Student Protection Case Management System will satisfy this requirement.

## **7.2.2 ALL STAFF – RESPONDING TO NEGLECT/EMOTIONAL ABUSE AND CONCERNS ABOUT STUDENT SELF-HARM**

All staff are required to discuss concerns about the safety and wellbeing of students with the Principal or Student Protection Contact (or the Director – Employee Services if the abuse is suspected to be caused by the Principal). These concerns may relate to neglect/emotional abuse or an unacceptable risk of neglect/emotional abuse, self-harm or incidents between students which result in significant emotional harm (incidents between students that result in physical harm are detailed in Section 6.2.4 of this document). The Student Protection Contact must provide details of the concerns to the Principal without delay.

The Principal or Student Protection Contact will provide advice and guidance to the staff in relation to these concerns and may require the staff member to complete a written Record of Concern.

If the Student Protection Contact (other than a Principal) receives information from a staff member, the Student Protection Contact must provide assistance to the staff member to complete a Record of Concern to submit to the Principal without delay and keep all appropriate records. Documentation uploaded or case notes made in the Student Protection Case Management System will satisfy this requirement.

The Principal (or Director-Employee Services) must assess all concerns from staff members to determine if they form a reasonable suspicion that a student is a 'child in need of protection' as described in 7.2.1 which requires that they provide a compulsory report to the Department of Child Safety in accordance with the process described above.

## **7.2.3 ALL STAFF/PRINCIPALS –REPORTS OF INCIDENTS BETWEEN STUDENTS RESULTING IN EMOTIONAL HARM**

All staff are required to discuss concerns about emotional harm caused to a student by another student of the school to the Principal or the Student Protection Contact. The Student Protection Contact must provide details of the concerns to the Principal without delay. The Principal or Student Protection Contact will provide advice and guidance to the staff member in relation to these concerns and may require the staff member to complete a written Record of Concern.

The Principal must determine the appropriate response to the concerns. The Principal must initially consider whether the matter is a 'reportable suspicion', that is a reasonable suspicion that the student may be a 'child in need of protection' which requires a Student Protection Report to the Department of Child Safety under the *Child Protection Act 1999* as described in Sections 5.2, 6.2 and 7.2.

If the Principal does not form a 'reportable suspicion' or a reasonable suspicion that the student is a 'child in need of protection', then the matter will be responded to by the Principal in accordance with the student behaviour support plan or via pastoral support to the family or via a referral to an appropriate service.

## **7.2.4 ALL STAFF/PRINCIPALS –REPORTS OF STUDENT SELF-HARM**

All staff are required to discuss concerns about student self-harm with the Principal or the Student Protection Contact. The Student Protection Contact must provide details of the concerns to the Principal without delay. The Principal or Student Protection Contact will provide advice and guidance to the staff member in relation to these concerns and may require the staff member to complete a written Record of Concern.

The Principal must determine the appropriate response to the report. The Principal must initially consider whether the matter is a 'reportable suspicion' or a reasonable suspicion that the student may be a 'child in need of protection' which requires a Student Protection Report to the Department of Child Safety under the *Child Protection Act 1999* as described in Sections 5.2, 6.2 and 7.2.

If the Principal does not form a 'reportable suspicion' or a reasonable suspicion that the student is a 'child in need of protection', then the matter will be responded to by the Principal in accordance with the school's student behaviour support plan, including assisting the parents to access appropriate external support to address the self-harming behaviour.

## **7.2.5 RESPONSE WHERE THE DECISION IS NOT TO REPORT TO THE DEPARTMENT OF CHILD SAFETY**

If the Principal or Director - Employee Services upon receiving a Record of Concern from a staff member or a report from any other source verbal or written, believes that it does not give rise to a reasonable suspicion that the student has suffered, is suffering or is at an unacceptable risk of suffering harm caused by emotional abuse/neglect or that there is a parent able and willing to protect the child from harm, he/she must document this and the reasons for their decision not to make a Student Protection Report in the Student Protection Case Management System.

The Principal or Director-Employee Services must inform the teacher or other staff member who has provided the initial Record of Concern of the decision. The relevant documentation must be retained in a confidential file at the school. Any records generated or uploaded to the Student Protection Case Management System will satisfy this requirement. If the report is about a current staff member, the matter must then be dealt with as suspected inappropriate behaviour by a staff member towards a student (see Section 12 and 13 of this document).

If the report is about the behaviour of another student, a volunteer or other member of the school community, or student self-harm, the Principal is responsible for ensuring that appropriate steps are taken including minimising the risk of harm to the student concerned and/or others within the school.

## **7.3 REPORTING TO THE DEPARTMENT OF CHILD SAFETY AND ACTIONS AFTER REPORTING**

The Principal or Director - Employee Services (or delegate) must take action as detailed in Section 8 of these processes in relation to making and following up a Student Protection Report to a State authority, together with the appropriate actions to be undertaken after the Student Protection report has been made.



## 8.0 Making and Following Up a Report to the Queensland Police Service and/or the Department of Child Safety and Action to Take After Reporting

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### 8.1 MAKING AND FOLLOWING UP ON A STUDENT PROTECTION REPORT TO THE QUEENSLAND POLICE SERVICE

In most circumstances the initial step in reporting to the Queensland Police Service would be by submitting a Student Protection Report to the appropriate Queensland Police Service District Child Protection & Investigation Unit (CPIU). In the event that concerns for the immediate safety of the student are suspected, a verbal report should be made and as soon as practicable, after this verbal report, a written Student Protection Report should be submitted to the appropriate CPIU.

Details showing the locations of these units and how to contact them are located on the BCE Student Protection Portal on the KWeb. If unable to contact a CPIU the Principal or Director - Employee Services should call *Police link* on **131 444**. After submitting a Student Protection Report by email to a CPIU, a follow up telephone call to confirm receipt of the Student Protection Report is required.

The follow up telephone call should also be used to establish communication between the school and the Queensland Police Service so that further information can be shared as necessary to assist the school to manage issues as they may arise. Where necessary a BCE Student Protection Officer is available to assist the Principal in liaising with the Queensland Police Service.

### 8.2 MAKING AND FOLLOWING UP A STUDENT PROTECTION REPORT TO THE DEPARTMENT OF CHILD SAFETY

In most circumstances the initial step in reporting to the Department of Child Safety would be by submitting a Student Protection Report to the appropriate Regional Intake Service (RIS). In the event that concerns for the immediate safety of the student are suspected, a verbal report should be made to the Department of Child Safety. As soon as practicable, after this verbal report, a written Student Protection Report should be submitted to the Department of Child Safety Regional Intake Service.

Details of the Regional Intake Services and how to contact them are located on the BCE Student Protection Portal. Student Protection Reports are transmitted to the Regional Intake Service by email.

Outside normal business hours and at weekends, Student Protection Reports are to be made by contacting the Department of Child Safety After Hours Service Centre on 1800 177 135 or 3235 9901. The Service Centre operates 24 hours a day, seven days a week.

#### **Making telephone contact with the Department of Child Safety**

After deciding which Department of Child Safety Services Regional Intake Service is closest to the child's home address and submitting a Student Protection Report, the Principal should telephone the RIS and a request made to speak to an "intake officer" to ensure the Student Protection Report has been received and to clarify the information provided. A request should be made for the Department of Child Safety to indicate its response to the Student Protection Report to assist with the appropriate management of the case within the school.

If difficulties occur with the reporting process, such as not being able to access Department of Child Safety Services Regional Intake Service personnel or being unable to obtain an appropriate response, a BCE Student Protection Officer can assist in liaising with a Department of Child Safety intake officer.

### 8.3 APPROPRIATE ACTION AFTER REPORTING

After the Principal or Director-Employee Services sends the Student Protection Report to the Queensland Police Service and/or Department of Child Safety, a copy of the Student Protection Report must be made available to BCE Student Protection staff. Student Protection Reports and any other documents must be filed confidentially at school level for accountability and compliance requirements to record and demonstrate that these Student Protection

Processes have been followed. Student Protection Reports and other documentation generated from the Student Protection Case Management System will satisfy these requirements.

