



ST URSULA'S
COLLEGE | YEPPON

Child Protection Policy and Processes

Date	Reviewed By	Approved	Version
02/09/2020	Board of Directors': <ul style="list-style-type: none">• Kerry Attwill (Chair)• Gavin Hill• Margaret Witchurch• Sr Rosemary Grundy• Ann Marie Pawsey• Andrew Bourne• Clare McCormack• Thalep Ahmat• Justin Power• Alison Craggs• Lisa Wain	Name: Kerry Attwill Signed: _____ Date: _____	4.0
Next Review to be Completed by:		01 October, 2022	

AMENDMENTS TO THIS POLICY	
DATE AMENDED	DESCRIPTION
01 October 2020	Added Annexure 10 – Police Investigations
17 November 2020	Added Criminal Code (Child Sexual Offences Reform) & Other Legislation Amendment Bill 2019 New Sub-Section 229BB & 229BC

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1. PURPOSE

St Ursula's College is committed to protecting children-from harm or likely harm and providing a safe and supportive environment for children.

2. POLICY STATEMENT

St Ursula's College is committed to exercising its legal, ethical and educational responsibilities for protecting children from harm or likely harm and for providing a safe and supportive environment for children. Any behaviour that jeopardizes a Child's wellbeing, health or safety by contravening legislation, or undermining the College value of respect for the dignity of each individual, will not be tolerated.

The policy is articulated through the accompanying "Processes" and "Guidelines" documents.

3. RESPONSIBILITIES – COMPLIANCE, MONITORING & REVIEW

- St Ursula's College will ensure that it implements safe staff recruitment processes that seek disclosure regarding any prior involvement of the applicant in Child Protection issues.
- St Ursula's College will provide induction programs for new staff that include current information on Child Protection and an explanation of the Child Protection processes and expectations of staff at this College.
- St Ursula's will provide regular training in Child Protection processes for its staff and source other professional development opportunities in this area.
- The Principal of St Ursula's College will ensure that suitable Child Protection Contacts are appointed and staff and children know who these people are.
- The Principal of St Ursula's College will require parent volunteers attending camps, trips or excursions to have a Blue Card.
- St Ursula's College will monitor and review this policy and reporting processes in compliance with Queensland Legislation and requirements of the Catholic Church's document Towards Healing ([click here](#)), the Diocesan Policy Safeguarding Children and Vulnerable Adults ([click here](#)) and the Mercy Partners Protection and Vulnerable Adults processes ([click here](#)).

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4. PREFACE

These processes have been developed from the guidelines provided by the Queensland Catholic Education Commission (QCEC) - ([click here](#)), in consultation with Catholic School Authorities – ([click here](#)), in order to assist St Ursula's College to meet Child Protection legislative and procedural processes for responding to, and reporting, abuse, harm or suspicion of harm of a child.

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

5. EFFECTIVE DATE

These processes are effective from 11 June 2020. These processes shall be reviewed every two (2) years, or when necessary, as required by changes to legislation, policy or procedure.

6. THE GOVERNING BODY

The Governing Body is St Ursula's College Limited.

The Director/s of the Governing Body for the St Ursula's College are:

- Kerry Attwill (Chair)
- Gavin Hill
- Margaret Whitchurch
- Sr Rosemary Grundy
- Ann Marie Pawsey
- Andrew Bourne
- Clare McCormack
- Thalep Ahmat
- Justin Power
- Alison Craggs
- Lisa Wain

7. DELEGATION

The Governing Body has not made a delegation under s366B of the Education (General Provisions) Act 2006 ([click here](#)).

8. CHILD PROTECTION CONTACTS

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (Regulation 16(3) [click here](#)), St Ursula's College has four nominated staff members to whom a child can report behaviour of another staff member that the child considers inappropriate. The names of these Child Protection Contacts are made known to staff, children and parents and are:

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College Principal and CEO	07 4939 6000
Deputy Principal / Spiritual & Pastoral	07 4939 6000
College Counsellor	07 4939 6000
Acting Head of House – Boarding	07 4939 6000

A current copy of the above list of Child Protection Contact Staff Members is made known to staff, child, parents, volunteers and contracted person/s and is prominently displayed at the College in areas frequented by staff and Children including in the staffrooms, staff handbook, in the College Newsletters and on the College's website. These contacts are updated regularly or in the event of a change.

9. COMPLAINTS PROCEDURE

Under the Education (Accreditation of Non-State Schools) Regulation 2017(Regulation 16(5) [click here](#)), St Ursula's College has a written complaints procedure to address allegations of non-compliance with a child College has a written complaints procedure to address allegations of non-compliance with Child Protection processes. Information about the complaints procedure can be found within the Complaints Handling Policy (See Annexure 2) or via a link to the Complaints Procedure ([click here](#)) which is published on St Ursula's College website and intranet: <https://stursulas.qld.edu.au/policies-processes/#policies-and-processes>

The Principal must ensure that children and parents are made aware of the existence of the link to the complaints procedure.

A Record of Complaint form can also be found at the end of this document 'Record of Complaint' about non-compliance with St Ursula's College Child Protection Processes ([Annexure 3](#)). This form can be utilised to determine whether or not your complaint is relevant for St Ursula's to manage under this non-compliance in conjunction with our St Ursula's College Child Protection Processes Procedure.

If you need assistance to complete the form, please contact the St Ursula's College Child Protection Contact on 07 4939 9600.