It is important for the Principal/Director-Employee Services (or delegate) to establish communication with the relevant personnel within the CPIU and/or Department of Child Safety so that information may be shared as appropriate. Student Protection Officers within BCE are also available to provide assistance and support in managing what can be complex issues.

When providing information to the Department of Child Safety it is important to inform them if the matter has already been reported to the Queensland Police Service. Information about the proposed action by the Department of Child Safety should be requested by the school as soon as practicable to enable the school to take appropriate steps to address the safety and wellbeing needs of all students.

## **8.4 WHEN TO INFORM PARENTS**

When a Student Protection Report to the Queensland Police Service or the Department of Child Safety is required, it is important that parents are not contacted before the Student Protection Report is made.

Following the provision of the Student Protection Report to the Queensland Police Service or the Department of Child Safety, in order to assist in the management of the situation at the school level, and to ensure the immediate safety of any students involved, the school should request from the Queensland Police Service, and/or the Department of Child Safety, some indication regarding their proposed involvement in the reported case. This should also include seeking their feedback on the possible timing of their intervention and to obtain some guidance about when the school may discuss the matter with the student's parent/s. This is particularly important in cases of student to student sexual behavior where it is important for the student's wellbeing, to enable the parent to support the student and take steps to protect the student.

If the Student Protection Report of suspected abuse/neglect relates to the behaviour of a member of the student's family, the Principal will only inform the parent(s) or carer(s) of the student protection concerns once the Queensland Police Service or the Department of Child Safety gives clearance to do so. This is to ensure that any potential child protection or criminal investigation is not compromised. BCE Student Protection Officers can provide advice and guidance in relation to this issue if required.

## **8.5 RISK MANAGEMENT AND CASE MANAGEMENT**

The school has a responsibility to proactively case manage ongoing issues relating to the safety and wellbeing of students and staff, and to maintain as far as possible, supportive relationships with carers and families. Some steps would include:

- monitoring the situation, conducting risk assessments, and taking action to minimise/manage risk to students;
- seeking advice and support from BCE Student Protection Officers where required;
- establishing case management roles and responsibilities of relevant staff;
- establishing communication channels with the relevant BCE staff so that information may be shared as appropriate;
- establishing communication channels and providing support structures to ensure that those involved receive regular pastoral contact, can access information on the processes being followed, and are connected to potential sources of external support;
- ensuring that all those involved respect the confidentiality of the matter and the privacy of those involved; and
- securing relevant evidence and consulting with Legal Counsel at BCE about protocols around how evidence/information may be made available to the Queensland Police Service and/or the Department of Child Safety if required.

## **8.6 ACTION TO BE TAKEN IF THE SUSPECTED ABUSE/SIGNIFICANT PHYSICAL HARM RELATES TO THE BEHAVIOUR OF A STAFF MEMBER, OTHER EMPLOYEE OR VOLUNTEER**

### **8.6.1 ROLE OF BRISBANE CATHOLIC EDUCATION OFFICE STAFF**

When a suspicion of abuse/significant physical harm of a student or an unacceptable risk of abuse/significant physical harm of a student relates to the behaviour of a staff member, other employee or volunteer, overall case management will be provided by a staff member from BCE Professional Standards and Student Protection staff who will work in association with the Principal and Area Supervisor. It is important for the case manager to establish communication with the Officer-in-Charge and/or the investigating officer within Queensland Police Service so that information may be shared as appropriate. This communication may be facilitated through the school Principal. BCE Student Protection Officers are also available to provide assistance and support to students and staff in managing what can be complex issues.

Following the provision of the Student Protection Report to Queensland Police Service, an investigation into the suspected abuse/harm should not be conducted by or on behalf of Brisbane Catholic Education until confirmation is received from the Queensland Police Service about the status of their inquiries. However, the Director - Employee Services (or delegate) will take immediate steps to ensure that a risk assessment is undertaken. As a result of the risk assessment, and following consultation with Queensland Police Service regarding the timing of any proposed stand down, the staff member, other employee or volunteer may be stood down from his/her duties, or have his/her duties restricted. If the employee is not a staff member of Brisbane Catholic Education, the appropriate steps in this regard will be taken by the Director - Employee Services (or delegate) in association with the person's employer.

After discussions with Queensland Police Service and upon their advice, the Director – Employee Services or delegate will inform the parent(s) or carer(s) of the student/s involved, that a Student Protection Report has been made in relation to suspected abuse/harm of the student by a staff member, other employee or volunteer. Appropriate confidentiality of the matter will be discussed.

The Director - Employee Services will keep a copy of the Student Protection Report in a confidential file. Student Protection Reports generated from the Student Protection Case Management System will satisfy this requirement. The Director - Employee Services (or delegate) will establish liaison with the Queensland Police Service to assist in the management of the issue.

Upon the commencement of any investigation by Brisbane Catholic Education into an allegation of harm of a student by a registered teacher, the Director - Employee Services (or delegate) will make a written notification to the Queensland College of Teachers.

If the Student Protection Report concerns the behaviour of a staff member, other employee or volunteer who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Director - Employee Services (or delegate) will inform the Director of the Office of Professional Standards Qld (*Towards Healing*) as soon as possible. The Director – Employee Services (or delegate), after discussion with Queensland Police Service and on their advice, will also ensure that the relevant church authority is also informed without delay.

### **8.6.2 NOTIFYING THE STAFF MEMBER, EMPLOYEE OR VOLUNTEER**

The Director - Employee Services (or delegate) will seek advice from the Queensland Police Service as to when the staff member, other employee or volunteer should be informed of the allegation. As soon as it is deemed appropriate to inform the staff member, other employee or volunteer, a meeting will be held between the staff member, other employee or volunteer and the Director - Employee Services (or delegate). The staff member, other employee or volunteer will be advised that he/she can have a support person at this meeting. At the meeting, the staff member, other employee or volunteer will be informed that a suspicion of harm or abuse/unacceptable risk of abuse has been reported about him/her and whether this information has been reported to the Queensland Police Service. The requirement for the staff member, other employee or volunteer to observe confidentiality will also be advised. He/she will also be given the details of a nominated person (normally the Area Supervisor) to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. The staff member will be reminded that he/she may access the confidential counselling services available through the Employee Assistance Program. If the employee is not a staff member of Brisbane Catholic Education, the appropriate steps in this regard will be taken in association with that person's employer.

### **8.6.3 STANDING DOWN FROM DUTIES**

If as the result of a risk assessment it is decided that the staff member, other employee or volunteer should be stood down from his/her duties, or have their duties restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of the person being informed of this does not unnecessarily interfere with Queensland Police Service inquiries. Decisions regarding stand down will be made with the rights of an employee being balanced with the best interests of the student, however, the welfare and best interests of any students involved will be paramount.

The staff member, employee or volunteer concerned will be informed of the decision to stand him/her down or restrict his/her duties. The basis for this decision will be provided to the staff member, other employee or volunteer in writing following the meeting at which this information has been communicated verbally. He/she will also be given the details of a nominated person (normally the Area Supervisor) to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

In the case of a staff member being named as the cause of concern in a Student Protection Report he/she will be reminded that he/she may access the free confidential counselling services available through the Employee Assistance Program.

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

If the employee is not a staff member of Brisbane Catholic Education, the appropriate steps will be taken in association with that person's employer in this regard.

### **8.6.4 PASTORAL CARE AND SUPPORT**

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

## 9.0 Responding to a Student at Risk of Becoming a Child in Need of Protection

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

### 9.1 OVERVIEW OF RESPONSE

All staff members are required to report concerns about the safety and wellbeing of students to the Principal or Student Protection Contact.

If a Principal reasonably suspects that a student is likely to become a 'child in need of protection' if no preventative support is given, the Principal should refer the student and the student's family to external support services as described in Section 9.2.2.

### 9.2 PRINCIPAL – REFERRAL UNDER THE *CHILD PROTECTION ACT 1999*

#### 9.2.1 PRINCIPALS – REFERRALS TO EXTERNAL SUPPORT SERVICES

Where a Principal considers a student is likely to become a 'child in need of protection' if no preventative support is given (and the threshold for reporting under the *Child Protection Act 1999* has not been reached), the Principal may give relevant information to a service provider so the service provider can offer help and support to the student or the student's family to stop the student becoming a child in need of protection.

The *Child Protection Act 1999* states that Principals of accredited non-state schools are 'prescribed entities' who may give 'relevant information' to service providers. 'Relevant information' may include information which the Principal believes may help the service provider described in this Section 9, to offer help and support to a student or a student's family to stop the child becoming a child in need of protection.

#### 9.2.2 PROCESS FOR REFERRALS

A Principal may refer families to Family and Child Connect Services or a family support service recommended by the Regional Intake Service where the Principal considers a student is likely to become a 'child in need of protection' if no preventative support is given.

Family and Child Connect is a community-based intake and referral service which is designed to support vulnerable families by assessing the needs of the families and referring concerns about children and their families to appropriate support services. Family and Child Connect Services may provide information and advice where Principals have concerns about the wellbeing of children or where there is a risk of a student entering or re-entering the child protection system. If there are no local Family and Child Connect Services, the Principal should contact the Regional Intake Service to seek advice and options for referring families to appropriate family support services.

It is important that where a Principal has concerns about a student or a student's family, in the first instance the Principal should attempt to obtain the consent of the family before making the referral. The Principal should discuss the issues with the family of the student, explain the benefits of the support services that are available and attempt to obtain the consent of the family for the referral to external support services. If the consent of the family is obtained, the Principal should contact the appropriate support service and provide the service with their required completed forms for referral.

If the Principal cannot obtain the consent of the family for a referral, the Principal must continue to provide pastoral care to the family and monitor the situation. If deemed appropriate (a Principal considers that a child will become in need of protection unless action is taken) a Principal may proceed with making a referral to a Family and Child Connect Service. s 159M of the *Child Protection Act 1999* enables Principals to make referrals to Family and Child Connect Services if the consent of the family cannot be obtained. If the circumstances change, the Principal must make all mandatory or compulsory Student Protection Reports under the *Child Protection Act 1999* (as described in Sections 5, 6 and 7).

## 10.0 Responding to Historical Matters

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

### 10.1 OVERVIEW OF RESPONSE

From time to time a person may contact a school or Brisbane Catholic Education to report an historical matter of abuse or harm which relates to a past student of BCE. All staff members are required to report such historical matters to the Principal who in turn must report the matter to the Director – Employee Services who will determine the appropriate action to be taken.

### 10.2 DIRECTOR – EMPLOYEE SERVICES

The Director – Employee Services or his delegate will report historical allegations of sexual and/or physical abuse of past students of BCE to the Queensland Police Service and inform the Director of the Office of Professional Standards Qld (*Towards Healing*).

Where the person against whom an allegation is made is currently an employee of BCE, the Director – Employee Services (or his delegate) will carry out a risk assessment and a recommendation will be made to the Executive Director in relation to the staff member’s employment. BCE should work closely with the Queensland Police Service and if and when their investigation is concluded, determine whether a BCE investigation needs to occur.

Where the person against whom the allegation is made is no longer an employee of BCE, the matter should be referred to the Director of the Office of Professional Standards Qld (*Towards Healing*).

In relation to historical complaints of harm other than sexual or physical abuse matters, where the person against whom the allegation has been made still works for BCE, the matter should be addressed by BCE. Where the person is no longer an employee of BCE, the matter should be referred to the Director of the Office of Professional Standards Qld (*Towards Healing*) who can make an assessment as to whether the information should be provided to the Queensland Police Service.

Where the staff member is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of the Office of Professional Standards Qld (*Towards Healing*) will be informed as soon as possible. The Director – Employee Services will also ensure that the relevant church authority is also informed without delay and this action documented.

### 10.3 REFERRALS TO EXTERNAL SUPPORT SERVICES

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



## 11.0 Action to be Taken Subsequent to a Student Protection Report Concerning the Conduct of a Staff Member, Employee or Volunteer to Police

After a matter relating to the behaviour of a staff member, employee or volunteer is reported to the Queensland Police Service there can be one of two outcomes. These can be summarised as follows:

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

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

The procedure below will be followed for the scenarios set out above. Where the matter involves a volunteer or an employee who is not a staff member of Brisbane Catholic Education, action will be taken, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document as they apply to an employee of Brisbane Catholic Education.

Where the staff member, employee or volunteer concerned is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of Office of Professional Standards Qld (*Towards Healing*) will be informed as soon as possible. The Director – Employee Services will also ensure that the relevant church authority is also informed without delay and this action documented.

### 11.1 CONVICTION

If a current staff member, employee or volunteer is convicted in a court of law for an offence against a student that is deemed to be an act of serious professional misconduct, then the Executive Director will proceed to dismiss the staff member, employee or volunteer.

The Executive Director (or delegate) will document the outcome of the court proceedings in the formal communication regarding the termination of the staff member's, employee's or volunteer's employment.

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

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

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

### 11.2 NO CONVICTION

The failure of a court to record a conviction against the staff member, employee or volunteer against whom a charge has been laid or a decision by the Queensland Police Service not to charge or prosecute, does not necessarily mean that the allegation was unwarranted and that the staff member, employee or volunteer has no case to answer as a staff member, employee or volunteer within a Catholic school. The fact that a staff member, employee or volunteer has been found '*not guilty*' of an offence does not automatically mean that a matter has been closed.

The standard of proof required for disciplinary action within the employer-employee relationship is '*on the balance of probabilities*', rather than the criminal standard of '*beyond reasonable doubt*'. In addition, a serious breach of the BCE *Code of Conduct* may not be a criminal offence. For this reason, the matter concerned must still be appropriately dealt with by BCE as a disciplinary matter.

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

When BCE becomes aware that a Queensland Police Service investigation or prosecution will not proceed, that a



person has not been found guilty of an offence with which they have been charged or that a conviction has not been recorded, a risk assessment will be carried out by the Director – Employee Services and a recommendation will be made to the Executive Director in relation to the staff member's, employee's or volunteer's employment. Documents on the public record as a result of court proceedings, and/or materials made available as a result of a Queensland Police Service investigation may be considered as part of any investigation conducted by or on behalf of Brisbane Catholic Education.

## 12.0 Suspected Inappropriate Behaviour by a Staff Member Towards a Student

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**Note: THIS INCLUDES ABUSE OR SIGNIFICANT PHYSICAL HARM  
BUT NOT SEXUAL ABUSE/LIKELY SEXUAL ABUSE**

**(SUSPECTED SEXUAL ABUSE/LIKELY SEXUAL ABUSE MUST ALWAYS BE MANAGED  
IN ACCORDANCE WITH THE PROCESSES SET OUT IN SECTION 5 OF THIS DOCUMENT)**

### 12.1 REPORTING OF INAPPROPRIATE BEHAVIOUR

The reporting by staff of inappropriate behaviour by another staff member towards a student is a requirement of Brisbane Catholic Education. This requirement is in accordance with Brisbane Catholic Education's responsibilities under the provisions of the *Education (Accreditation of Non-State Schools) Regulation 2001*. A staff member may be subject to disciplinary sanction from the employer should he/she fail to act.

This reporting responsibility in this section is in addition to the obligations on all staff to report significant harm to a student or an unacceptable risk of significant harm to a student under Sections 6 and 7 of this document if required.

The fact that a complaint or report is not presented formally or in writing is not a valid reason to fail to follow the processes outlined in Sections 12 and 13 of this document.

### 12.2 SITUATIONS INVOLVING INAPPROPRIATE BEHAVIOUR BY A STAFF MEMBER

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under BCE's *Code of Conduct*. Such inappropriate behaviour may be of a physical, sexual, emotional or psychological nature.

All staff must respond in accordance with the processes detailed in this section if:

- a student, parent or other person makes a complaint in relation to a staff member's behaviour towards a student that the student, parent or other person considers to be inappropriate; or
- a staff member observes or overhears inappropriate behaviour by a staff member towards a student.