Children are to submit the completed Record of Complaint form (See Annexure 3) either:

- by email to the Principal, principal@stursulas.qld.edu.au
- by post to the Principal, LMB 600, Yeppoon, Qld, 4703

10. AWARENESS & IMPLEMENTATION

If staff members, parents or children require further information in relation to any of the processes described in this document and/or other Child Protection compliance requirements, advice should be obtained from the Principal, the College's Child Protection Contacts or St Ursula's College.

The Governing Body, Principal and Child Protection Contacts are responsible for ensuring that:

- this document is freely available to staff members, children and parents
- Staff Members, children and parents are made aware of the Child Protection processes
- staff are trained in implementing the processes
- the processes are being implemented within the College

This is achieved by:

- St Ursula's College publishing an electronic copy of the Child Protection Processes on the St Ursula's College public website and ensure children, staff and parents are made aware it is there and readily accessible for viewing;
- The Principal exercising responsibility for ensuring that an up-to-date hardcopy of the Child Protection Policy is available to parents at the Presentation Learning and Information Centre (Library) and ensure children, staff and parents are made aware it is there and readily accessible for viewing by staff members, children and parents during College hours;
- Making Child Protection brochures and posters available to families and displaying these prominently in areas of the College frequented by Children
- All new staff members, as part of their induction, receiving training about the requirements of the St Ursula's College *Code of Conduct*, being made aware of the Child Protection Contacts, being required to read the Child Protection Processes and being trained in implementing these processes, including:
 - All new staff members undertaking the online mandatory Child Protection Training within the first four (4) weeks of employment;
 - All staff members receiving reminders about their Child Protection responsibilities on at least an annual basis and undertake mandatory Child Protection training every two years;
 - Providing staff members with ongoing training materials and suitable Child Protection programs when they become available;
 - All volunteers completing Child Protection training.

As well:

- Specialised Child Protection training is made available and delivered to, for example, Principals, other Child Protection Contacts and College Counsellors

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- Specialised Child Protection expertise is available to the staff through the work of the Child Protection Contacts and other external specialists in the area of Child Protection, when requested
- Children and parents are to be made aware of the Child Protection processes and the Child Protection contacts at child induction and parent information sessions
- The Principal must keep and make available on request by relevant authorities, records and other evidence that demonstrate that the Child Protection Processes are being implemented within the College
- The Principal must demonstrate the College's compliance with Child Protection requirements as part of the College's cyclical review

The College accepts its responsibility to proactively case manage ongoing issues relating to the safety and wellbeing of Children and staff, and to maintain as far as possible, supportive relationships with carers and families. Some steps in this regard include:

- monitoring the situation, conducting risk assessments, and taking action to minimise/manage risk to children
- seeking advice and support from the St Ursula's College Child Protection Contact where required
- establishing case management roles and responsibilities of relevant staff;
- establishing communication channels with the relevant St Ursula's College 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 through the Principal around how evidence/information may be made available to the Queensland Police Service and/or the Department of Child Safety, Youth and Women if required.

This document should be read in conjunction with the Child Protection Guidelines for Queensland Catholic Schools [\(click here\)](#).

11. OUR RESPONSIBILITIES

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

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- processes for how St Ursula's College will respond to harm, or allegations of harm, to children
- a process for the reporting by a child to a stated staff member of behaviour of another staff member that the child considers is inappropriate
- a process for how the information reported to the stated staff member must be dealt with by the stated staff member
- a process for reporting sexual abuse or suspected sexual abuse in compliance with the Education (General Provisions) Act 2006, section 366 ([click here](#)); and a suspicion of likely Sexual Abuse in compliance with the Education (General Provisions) Act 2006, section 366A - ([click here](#)).
- a process for reporting a reportable suspicion under the Child Protection Act 1999, section 13E

These processes apply to all staff members employed by St Ursula's College.

12. REPORTING PROCESS

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

In general terms, the process for responding to and reporting Child Protection concerns is as follows:

Identify	Identifying child Protection concerns through recognising the signs of abuse and harm, and through disclosures or receipt of information
Confer	Seeking guidance and support – if necessary, conferring with the Principal or appropriate colleagues, or use resources such as the Child Protection Guide to establish whether a ' reasonable suspicion ' has been formed
Report	Where a reasonable suspicion of abuse , harm or inappropriate behaviour is formed – reporting the concerns according to the specific processes outlined in this document
Support	Remaining focused on the support needs of the child and liaising with the Principal around any planning or actions that are required

12.1 Conferral with Colleagues and Accessing Support

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

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Staff members may confer with colleagues, for example the Principal or Child Protection Contacts, in order to establish whether the information to hand may constitute a *Reasonable Suspicion of Abuse, Harm or Inappropriate Behaviour*. This process is encouraged as a means of ensuring the best possible response to a child concern.

However, confidentiality is a critically important element of conferral processes. Within the College, information should not be shared around Child Protection matters with other staff members unless for a specific purpose under these processes, for example conferring with the Principal to determine whether a matter constitutes a Reasonable Suspicion of Abuse or Harm. The Child Protection Policy – Context and Content - ([click here](#)) contain further detail around confidentiality and information sharing. Staff, employees and volunteers are to ensure that all matters concerning the safety and wellbeing of children should never become a topic of gossip and should never be spoken about freely with others.

It is critical, particularly in relation to suspicions of Sexual Abuse or an unacceptable risk of Sexual Abuse, that action is taken quickly and (to the extent possible) a minimum number of staff are involved, to ensure that any potential Child Protection or criminal investigation by State Authorities is not compromised.