### 12.3 INAPPROPRIATE BEHAVIOUR - REPORTING RESPONSIBILITIES

#### 12.3.1 STAFF MEMBERS

A staff member who:

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

must report the matter to the Principal or Student Protection Contact and complete a Record of Concern and submit it to the Principal.

If the report is about the principal, the Record of Concern must be submitted to the Area Supervisor.

### 12.3.2 STUDENT PROTECTION CONTACT (SPC)

If a concern is reported to a Student Protection Contact other than the Principal, the Student Protection Contact must submit a Record of Concern to the Principal without delay, unless the report of inappropriate behaviour is made against the Principal, in which case the Student Protection Contact must submit the Record of Concern to the Area Supervisor.

### 12.3.3 PRINCIPAL/AREA SUPERVISOR

A Principal/Area Supervisor who:

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

must take action in relation to the matter and document it in accordance with the following requirements for a Level 1 or Level 2 Intervention.

In some circumstances a Level 2 Intervention will also require a Student Protection Report to the Department of Child Safety under Sections 6 and 7 of these processes (if significant harm has been caused and there may not be a parent able and willing to protect the student from harm). Additionally, if the staff member's alleged behaviour results in significant physical harm to a student a Student Protection Report to the Queensland Police Service may be required to be made. The Principal or Area Supervisor will be advised by the Manager Professional Standards and Student Protection if these actions are required following the submission of the Level 2 Intervention request to the Director Employee Services.

### 12.3.4 INTERVENTION AND REPORTING LEVELS

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

- Level 1 – Reports of minor inappropriate behaviour; or
- Level 2 – Reports of repeated serious or more complex inappropriate behaviour (which does NOT involve sexual abuse/likely sexual abuse which is reportable under Section 5 of this document).

The Principal (or Area Supervisor where the report is against the Principal) will determine as quickly as possible the level of response required (Level 1 or Level 2 as below) and action the appropriate procedures to be followed (see Section 13 of this document). Guidance on determining the appropriate response can be obtained from BCE's Professional Standards and Student Protection team.

## 12.4 INAPPROPRIATE BEHAVIOURS

Inappropriate behaviours typically fall into three main categories; physical, emotional and boundary violations. Examples of inappropriate behaviours are listed below.

### Physical Boundary Violation \*

'Physical boundary' refers to limitations placed on physical contact between staff and students and respecting and responding appropriately to the physical needs of students. Examples of physical boundary violations include:

- pushing
- pulling
- grabbing
- hitting
- poking
- shoving
- shaking
- throwing

- kicking
- pinching
- punching
- using physical force to ensure a child cooperates
- holding or restraining a child (unless in imminent danger of harm)
- using an object (ruler, book, whiteboard marker) to manage a student

Refusing biological necessities

Applying painful or noxious conditions to a student

### **Emotional Boundary Violation**

'Emotional boundary' refers to respecting the emotional needs and well-being of students. Examples of emotional boundary violations include:

Making inappropriate comments about a student and/or a student's family by

- shaming, embarrassing, humiliating
- using sarcasm
- making derogatory remarks
- belittling
- teasing
- unprofessional criticism

Exerting power over a student through the use of

- intimidating behaviour
- fear
- threats
- moral pressure

Shouting at a student

### **Behaviour Boundary Violation**

'Behavioural boundary' refers to respecting the rules of the school. Examples of behavioural boundary violations include:

Having inappropriate interactions with a student through

- inappropriate use of social media in relation to a student
- phone calls, emails, texts or other forms of communications of a personal nature with a student
- gift giving or showing special favours
- sharing secrets with a student
- disclosing inappropriate personal information to a student
- inappropriate questioning of a student about personal and private matters
- engaging in social activities with students (with whom there is not a declared personal relationship) outside school
- driving students without appropriate authority
- visiting students at home without appropriate authority

Using unprofessional language

- swearing at or in the presence of a student
- making otherwise inappropriate comments to or in the presence of a student

Failing to follow a school's behaviour support policy and procedures

- unreasonable, unfair and/or unjust disciplinary measures
- the imposition of manifestly unreasonable expectations or excessive demands on a student
- using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment

Using a personal device or private email address to make contact with a student (with whom there is not a declared personal relationship or appropriate authority)

Photographing a student other than for an appropriate professional reason

Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs)

Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student

*\* Even minor assaults can be criminal offences. The management of these matters will depend on factors like the seriousness and circumstances of the allegation, the wishes of the parties involved, whether the Queensland Police Service have become involved, and whether the staff member has a previous history of similar conduct. If it is reasonably suspected that harm has been caused or there is an unacceptable risk of harm the Principal must also consider the appropriate response described under Sections 5, 6 and 7 of this document.*

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

A Level 1 Intervention relates to reports of minor inappropriate behaviour by a staff member towards a student. A typical incident covered by a Level 1 Intervention could include a one-off report of minor inappropriate behaviour by a staff member.

Level 1 incidents relate to reports that, if substantiated, may constitute a minor breach of the BCE *Code of Conduct*. When reports relate to repeated or multiple minor breaches reported at about the same time, they may need to be actioned differently as explained in Section 12.6 of this document.

A Level 1 Intervention must **not** be undertaken if there is a report or reasonable suspicion of sexual abuse or likely sexual abuse of a student. The appropriate intervention for such situations is covered in Section 5 of this document.

A Level 1 Intervention must **not** be undertaken if there is a report or reasonable suspicion of significant harm/ unacceptable risk of significant harm of a student caused by a staff member. A Level 2 Intervention must be requested in these circumstances (and in some cases, a Student Protection Report may also be required to be made to the Department of Child Safety if there may not be a parent able and willing to protect the student from the harm and/ or to Queensland Police Service in the case of significant physical harm to a student).

## 12.6 LEVEL 2 INTERVENTION - SITUATIONS THAT CONSTITUTE REPEATED, SERIOUS OR MORE COMPLEX INAPPROPRIATE BEHAVIOUR

Level 2 Interventions relate to reports of repeated, serious or more complex inappropriate behaviour by a staff member towards a student (including significant physical or emotional harm to a student). Such behaviour, if substantiated, would constitute misconduct and would justify a formal disciplinary sanction against the staff member. A Level 2 Intervention must **not** be undertaken if there is a report or reasonable suspicion of sexual abuse or likely sexual abuse of a student. The appropriate interventions for such situations are covered in Section 5 of this document.

A Level 2 Intervention must be undertaken if there is a report or reasonable suspicion that significant harm/ unacceptable risk of significant harm to a student has been caused by emotional abuse or physical abuse.

Examples of repeated, serious or more complex inappropriate behaviour requiring a Level 2 Intervention request include but are not restricted to:

### Repeated behaviours

- repeated behaviour of a kind that has previously been dealt with by a Level 1 Intervention(s)
- multiple instances of behaviour, reported at or about the same time, of a type that would normally be dealt with by a Level 1 Intervention, but which taken together could justify a formal disciplinary sanction
- significant repeated victimisation
- other repeated inappropriate behaviours

### Serious behaviours

- Serious inappropriate physical contact\*
- Serious emotional abuse
- Aggressive or abusive interactions (verbal/nonverbal/physical)
- Other serious inappropriate behaviour

### Complex behaviours

- Multiple boundary violations in one incident
- Personal circumstances for the student such as mental health issues, history of trauma or disability
- Personal circumstances for the staff member
- Other complex inappropriate behaviour.

*\* Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the Queensland Police Service have become involved, and whether the staff member has a previous history of similar conduct. If it is reasonably suspected that harm has been caused or there is an unacceptable risk of harm the Principal must also consider the appropriate response described under Sections 5, 6 and 7.*

## 12.7 SITUATIONS INVOLVING VOLUNTEERS OR EMPLOYEES WHO ARE NOT STAFF MEMBERS OF BRISBANE CATHOLIC EDUCATION

If the person against whom a report of inappropriate behaviour has been made is a volunteer or an employee who is not a staff member of Brisbane Catholic Education, the Principal will take appropriate steps, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document as they apply to a staff member of Brisbane Catholic Education.