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

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

In addition to conferring with Colleagues, a number of practical tools and resources exist to support Staff Members in their decision making, including the Queensland Child Protection Guide 2.1 March 2019 - ([click here](#)).

An online decision support guide that has been developed to assist professionals to appropriately report or refer families to Department of Child Safety, Youth and Women (‘Department of Child Safety’) or other service providers in a timely manner. The tool assists in decision making but is to be used in conjunction with professional judgement and conferring with the Principal, the Child Protection contacts (or the DCEO Child Protection Officer).

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The Queensland College of Teachers also offers a range of professional standards resources that may assist in understanding and responding to Inappropriate Behaviour by a Staff Member.

12.2 Requirement to Report Sexual Abuse or Likely Sexual Abuse to the Queensland Police Service

In accordance with sections 366 and 366A of the Education (General Provisions) Act 2006 - ([click here](#)), if a Staff Member becomes aware or reasonably suspects in the course of the staff member's employment at the College that a child has been sexually abused or is likely to be sexually abused by another person, the staff member **must** immediately provide a written report using the Annexure 1 - Child Protection Report Form ([click here](#)) to the Principal. The Principal is required by law to immediately forward a completed copy of Annexure 1 - Child Protection Report Form to the Queensland Police Service. See Annexure 6 - Flowchart 1 ([click here](#)).

Where the First Person is the Principal of the College, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and to a Director of the College's Governing Body using the Annexure 1 - Child Protection Report Form. See Annexure 7 - Flowchart 2 ([click here](#)).

Where the Reasonable Suspicion of Sexual Abuse or likely Sexual Abuse is against the **Principal**, the Annexure 1 - Child Protection Report Form must be submitted by the First Person to a Director of the College's Governing Body, who must immediately forward a copy of the completed Annexure 1 - Child Protection Report Form to the Queensland Police Service.

The Principal or a Director of the College's governing body must, as a matter of urgency, advise the First Person that the report has been forwarded to Police. This advice should be in writing where possible and confirm the date the Report was submitted.

NOTE: If a Reasonable Suspicion of Sexual Abuse or likely Sexual Abuse is formed, a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.

In the event that concerns for the immediate safety of the child are suspected, a verbal report should be made to QPS immediately, after which as soon as possible the written Annexure 1 - Child Protection Report Form should be submitted to the QPS District Child Protection & Investigation Unit (CPIU: Phone 4932 3570 or Police Link on 1311444).

Whilst the legislation relating to the mandatory reporting of Sexual Abuse and Likely Sexual Abuse as outlined above relates only to children under 18 years of age, these processes extend the meaning to include children who are 18 years of age or above.

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In addition, whilst the legislation limits the mandatory reporting of Sexual Abuse or Likely Sexual Abuse of a child to reasonable suspicions formed in the course of the staff member's employment at the College, it is the policy of St Ursula's College that all reasonable suspicions of Sexual Abuse or likely Sexual Abuse of children, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

12.3 Reporting Significant Harm or Risk of Significant Harm to a Child where there may not be a Parent Able and Willing to Protect the Child from Harm

Mandatory reporting responsibilities for all staff

Approved Teachers have a **mandatory reporting** obligation under section 13E of the Child Protection Act 1999 - ([click here](#)) to make a report to the Department of Child Safety, Youth and Women - ([click here](#)) when a Teacher forms a 'Reportable Suspicion' about a Child.

Mandatory reporting responsibilities for all non-state school staff

Education (General Provisions) Act 2006 and Education (General Provisions) Regulations 2017 requires all non-state school staff who become aware of or who reasonably suspect that a child has been sexually abused or is likely to be sexually abused by another person to report.

A Reportable Suspicion is a **Reasonable Suspicion**:

- that a Child has suffered, is suffering, or is at an unacceptable risk of suffering, Significant Harm caused by **Physical Abuse** or **Sexual Abuse**
- there may not be a parent able and willing to protect the child from the harm

A Teacher fulfils this mandatory reporting obligation by making a written report using the Annexure 1 - Child Protection Report Form ([click here](#)), to their Principal of the Reportable Suspicion (or if the allegation is against the Principal, to the Chair of St Ursula's College Board) and as a matter of urgency receiving written confirmation from the Principal or the Chair of St Ursula's College Board of the date and time that the report was submitted to the Department of Child Safety, Youth and Women.

When the Principal or the Chair of St Ursula's College Board receives a report, where a teacher has formed a 'Reportable Suspicion', they **must**, as a matter of urgency, forward the report to the Department of Child Safety, Youth and Women. The Principal or the Chair of St Ursula's College Board must, without delay, provide written confirmation to the teacher who completed the Annexure 1 - Child Protection Report Form that it has been sent to the Department of Child Safety, Youth and Women and confirm the date the Report was submitted.

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Where the Principal themselves forms a 'Reportable Suspicion', that Principal must make a report directly to the Department of Child Safety, Youth and Women.

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

If the teacher does not reasonably suppose that the Principal has provided the report to the Department of Child Safety, Youth and Women, the teacher **must, as a matter of urgency**, make the report directly to the Department of Child Safety, Youth and Women in order to fulfil their mandatory reporting obligations. Teachers are encouraged to confer with the St Ursula's Child Protection contact staff for support in making the mandatory report themselves.

Again, the *Child Protection Act 1999* limits the mandatory reporting of reportable suspicions to those formed in the course of the teacher's engagement at the College; however, it is the policy of St Ursula's College that all reasonable suspicions that a child has suffered, is suffering or is at unacceptable risk of suffering Significant Harm and may not have a parent able and willing to protect them from the harm, regardless of when the suspicions are formed, are reported to the Department of Child Safety, Youth and Women in accordance with these processes.

In the event that concerns for the immediate safety of the child are suspected, a verbal report should be made to the Department of Child Safety, Youth and Women immediately, after which, as soon as possible the written Annexure 1 - Child Protection Report Form ([click here](#)) should be submitted to the Department's Regional Intake Service. Outside normal business hours and at weekends, Child Protection Reports are to be made by contacting the Department out of office hours centre 1800 177135 or 07 3235 9901.

12.4 Compulsory Reporting Responsibilities for Staff Members

Where a staff member reasonably suspects a child has suffered, is suffering or is at unacceptable risk of suffering Significant Harm, due to physical, emotional/psychological abuse or neglect and may not have a parent able and willing to protect the child from the Harm, then the staff member must make a written report of the concerns to the Principal using the Annexure 1 - Child Protection Report Form ([click here](#)). The Principal in turn must immediately forward the completed Annexure 1 - Child Protection Report Form to the

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Department of Child Safety, Youth and Women - Regional Intake Service. See Annexure 8 - Flowchart 3 ([click here](#)).

Where the allegation is against the Principal, the staff member must submit the Annexure 1 - Child Protection Report Form - ([click here](#)) to the Chair of St Ursula's College Board, who in turn must immediately forward the completed Annexure 1 - Child Protection Report Form to the Department of Child Safety, Youth and Women Regional Intake Service - ([click here](#)).

The Principal or the Chair of St Ursula's College Board (if the allegation is against the Principal) must, as a matter of urgency, advise the Staff Member that the report has been forwarded to the Department of Child Safety, Youth and Women. This advice should be in writing where possible and should confirm the date upon which it was forwarded.

Where that Principal reasonably suspects a child has suffered, is suffering or is at unacceptable risk of suffering Significant Harm, due to physical, emotional/psychological abuse or neglect and may not have a parent able and willing to protect the Child from the harm, they must make a report directly to the Department of Child Safety, Youth and Women - ([click here](#)).

A staff member may be subject to a disciplinary sanction from St Ursula's College if he/she fails to act.

Copies of the completed Annexure 1 - Child Protection Report Forms are to be submitted to the Governing Body. Notification of Annexure 1 - Child Protection Report Forms should also be provided to Mercy Partners and the Catholic Diocese of Rockhampton, at such time as is deemed appropriate in consultation with the Police and or Department of Child Safety, Youth and Women so as to ensure that any potential Child Protection or criminal investigation is not compromised.

12.5 Requirement to Respond to Harm or Allegations of Harm to Children

In accordance with section 16 (1) of the Education (Accreditation of Non State Schools) Regulation 2017 ([click here](#)), a school must have written processes to respond to Harm or allegations of Harm to a Child. Therefore, in addition to the requirements outlined in sections 2.2 and 2.3 above, staff members must respond to any Reasonable Suspicion in accordance with the required processes that a child has suffered, is suffering or is at unacceptable risk of suffering, Significant Harm caused by emotional abuse, neglect, self-harm, or harm caused by others - for example, by other Children or by other persons in the community.

12.6 Harm or Risk of Harm to a Child Caused by Self Harm

Where the staff member forms a Reasonable Suspicion that a child has suffered, is suffering or is at unacceptable risk of Significant Harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the child from harm, (for example refusing to support the child in accessing medical or psychological care), then a written report must be made in accordance with the reporting processes detailed in Section 12.4 as a concern of neglect.

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

If the Principal does not form a Reportable Suspicion or a Reasonable Suspicion that the child is a "Child in Need of Protection" then the matter will be responded to by the Principal in accordance with the College's Child Behaviour Management policy ([click here](#)), including assisting the parents to access appropriate external support to address the Self-Harming behaviour. If the Child self-harming is a Boarder, it may be necessary to remove her from the Boarding House.

12.7 Harm or Risk of Harm to a Child Caused by Another Child

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

Where there is a significant injury or immediate risk of significant injury to a child, the priority is meeting the medical and safety needs of the child, which may require the administration of First Aid, immediate contact with Emergency Services and contacting the child's parent(s) or care-provider(s).

Behaviour between children is managed in accordance with the St Ursula's College written processes for the Conduct of Children ([click here](#)), and relevant Positive Behaviours ([click here](#)) support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a child by another child over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through the Queensland Police Service - ([click here](#)). St Ursula's College will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with the College's Anti-bullying, Harassment and Discrimination procedures ([insert link when reviewed](#)).

Where a staff member forms a Reasonable Suspicion that a child has suffered, is suffering or is at unacceptable risk of Significant Harm, as a result of child to child behaviour AND may not have a parent able and willing to protect the child from harm, (for example, an inability to provide supervision for the child), then a written report must be made in accordance with the reporting processes detailed in section 12.3.

It is optional for the Principal to make a non-mandatory report to the Queensland Police Service if the parents do not. If the Principal decides to make a report to the Queensland Police Service, she should inform the parents she has made such a report.

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12.8 Harm or Risk of Harm to a Child Caused by a Person Not Associated with the College or Family

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

In circumstances where there is a parent able and willing to protect the child from Harm, then the parents must be notified of the concerns as soon as possible. Where the parents do not make a report to the Queensland Police Service, the Principal may make a report to the Queensland Police Service if the Principal considers it necessary to do so. Where there is not a parent able and willing to protect the child and there is a Reasonable Suspicion of Significant Harm or risk of Harm, then the reporting process detailed in section 12.3 must be followed.