**All staff members should report any concerns of inappropriate behaviour towards a student by a volunteer or other employees who are not staff members of BCE to the Principal.**

## 13.0 Inappropriate Staff Behaviour Intervention Processes

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### 13.1 LEVEL 1 INTERVENTION – REPORTS OF MINOR INAPPROPRIATE BEHAVIOUR

A Level 1 Intervention is carried out by the Principal (or the Area Supervisor if the report is against the Principal). A documented record of the actions taken and of the outcomes is provided to the Director - Employee Services at the end of the intervention process. Level 1 Intervention Reports generated from the Student Protection Case Management System will satisfy this requirement.

Reports giving rise to a Level 1 Intervention are generally resolved through processes that are managed locally by the Principal and may include such responses as supervisory guidance and correction and in some cases mediation and/or conciliation. If the report involves the Principal, the response is coordinated by the Area Supervisor.

#### 13.1.1 INTERVENTION RESPONSIBILITIES

##### (a) Principal (or Area Supervisor)

The Level 1 Intervention response to a complaint or report against a staff member will be coordinated locally by the school Principal (or Area Supervisor where the report is against the Principal). The Principal (or Area Supervisor) will determine how to best address the complaint or report with the staff member (or Principal) and how to initiate any consequences that may be determined to be appropriate. This might involve consultation with relevant personnel in the Brisbane Catholic Education office (e.g. Area Supervisor or Manager Professional Standards and Student Protection).

Where a report of minor inappropriate behaviour is made against the Principal, the Area Supervisor may request assistance from the Manager Professional Standards and Student Protection.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal (or Area Supervisor where the report is against the Principal) will inform the Director - Employee Services as soon as possible. The Director - Employee Services will ensure that the relevant church authority is informed. This action should be documented.

The resolution of all minor incidents remains the responsibility of the Principal (or Area Supervisor where the report is against the Principal). The Principal will normally seek advice from the Area Supervisor or other relevant staff in the Brisbane Catholic Education office (e.g. Professional Standard and Student Protection staff) to formulate a plan to address the issue with the staff member. Strict confidentiality shall be maintained regarding the matter.

Should a staff member deny or contest the allegation of inappropriate behaviour towards a student, the Principal (or, if the matter involves the Principal, the Area Supervisor) must decide whether or not further information gathering at the school level is required or whether management guidance will suffice. The decision regarding whether to, and how to, gather further information will depend on factors such as the seriousness of the allegation, the attitude of the complainant(s), any record of past reports of inappropriate behaviour on the part of the respondent and the likelihood of an allegation being able to be substantiated given the circumstances.

A Level 1 Intervention Report should be completed by the Principal (or Area Supervisor). The Level 1 Intervention Report will include; the details and circumstances of the reported matter, the action taken by the Principal (or Area Supervisor) to assess the matter, and the outcome. The outcome should also document the staff member's account of the incident, state whether or not the behaviour alleged has been admitted to or not by the staff member, and should contain clear details of the advice/guidance that has been provided to the staff member. The outcome should also indicate if the behaviour alleged is assessed to be contrary to the BCE *Code of Conduct*.

A staff member may admit inappropriate behaviour. The inappropriate behaviour will then be addressed through documented management guidance and/or correction. Conciliation/mediation may be provided if desired by the complainant.

At the completion of the intervention process and following review of the matter by the Director - Employee Services (or delegate) the staff member will be formally advised of the outcome. The parent/carer of the student concerned is to be advised in writing of the completion of the intervention unless there are extraordinary reasons



why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

The original of the Level 1 Intervention Report should be kept on a confidential file at school level (or by the Area Supervisor if the report concerns the Principal). A copy of the Level 1 Intervention Report is forwarded to the Director- Employee Services. Level 1 Intervention Reports generated from the Student Protection Case Management System will satisfy these requirements.

#### **(b) Brisbane Catholic Education office staff**

The Director - Employee Services (or delegate) is responsible for ensuring that Level 1 Intervention Reports are checked for completeness, accuracy, and relevance, and whether any previous Level 1 Intervention Reports have been received concerning the staff member.

Where previous Level 1 Intervention Reports have been received concerning the staff member, the Director - Employee Services will determine what further action, if any, needs to be taken.

The Director - Employee Services will receive and keep the Level 1 Intervention Report in a confidential file. Level 1 Intervention Reports generated from the Student Protection Case Management System will satisfy this requirement.

### **13.1.2 PASTORAL CARE AND SUPPORT**

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

## **13.2 LEVEL 2 INTERVENTION – REPORTS OF REPEATED, SERIOUS OR MORE COMPLEX INAPPROPRIATE BEHAVIOUR**

A Level 2 Intervention is carried out under the authority of the Executive Director or delegate. The matter is formally reported to the Director - Employee Services at the commencement and end of the intervention process.

A Level 2 Intervention is initiated by the Principal (or the Area Supervisor in the case of a report against a Principal) formally notifying the Director - Employee Services of the report. If, in the opinion of the Principal/Area Supervisor, a more formal investigation is warranted because the matter is repeated, serious or more complex, a Level 2 Intervention request, including the rationale for the request, should be made to the Director - Employee Services to obtain authorisation for an investigation. A formal investigation (as opposed to information gathering to allow an assessment of the case to be made) must not be undertaken at the school level without the authorisation of the Director - Employee Services.

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

### **13.2.1 INTERVENTION RESPONSIBILITIES**

#### **(a) Principal (or Area Supervisor)**

As soon as the Principal (or Area Supervisor) is aware that the report is of such a nature as to require a Level 2 Intervention, a Level 2 Intervention request must be completed and forwarded to the Director - Employee Services without delay.

Where a report is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal (or Area Supervisor where the report is against the Principal) will inform the Director - Employee Services as soon as possible. The Director – Employee Services will ensure that the relevant church authority is informed and that the actions taken are documented.

#### **(b) Brisbane Catholic Education office personnel**

On receipt of a Level 2 Intervention request, the Director - Employee Services (or delegate) will assess the matter

and determine how it is to be progressed. The Director - Employee Services (or delegate) will consider the details of the report and the rationale for the Level 2 Intervention request and as necessary will seek clarification of any issues related to it by consulting with relevant persons such as the Principal, Area Supervisor, or Manager Professional Standards and Student Protection. The Director - Employee Services (or delegate) will also consider any previous reports on file of inappropriate behaviour made against the staff member.

If the Director - Employee Services forms the view that the matter should be handled as a Level 1 Intervention, the matter is referred back to the Principal (see Section 13.1 above).

If the Director - Employee Services forms the view that a Level 2 Intervention is appropriate, a decision is made as to who should most appropriately conduct an investigation into the allegation. The Director - Employee Services may authorise the Principal, a Brisbane Catholic Education office staff member (e.g. Area Supervisor, or Professional Standards staff member), or an external party to conduct the investigation.

The Director - Employee Services (or delegate) will take immediate steps to ensure that a risk assessment is carried out to determine if the employee subject to the allegations should continue to be allowed to work in the school. As a result of the risk assessment, the staff member may be stood down from his/her duties, or have his/her duties restricted.

If the Director - Employee Services forms the view that the matter involves an allegation or reasonable suspicion of sexual abuse or likely sexual abuse of a student, the Director - Employee Services must immediately make a mandatory Student Protection Report (see Section 5) if the matter has not already been reported by the Principal/Area Supervisor. If the student has suffered significant harm or an unacceptable risk of harm, the Director - Employee Services must also consider the appropriate response to be made under Sections 6 and 7 of this document which includes assessing the appropriateness of making a Student Protection Report to the Queensland Police Service or the Department of Child Safety if the matter has not already been reported by the Principal/Area Supervisor.

The Director - Employee Services (or delegate) will inform the parent or carer of the student towards whom the inappropriate behaviour is alleged to have occurred in writing that an investigation into the matter has been authorised. The name of a contact person who can provide information about the process being followed will also be provided.