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

12.9 Responding to Concerns that Do Not Meet the Threshold for Reporting

A staff member may identify concerns regarding a child that ultimately do not form a Reasonable Suspicion of Sexual Abuse, likely Sexual Abuse or Significant Harm, however, indicate that without support or intervention a child and/or their family are at risk of entering the Child Protection System.

These concerns should be raised with the Principal, who may refer the child/and or their family to the appropriate service. This may include support options through the College, such as the College Counsellor, or to community based options such as Family and Child Connect - ([click here](#)).

The Child Protection Policy – Context and Content - ([click here](#)) provide detail around the options that are available to support children and families.

Where a Principal has concerns about a child or a child's family, in the first instance the Principal should attempt to obtain the consent of the family before making the 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, as 159M of the Child Protection Act 1999 (Qld) ([click here](#)) enables Principals to make referrals to Family and Child Connect Services - ([click here](#)) if the consent of the family cannot be obtained. If the circumstances change, the Principal **must** make all mandatory or compulsory Child Protection Reports in **section 12** above.

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The relevant documentation concerning the initial Report of Concern and the decision not to further report must be retained in a confidential file at the College.

If the report is about a current staff member, volunteer or contractor, the processes outlined in section 12.10 below must be followed and the Principal (or the Chair of St Ursula's College Board if the complaint is against the Principal) is responsible for ensuring that appropriate steps are taken including minimising the risk of Harm to the Child concerned and/or others within the College.

12.10 Responding to Allegations Against Staff Members Including the Principal and Volunteers

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

Additionally, a school must have a process to respond to the reported staff Inappropriate Behaviour ([click here](#)). Therefore, if a staff member becomes aware of staff behaviour that a child considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay ([click here](#)).

12.11 Allegations of Sexual Abuse or Likely Sexual Abuse Against a Staff member or Volunteer

A staff member may form a Reasonable Suspicion that a child has been sexually abused or is likely to be sexually abused by another staff member, contractor or volunteer.

In these circumstances, the reporting processes detailed in section 12.2 and section 12.3 (if applicable) must be followed and the report from the staff member must be made to the Principal.

Additionally, St Ursula's College has processes set out below for dealing with allegations against staff members or volunteers and these are:

- **Considerations around suspending staff members** – The Principal will follow the protocols around any breaches as outlined in the Employee Code of Conduct ([click here](#)) and in the Queensland College of Teachers Professional Boundaries document ([click here](#)). The Chairperson of the Board of St Ursula's College and Mercy Partners would manage this in the case of the Principal.
- **Processes for liaising with Queensland Police Service around investigation outcomes** – The Principal would follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

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- **Considerations around suspending staff members** – the Governing Body – Board of Directors of St Ursula’s College, and Mercy Partners would manage this in the case of the Principal.
- **Processes for liaising with Queensland Police Service around investigation outcomes** – The Chairperson or delegate of the Board of Directors and Mercy Partners will follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

12.13 Allegations of Harm Against a Staff Member or Volunteer

A staff member may form a Reasonable Suspicion that a staff member or volunteer has harmed a child. In these circumstances where there may not be a parent able and willing to protect the child from harm, the reporting process detailed in Section 12.3 must be followed.

Where the information indicates that there may be a parent able and willing to protect the child, staff members should complete the **Annexure 1 - Child Protection Report Form** ([click here](#)) detailing the alleged harm to the child. The Form should then be given to the Principal who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

12.14 Allegations of Harm Against a Principal

A staff member may form a Reasonable Suspicion that a Principal has harmed a child. If a staff member forms a reportable suspicion of significant harm or risk of significant harm to a child where there may not be a parent able and willing to protect the child from harm, the reporting process detailed in Section 12.3 must be followed.

Where the information indicates that there may be a parent able and willing to protect the child, staff members should complete the **Annexure 1 - Child Protection Report Form** ([click here](#)) detailing the alleged harm to the child. The Form should then be provided to the Chair of the St Ursula’s College Board, (who will investigate the alleged harm and respond to any substantiated unacceptable conduct).

12.15 Allegations of Inappropriate Behaviour Against a Staff Member or Volunteer

A staff member may form a Reasonable Suspicion that a Principal has harmed a child. If a staff member forms a reportable suspicion of significant harm or risk of significant harm to a child where there may not be a parent able and willing to protect the child from harm, the reporting process detailed in Section 12.3 must be followed.

Where the information indicates that there may be a parent able and willing to protect the child, staff members should complete the **Annexure 1 - Child Protection Report Form** ([click here](#)) detailing the alleged harm to the child. The Form should then be given to the Governing Body of St Ursula’s College Board of Directors who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

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12.16 Allegations of Inappropriate Behaviour Against a Principal

A staff member may form a Reasonable Suspicion that a Principal has behaved inappropriately towards a child. In these circumstances, staff members should complete the **Annexure 1 - Child Protection Report Form** ([click here](#)) detailing the alleged inappropriate behaviour to the child. The Form should then be given to the Chairperson of the Board of St Ursula's College who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

13. AFTER THE REPORT IS MADE

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

- Follow up by the Principal, a Child Protection Contact or the Chair of St Ursula's College Board (if the report was in relation to the Principal) with Queensland Police Service and/or the Department of Child Safety, Youth and Women to confirm both receipt of the report, and any action that these agencies may take. Information about the proposed action should also be requested by the College as soon as practicable to enable the College to take appropriate steps to address the safety and wellbeing needs of all Children
- Implementing any risk management and pastoral support policies to address the safety and well-being of the child, particularly in relation to allegations of Sexual Abuse between the child, and maintain as far as possible, supportive relationships with parents, carers and families
- Ensure that all parties involved respect the confidentiality and privacy of Children and families involved
- Where relevant, make any preparation for the interview of a child by Queensland Police Service and/or the Department of Child Safety, Youth and Women at school – see the QCEC guideline [QCEC Guideline](#) and sample record of interview form [Sample Record of Interview Form](#).

14. ADVISING PARENTS

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

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

In order to assist, at the College level, in the management of any situation and to ensure the immediate safety of any children involved, the College should request from the Queensland Police Service and/or Department of Child Safety, Youth and Women feedback on the possible timing of their intervention and obtain some

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guidance about when the College may discuss the matter with the child's parent(s) or carer(s). This is particularly significant in cases of Child to Child sexual behaviour where it is important for the child's well-being to enable the parent to support the child and take steps to protect them.

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15. ANNEXURE 5 – DEFINITIONS ([LINK](#))

Child

A child is a person under 18 years of age.

Colleague

As defined by section 13H of the Child Protection Act 1999, Colleague, of a Relevant Person, means a person working in or for the same entity as the Relevant Person.

Contractor

A person periodically employed by the College.

Director of Governing Body

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

Director, of a non-State Schools governing body, means a Director of the governing body within the meaning of the Education (Accreditation of Non-State Schools) Act 2017, section 9.

First Person

The “First Person” is a staff member who reasonably suspects, in the course of the staff member’s employment at the College, that a child under 18 years attending the College has been sexually abused by another person or is likely to be sexually abused by another person

Harm

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

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

Inappropriate Behaviour

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

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Reasonable Suspicion

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

Reportable Suspicion

As defined by section 13E of the Child Protection Act 1999 means a Reasonable Suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, Significant Harm caused by Physical or Sexual Abuse; and may not have a parent able and willing to protect the child from the harm

Relevant Person (Child Protection Act 1999)

A Relevant Person for the purposes of mandatory reporting under section 13E of the Child Protection Act 1999 is any of the following:

- (a) a doctor
- (b) a registered nurse
- (c) a teacher
- (d) Police officer who, under a direction given by the commissioner of the Police Service under the Police Service Administration Act 1990, is responsible for reporting under this section
- (e) a person engaged to perform a child advocate function under the Public Guardian Act 2014

Sexual Abuse

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

Sexual Abuse, in relation to a Relevant Person, includes sexual behaviour involving the Relevant Person and another person in the following circumstances—

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

Staff Member

A staff member is any person who is employed by St Ursula's College on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the College pursuant to an agreement with a religious order

Child

A child is any person enrolled as such at St Ursula's College. This includes a "Relevant Person" for the purposes of mandatory reporting under sections 366 and 366A of the Education (General Provisions) Act 2006:

- (a) a child under 18 years attending the College;
- (b) a pre-preparatory age child registered in:
 - (i) a pre-preparatory learning program at the College
- (c) a person with a disability who:

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- (i) under section 420(2), is being provided with special education at the College
- (ii) is not enrolled in the preparatory year at the College

Child Protection Contact

A Child Protection Contact (SPC) is one of at least four persons nominated at this College in compliance with the Education (Accreditation of Non-State Schools) Regulations 2017 (regulation 16, (3)) to whom a child or parent or staff member can report behaviour by a staff member that the child or parent or staff member considers inappropriate. At St Ursula's College, the Principal will be one of the Child/Child Protection Contacts.

Teacher

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

Principal

Is the person appointed by the Governing Body to be the religious and educational leader of St Ursula's College; otherwise, it is a person who has the delegated authority to act in the position of Principal from time to time.

Volunteer

A volunteer is any person who gives freely of his or her time and experience to participate in activities and perform work for St Ursula's College. The relationship between the volunteer and St Ursula's College is not bound by a contract of employment and no payment is made by St Ursula's College to the volunteer or anybody on their behalf, for the work performed.

Legislative References

Child Protection Act 1999

Reporting of a Child in need of Protection	Section 13 A states <i>"(1) Any person may inform the Chief Executive if the person reasonably suspects— (a) a child may be in need of protection; or (b) an unborn child may be in need of protection after he or she is born. (2) The information given may include anything the person considers relevant to the person's suspicion."</i>
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CHILD PROTECTION POLICY

<p>Forming a Reasonable Suspicion of Significant Harm</p>	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a Reasonable Suspicion that a Child has suffered, is suffering or is at unacceptable risk of suffering significant Harm:</p> <p><i>(2) (a) whether there are detrimental effects on the child's body or the child's psychological or emotional state— (i) that are evident to the person; or</i></p> <p><i>(ii) that the person considers are likely to become evident in the future; and</i></p> <p><i>(b) in relation to any detrimental effects mentioned in paragraph (a)— (i) their nature and severity; and</i></p> <p><i>(ii) the likelihood that they will continue;</i></p> <p><i>and (c) the child's age.</i></p> <p><i>(3) The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.</i></p>
<p>Reportable suspicions</p>	<p>Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for Teachers to report a Reasonable Suspicion to the Department of Child Safety, Youth and Women, that a child has suffered, is suffering, or is at unacceptable risk of suffering, Significant Harm caused by Physical or Sexual Abuse where there may not be a parent willing and able to protect the Child from the Harm (a "Reportable Suspicion").</p> <p>Section 13G(5) states that a person does not commit an offence under the <i>Child Protection Act 1999</i> or any other act for failing to make a mandatory report under section 13E.</p>
<p>Conferral with Colleagues</p>	<p>13H of the <i>Child Protection Act 1999</i> - Conferrals with Colleague and related information sharing, states that:</p> <p><i>(1) A Relevant person may give information to a Colleague, and a Colleague may give information to a Relevant Person, for any of the following purposes—</i></p> <p><i>(a) for the Relevant Person to form a suspicion about whether a Child has suffered, is suffering, or is at unacceptable Risk of Suffering, Significant Harm caused by Physical or Sexual Abuse;</i></p> <p><i>(b) in the case of a Relevant Person under section 13E—for the Relevant Person to form a suspicion about whether a Child has a parent able and willing to protect the Child from Harm mentioned in paragraph (a);</i></p> <p><i>(c) for the Relevant Person to give a report under section 13G or keep a record about giving a report;</i></p> <p><i>(d) for the Relevant Person or Colleague to take appropriate action to deal with suspected Harm or Risk of Harm to a Child.</i></p>