### **13.2.2 NOTIFYING THE STAFF MEMBER**

As soon as the Director - Employee Services (or delegate) deems it to be appropriate to inform the staff member, a meeting will be held between the staff member and the Director - Employee Services (or delegate). The staff member will be advised that he/she can have a support person at this meeting. At the meeting, the staff member will be informed that a report of inappropriate behaviour has been made against him/her, will be provided with the details of the reported inappropriate behaviour and advised that an investigation into the matter has been authorised. The requirement for the staff member to observe confidentiality will also be advised. The staff member will be reminded that he/she may access the confidential counselling services available to all staff members through the Employee Assistance Program. He/she will also be given the details of a nominated person to contact who will be available to provide support regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. In circumstances where it is not possible to meet with the staff member, all required information will be advised in writing.

### **13.2.3 STANDING DOWN FROM DUTIES**

If as the result of a risk assessment it is decided that the staff member should be stood down from his/her duties, or have their duties restricted, the staff member concerned will be informed of the decision to stand him/her down or restrict his/her duties. The basis for this decision will be provided to the staff member in writing following the meeting at which this information has been communicated verbally. The staff member will be reminded that they may access the confidential counselling services available to all staff members through the Employee Assistance Program. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The staff member will normally continue on full pay during the stand down period unless disqualified or prevented from performing his/her duties by an external body. The Director - Employee Services (or delegate) will discuss with the person what statement, if any, will be made to staff and the school community concerning his/her absence from school. Any such statement will be subject to restrictions contained in legislation.

### 13.2.4 PASTORAL CARE AND SUPPORT

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

### 13.2.5 INVESTIGATION PROCESS

The investigator shall as soon as possible arrange for a meeting to be held to inform the staff member of the specific nature of the allegation(s). Prior to the meeting, the staff member will be advised that he/she can have a support person at this meeting. He/she will be reminded of the free confidential counselling services available to all staff members through the Employee Assistance Program. A written record of the allegation(s) will be provided and the staff member will be asked to reply to the allegation(s) within a reasonable time (normally five but no more than ten working days).

The investigator will contact the parent(s) or carer of the student/s against whom the inappropriate behaviour is alleged to have occurred and the following issues will be discussed:

- the allegation that has been made and the decision to investigate;
- the investigation process;
- the provision of parental/carer permission for the student to be interviewed;
- student/parent/carer views, concerns and support needs;
- the communication process for the parent/carer to be updated re the investigation and other related issues; and
- the need for confidentiality.

If the investigator determines that it is desirable for other students (e.g. students named as witnesses) to be interviewed, the above guidelines relating to parents/carers will also be followed in relation to them.

In conducting the investigation the investigator shall ensure that appropriate confidentiality is maintained.

If during the course of the investigation the investigator forms the view that the matter involves an allegation or reasonable suspicion of sexual abuse/likely sexual abuse of a student or an allegation or reasonable suspicion that a student has suffered or is at unacceptable risk of suffering harm caused by abuse/neglect has been caused to a student or there is an unacceptable risk of abuse/neglect to a student then:

- if the investigator is a staff member of Brisbane Catholic Education, he/she must immediately make a mandatory Student Protection Report in relation to sexual abuse/likely sexual abuse (see Section 5) and a Student Protection Report to the Department of Child Safety where appropriate (see Sections 5, 6 and 7); or
- if the investigator is not a staff member of Brisbane Catholic Education he/she must immediately make a written report to the Director - Employee Services (or delegate) who will then immediately make a Mandatory Student Protection Report in relation to sexual abuse/likely sexual abuse (See Section 5) or a Student Protection Report to the Department of Child Safety where appropriate (see Sections 5, 6 and 7).

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

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

The Director - Employee Services (or delegate) is responsible for informing the Principal and relevant Area Supervisor (if they are not the investigator) of the outcome of the investigation. The Director - Employee Services (or delegate) advises the parent/carer of the student concerned of the outcome unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented.

The Director - Employee Services (or delegate) is responsible through the Principal or Area Supervisor for implementing appropriate support processes for students and staff to prevent further harm, enable students to feel emotionally and physically safe and repair relationships.

### **13.3 DETERMINATION OF MISCONDUCT**

If, following the presentation of the investigation report, the Executive Director (or delegate) has determined that allegations of inappropriate behaviour are substantiated and that they constitute misconduct, the Executive Director (or delegate) will communicate this in writing to the employee and advise the Principal accordingly.

If the Executive Director is not considering terminating the staff member's employment, the staff member will receive a letter stating the seriousness of the misconduct, any disciplinary action and a warning that further substantiated misconduct may lead to termination of the staff member's services.

If on the evidence the Executive Director is considering the termination of the staff member's services then the Executive Director will provide the staff member with a timeframe within which the staff member is given the opportunity to show cause as to why his/her employment should not be terminated. The Executive Director will consider any submission that the staff member chooses to make in response within the timeframe given. Following receipt of the submission from the staff member, the Executive Director will make a decision in relation to the staff member's employment status and will communicate this in writing to the staff member.

The relevant authorities will be advised, where appropriate, if a staff member's employment is terminated by the Executive Director.

#### **13.3.1 NO DETERMINATION OF MISCONDUCT**

If, following the presentation of the investigation report, the Executive Director (or delegate) has determined that the allegations of inappropriate behaviour are not substantiated and therefore no misconduct is substantiated, the Executive Director (or delegate) will communicate this in writing to the staff member and advise the Principal accordingly.

#### **13.3.2 FINALISATION**

The Director - Employee Services (or delegate) will advise the parent/carer of the student concerned in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

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

If the staff member continues to work at the school, the Principal will support the pastoral care of the staff member, and the staff member will be reminded of the confidential counselling services available to all staff members through the Employee Assistance Program. Reasonable steps will be taken by the Principal to manage risks and to provide appropriate ongoing supervision of, and support for, the staff member.

If the staff member has been stood down during the investigation and returns to work at the school, all reasonable steps will be taken by the Principal to assist the staff member to reintegrate into the school community.

## 14.0 Record Keeping and Support

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### 14.1 RECORDING INFORMATION AND RECORD-KEEPING

#### 14.1.1 MAKING STUDENT PROTECTION RECORDS

The notes/records/reports staff make about student protection concerns are important documents. School staff could be interviewed as part of a statutory investigation, and/or required to attend court. They may need to refer to their notes later or these documents could be subpoenaed. In making any record of concerns about any student protection issue, staff 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 accurately the actions you have taken
- always sign and date the record. It should be clear whether the record was made on the same day as the incident, or after.

##### Do not

- record an opinion about what was observed or heard
- record personal judgements about people
- interpret what you believe was observed or heard
- use emotive language.

#### Student Protection Case Management System

To ensure student protection records are stored in a consistent and secure manner, Brisbane Catholic Education has a Student Protection Case Management System. Staff are expected to complete a 'Record of Concern' as soon as they become aware of a concern about a student's safety and wellbeing. The Principal, Student Protection Contact or a BCE Student Protection Officer can assist with this. Any handwritten notes or emails relating to a student protection matter should be uploaded to the Student Protection Case Management System. These records are important as they enable the school to monitor and take appropriate action to protect students from harm or likely harm and to ensure families receive the support they need to care for their children.

BCE Student Protection Officers are available to give advice as to the type of information that should be documented and Legal Counsel can assist when documents are subpoenaed.

#### 14.1.2 REPORTING FORMS

Completed BCE Student Protection Reports should be retained as vital school records demonstrating that the school is following the Brisbane Catholic Education Student Protection Processes and also fulfilling a component of compliance under the *Education (Accreditation of Non-State Schools) Regulations 2001*. Copies of completed Student Protection Reports should also be provided to Brisbane Catholic Education as required. Student Protection Reports generated from the Student Protection Case Management System will satisfy these requirements. Other documents pertinent to a matter should be uploaded as appropriate into the Student Protection Case Management System.

#### 14.1.3 STORING STUDENT PROTECTION RECORDS

The completed forms along with other student protection records should be filed in a confidential file and not be available to staff generally except on a strict need to know basis as established under BCE protocols and procedures. Keeping the information in a central file apart from individual staff or student files ensures accountability and assists in the continuity of information from year to year. These records may be the subject of a subpoena in court processes. Student Protection Reports generated from, or documents uploaded to, the Student Protection Case Management System will satisfy this requirement for confidential storage of records.

## 14.2 SUPPORTING MEMBERS OF THE SCHOOL COMMUNITY

The following suggestions are provided to assist those responsible for the ongoing support of members of the school community.