Interviews with Children at School	Section 17 of the <i>Child Protection Act 1999</i> provides Department of Child Safety, Youth and Women and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.
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Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non- State Schools) Regulation 2017

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

The Education (Accreditation of Non-State Schools) Regulation 2017 prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 11 of the Act.

Sections 16(1) to 16(7) of the Regulation deal with the accreditation requirements relating to the Conduct of staff and children and response to harm.

Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017.

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

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

Staff making a report pursuant to the Education (General Provisions) Act 2006 will be protected from civil or criminal liability e.g. from defamation or breach of confidence (Sections 366 (5) and (6) and Sections 366A(6) and (7) and s22 Child Protection Act 1999 (QLD)); however, staff making a knowingly false, malicious or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

St Ursula's College, through the terms and conditions of its insurer's policy, will indemnify those College personnel who have acted conscientiously within the scope of their professional duties.

Education (Queensland College of Teachers) Act 2005 - [\(click here\)](#)

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

- about particular allegations to as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)
- about the outcome of particular allegations to as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)
- about certain dismissals to an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call the teacher's competence to be employed as a teacher into question (section 78).

Evidence Act 1977 - [\(click here\)](#)

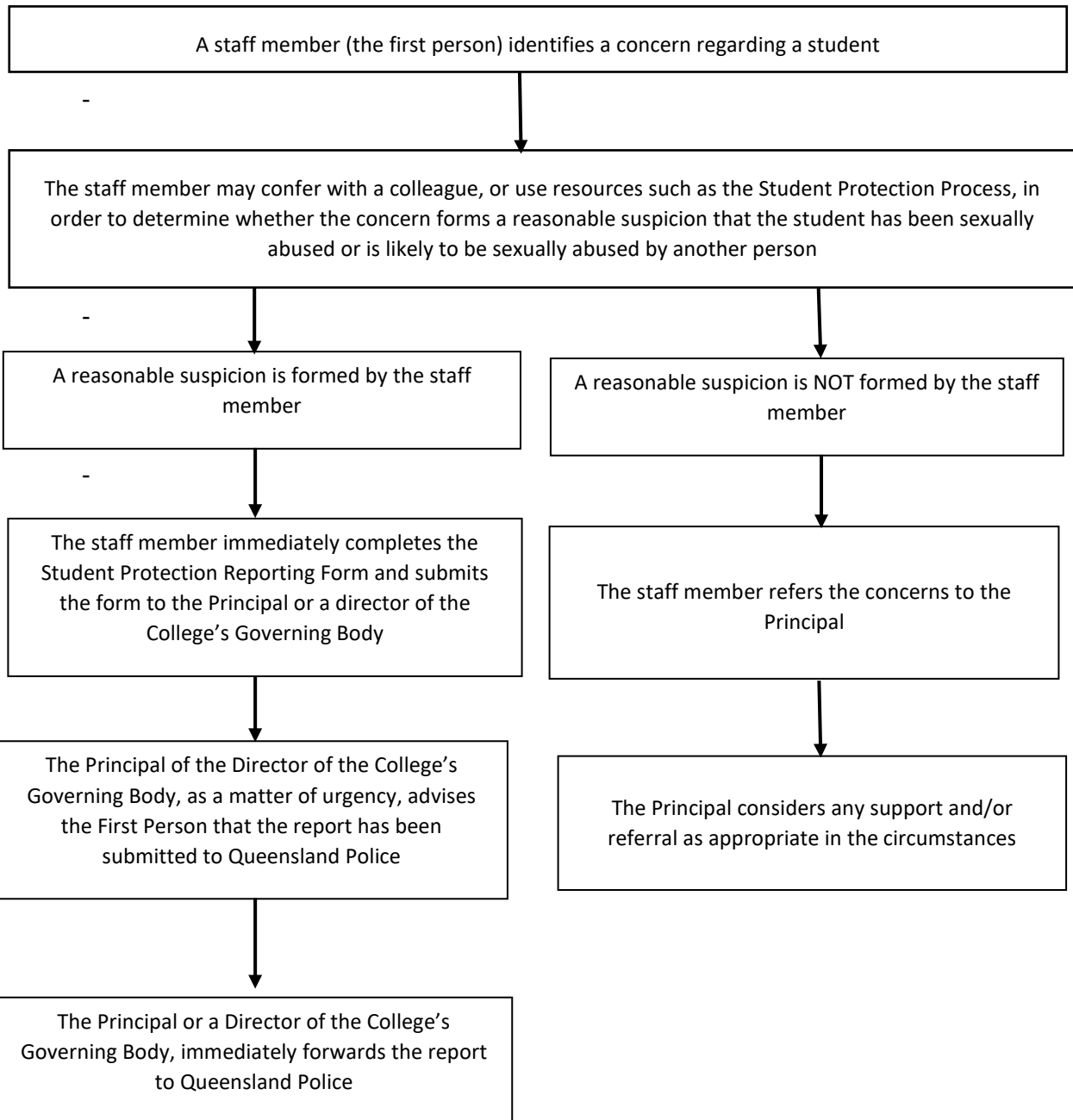
Section 93A provides the legislative authority for the Queensland Police Service and the Department of Child Safety, Youth and Women to conduct an interview and obtain a recorded statement from a Child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time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