### 14.2.1 ONGOING SUPPORT OF STUDENTS

Specific support intervention for a particular student should be a part of case management and responsibility for it should be allocated to those holding the appropriate roles within the school. Other staff with a need to know, should only know what is strictly necessary, and understand that their role is only to provide generalised support.

The following suggestions are provided to assist those responsible for the ongoing support of students:

- refer students who have been affected to the Guidance Counsellor;
- remind the student of other people who can talk with him/her if required;
- employ techniques that help build the student's self-esteem and sense of security;
- caringly guide the student towards healthy relationships with others;
- do not tolerate negative behaviour - state your expectations clearly and be consistent;
- very importantly, do not dwell or continually revisit the issue - discourage the student from allowing it to become a means of getting attention;
- assist in preparing the student for any transitions and changes if possible; and
- continue to observe, monitor and review the student's behaviour and progress to manage risk and enable the early identification of issues that may arise.

BCE Student Protection Officers are available to advise and assist in linking students with appropriate support networks and community agencies if required.

### 14.2.2 ONGOING SUPPORT OF PRINCIPAL AND STAFF

Taking action in student protection matters can be stressful for all staff involved. Staff need to be aware of their own reactions. They may need support and assistance to manage their own feelings of anger, fear and helplessness. It is suggested that the Principal should ensure that any staff member involved in any student protection incident is provided with opportunities for support and debriefing. Principals are also strongly encouraged to debrief with an appropriate person. BCE Student Protection Officers will be available to support staff involved in student protection incidents and to assist in the linking of those involved with supportive networks if required. Staff in the Employee Services Directorate within Brisbane Catholic Education are available to assist with arranging group or individual support, and advice in areas such as student protection information, student protection legislation and other legal matters, organisational health and wellbeing, and professional standards. For free confidential support, the Brisbane Catholic Education Employee Assistance Program can be contacted by telephoning 1800 808 374.



## 15.0 Student Protection Contacts (SPCs)

The *Education (Accreditation of Non-State Schools) Regulation 2001 (s 10)* requires Non-state schools in Queensland to nominate at least two stated staff members to whom a student can report behaviour of another staff member that the student considers is inappropriate. These staff members are known in Brisbane Catholic Education schools as Student Protection Contacts.

In Brisbane Catholic Education schools, the Principal is to be nominated as one Student Protection Contact. It is the responsibility of the Principal to ensure that there is **at least** one other staff member nominated as a Student Protection Contact and that all Student Protection Contacts are aware of their role and responsibilities.

The names and identities of the Student Protection Contacts must be made known to staff, students and parents, and must be prominently displayed in areas frequented by staff and by students. Students must also be made aware of the process for the reporting of inappropriate behaviour by a staff member to a Student Protection Contact. The Principal is responsible for ensuring that this information is made available in a variety of ways including through the display of *Recognise React Report* posters provided by Brisbane Catholic Education.

### 15.1 SELECTION OF STUDENT PROTECTION CONTACTS (SPCs)

Principals must give serious consideration as to who is selected as a Student Protection Contact in the school. While there is a requirement to have at least two Student Protection Contacts, it may be appropriate to nominate more than two in larger schools such as P – 12 Colleges, taking into account the age and diversity of students. In the general selection of a staff member for this role some other considerations to be taken into account include:

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

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

- 4. The staff member's willingness and capacity to work in a proactive partnership with the Principal and any other Student Protection Contact at the school
- 5. Gender balance issues
- 6. A willingness and ability to make effective and objective student protection records and reports, and
- 7. A willingness and ability to attend student protection professional learning opportunities when offered.

### 15.2 RESPONSIBILITIES OF STUDENT PROTECTION CONTACTS

Student Protection Contacts are required:

- to fully understand and embrace their obligations in the role;
- to receive a report of behaviour of a staff member towards a student that a student or another person considers is inappropriate and to inform the Principal of the report (or the Area Supervisor if the report/complaint involves the Principal);



- to receive information of harm or risk of harm to a student and complete a Record of Concern and submit it to the Principal without delay (or the Director-Employee Services if the report/complaint involves the Principal);
- assist a Principal to assess concerns;
- if informed by a staff member of suspected sexual abuse/likely sexual abuse of a student by another person, to immediately advise that staff member to make a mandatory report in the form a Record of Concern to the Principal or the Director - Employee Services as required by law;
- if informed by anyone else of suspected sexual abuse/likely sexual abuse of a student by another person, to immediately make a mandatory report in the form of a Record of Concern to the Principal or the Director - Employee Services as required by law;
- to assist a staff member to make a written report in the form of a Record of Concern;
- to assist staff members in using the Student Protection Case Management System;
- to make and keep appropriate student protection records;
- to assist the Principal in the management of student protection incidents if requested;
- to assist the Principal in the support of students and staff when appropriate; and
- to seek advice and support from BCE Student Protection Officers as appropriate.

## 16.0 Compliance and Accountability

### 16.1 ENSURING THAT THE BRISBANE CATHOLIC EDUCATION STUDENT PROTECTION PROCESSES ARE KNOWN, IMPLEMENTED AND ACCESSIBLE BY STAFF, STUDENTS AND PARENTS

#### 16.1.1 BRISBANE CATHOLIC EDUCATION RESPONSIBILITIES

Brisbane Catholic Education will publish an electronic copy of the Student Protection Processes on the Brisbane Catholic Education KWeb and Brisbane Catholic Education public website so that they are readily accessible by staff, students and parents.

Brisbane Catholic Education is also responsible for ensuring that:

- as part of induction, all new Principals receive student protection training that is appropriate to their role and responsibilities;
- suitable student protection programs and training materials for staff are made available;
- specialised student protection training is made available and delivered to, for example, Principals, other Student Protection Contacts and Guidance Counsellors;
- Student Protection brochures are made available to schools for distribution to families;
- 'Recognise React Report' Student Protection Posters and Network Cards are supplied as required;
- specialised student protection expertise is available to school and BCE office staff through the work of Student Protection Officers and other specialist staff within Brisbane Catholic Education ;
- schools successfully fulfil relevant requirements under the School Accountability and Compliance Schedule; and
- a complaints procedure to address allegations of non-compliance with BCE Student Protection Processes is made available on the BCE public website.

#### 16.1.2 SCHOOL PRINCIPAL RESPONSIBILITIES

The Principal is responsible for ensuring that:

- the BCE Student Protection Processes are readily accessible by staff, students and parents by -
  - placing an up-to-date hard copy of the document in the school library which is readily accessible for viewing by staff members, students and parents during school hours; and
  - making available a link to an electronic copy of the document to staff, students and parents through the school's website/intranet.
- staff members are made aware of the BCE Student Protection Processes and trained in implementing these processes by making sure that -
  - all new staff members as part of their induction are made aware of the requirements of the BCE *Code of Conduct* and the documents that stipulate Brisbane Catholic Education Student Protection Processes;
  - the names of the school's Student Protection Contacts are made known to staff members, employees and volunteers and the information displayed in the staffroom, and provided in the staff handbook and/or on the school's intranet site;
  - all new staff members undertake the online Mandatory Student Protection Training within the first 4 weeks of employment;
  - all staff members receive reminders about their student protection responsibilities on at least an annual basis and undertake Mandatory Student Protection Training every two years;
  - other employees understand their student protection responsibilities as appropriate;
  - all volunteers complete student protection training and receive a copy of the *Volunteer Code of Conduct*; and
  - he/she appoints at least one other suitable staff member to fulfil the role of Student Protection Contact for the school.

- students and parents are aware of the BCE Student Protection Processes by making sure that -
  - 'Recognise React Report' Student Protection Posters are displayed prominently in areas of the school frequented by students;
  - the names of the school's Student Protection Contacts are made known to students and parents in a variety of ways and publicised in the school community, for example by posters, at assemblies, in handbooks, in the school newsletter, on the school's website/intranet and provided at parent information sessions;
  - students and parents are made aware of the processes for reporting to a Student Protection Contact, the behaviour of any staff member that a student considers is inappropriate, for example by posters, at assemblies, in handbooks, in the school newsletter, on the school's website/intranet and at parent information sessions;
  - students and parents are made aware that a hard copy of the BCE Student Protection Processes are in the school library and readily accessible during school hours;
  - students and parents are made aware that electronic copies of the BCE Student Protection Processes are available through a link on the school's website/intranet;
  - students and parents are made aware that a link to the complaints procedure to address allegations of non-compliance with BCE Student Protection Processes is available through the school's website/intranet; and
  - Student Protection brochures are made available to students and their families.

## **16.2 ENSURING THAT THE PRINCIPAL CAN DEMONSTRATE TO BRISBANE CATHOLIC EDUCATION HOW THE STUDENT PROTECTION PROCESSES ARE BEING IMPLEMENTED WITHIN THE SCHOOL**

The Principal must:

- keep and make available on request by relevant personnel, records and other evidence that demonstrate that the Student Protection Processes are being implemented within the school;
- keep updated the names of the school's Student Protection Contacts on the centralized register on the KWeb;
- Demonstrate the school's compliance with student protection requirements as part of the School Cyclical Review – School Accountability and Compliance Schedule.

## **16.3 COMPLAINTS PROCEDURE TO ADDRESS ALLEGATIONS OF NON-COMPLIANCE WITH BCE STUDENT PROTECTION PROCESSES**

The Principal must:

- ensure that a link to the complaints procedure to address allegations of non-compliance with BCE Student Protection Processes is available on the schools website/intranet; and
- train appropriate staff in assisting people who wish to make a complaint.

## 17.0 Sources/References

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This document specifies the processes required of Catholic schools administered by Brisbane Catholic Education and complements the Archdiocese of Brisbane *Safeguarding Children and Vulnerable Adults Prevention and Protection Policy (2014)* and the processes developed by the National Committee for Professional Standards entitled *Towards Healing – Principles and Processes in Responding to Complaints of Abuse Against Personnel of the Catholic Church in Australia (2010)*. The National Committee for Professional Standards was established by the Australian Catholic Bishops' Conference and the Australian Conference of Leaders of Religious Institutes. This document is also in harmony with the principles and behavioural standards contained in the National Committee for Professional Standards resource document *Integrity in the Service of the Church (2011)*.

The current document also incorporates key requirements of Queensland legislation in relation to the protection of students:

- *The Education (Accreditation of Non-State Schools) Act 2001 and Regulation 2001*
- *The Education (General Provisions) Act 2006 and Regulation 2006*
- *The Education (Queensland College of Teachers) Act 2005*
- *The Working with Children (Risk Management and Screening) Act 2000*
- *The Child Protection Act 1999.*

The current document replaces and updates Brisbane Catholic Education's previous document: *Student Protection Processes, 4 November 2013*.

Further, there are a number of other documents/resources that give guidance in relation to how schools operated by Brisbane Catholic Education will respond to various types of issues in relation to student protection which may arise. These include:

- *Catholic Education Council Student Protection Policy Statement (2011)*
- *Archdiocese of Brisbane Catholic Education Code of Conduct (2008)*
- *Conditions of Use of ICT Resources*
- *Digital Communications Student Safety and Staff Conduct (2011)*
- *Student Behaviour Support - Policy (November 2012)*
- *Student Behaviour Support – Guideline, Regulations and Procedures (April 2013)*
- *Preventing and Responding to Student Bullying in Schools Policy (2013)*
- *Preventing and Responding to Student Bullying in Schools Guidelines & Procedures (2013)*
- *Management of Weapons in Schools Guideline (2013)*
- *Student Protection Risk Management Strategy (2015)*

### IMPORTANT INFORMATION

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

## 18.0 Student Protection Posters

### PRIMARY POSTER:

**BE A HERO**  
WHEN IT COMES TO  
**YOUR SAFETY**

**SPEAK UP!**

**BE SMART ONLINE**

**BE ALERT**

**RECOGNISE WHEN YOU FEEL UNSAFE**

**HAVE A PLAN**

**RECOGNISE REACT REPORT**

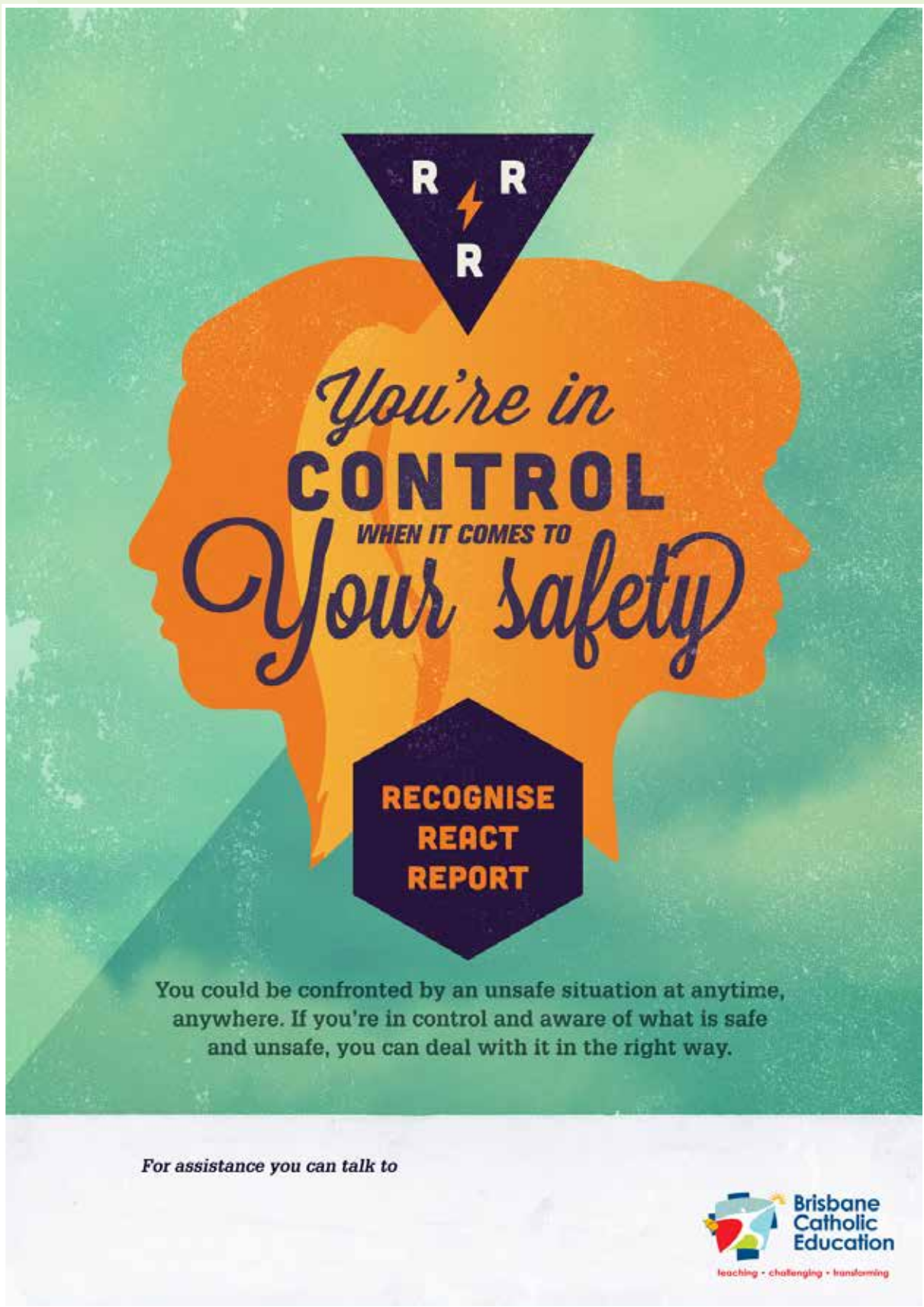
*You should always feel safe and be safe at home,  
at school, online and in the community.*

*If you're feeling unsafe, talk to*

  
teaching • challenging • transforming



**SECONDARY POSTER:**





**Brisbane  
Catholic  
Education**

teaching • challenging • transforming