Working with Children (Risk Management and Screening) Act 2000

The Act establishes the requirement for the screening of persons who wish to work in child-related work. Screening is administered through the Blue Card System. The Act sets the requirement to have a Child and Youth Risk Management Strategy. The Act imposes penalties for non-compliance.

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16. ANNEXURE 6 – FLOWCHART 1 [FLOWCHART 1 LINK](#) REPORTING SEXUAL ABUSE & LIKELY SEXUAL ABUSE

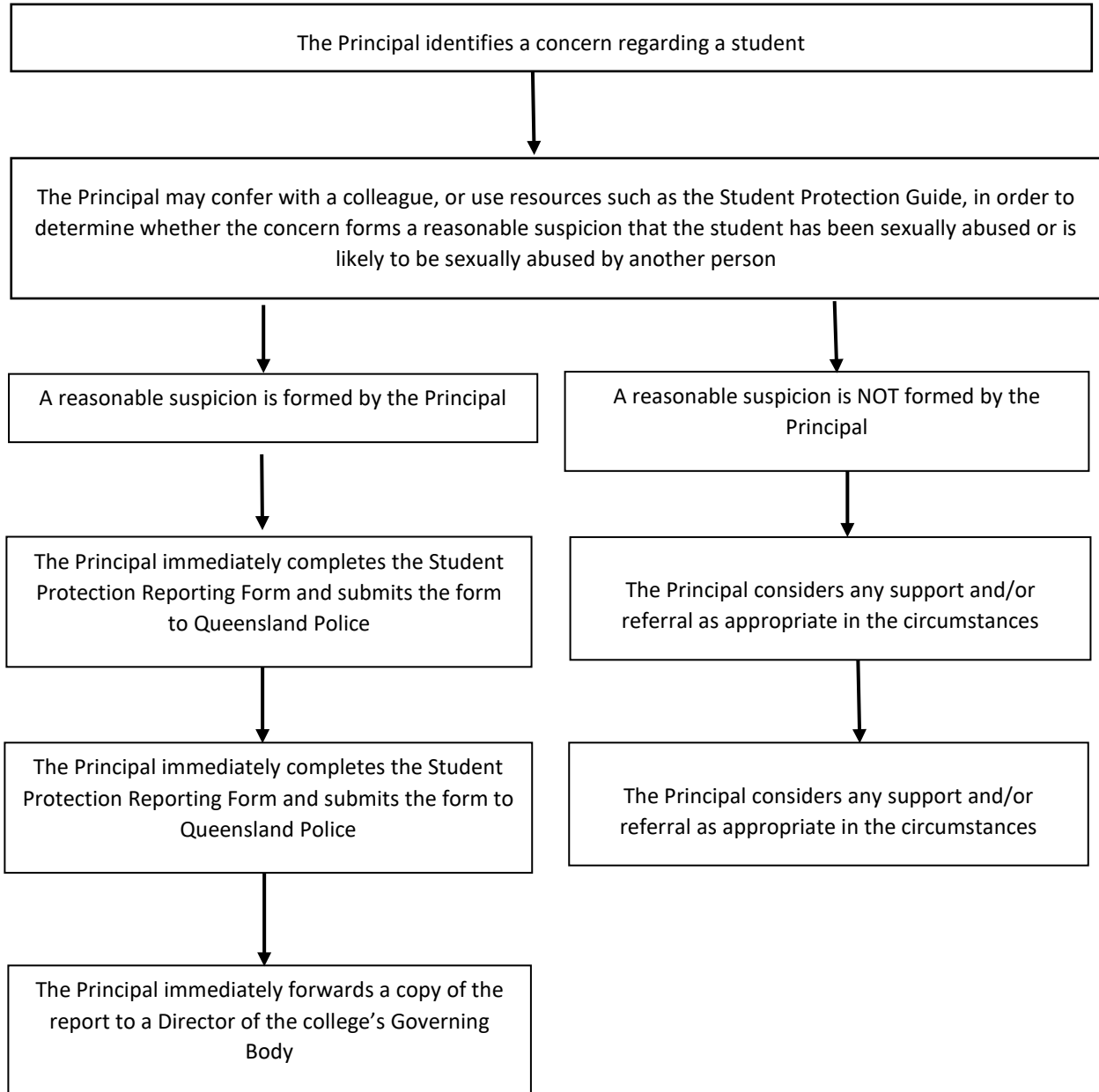


Important Notice

If there is reasonable suspicion that the student has been sexually abused, or is likely to be sexually abused and may not have a parent able and willing to protect them, the processes as outlined in Flowchart 3 must also be followed.

17. ANNEXURE 7 – FLOWCHART 2 [FLOWCHART 2 LINK](#)

REPORTING SEXUAL ABUSE & LIKELY SEXUAL ABUSE WHERE THE FIRST PERSON IS THE PRINCIPAL

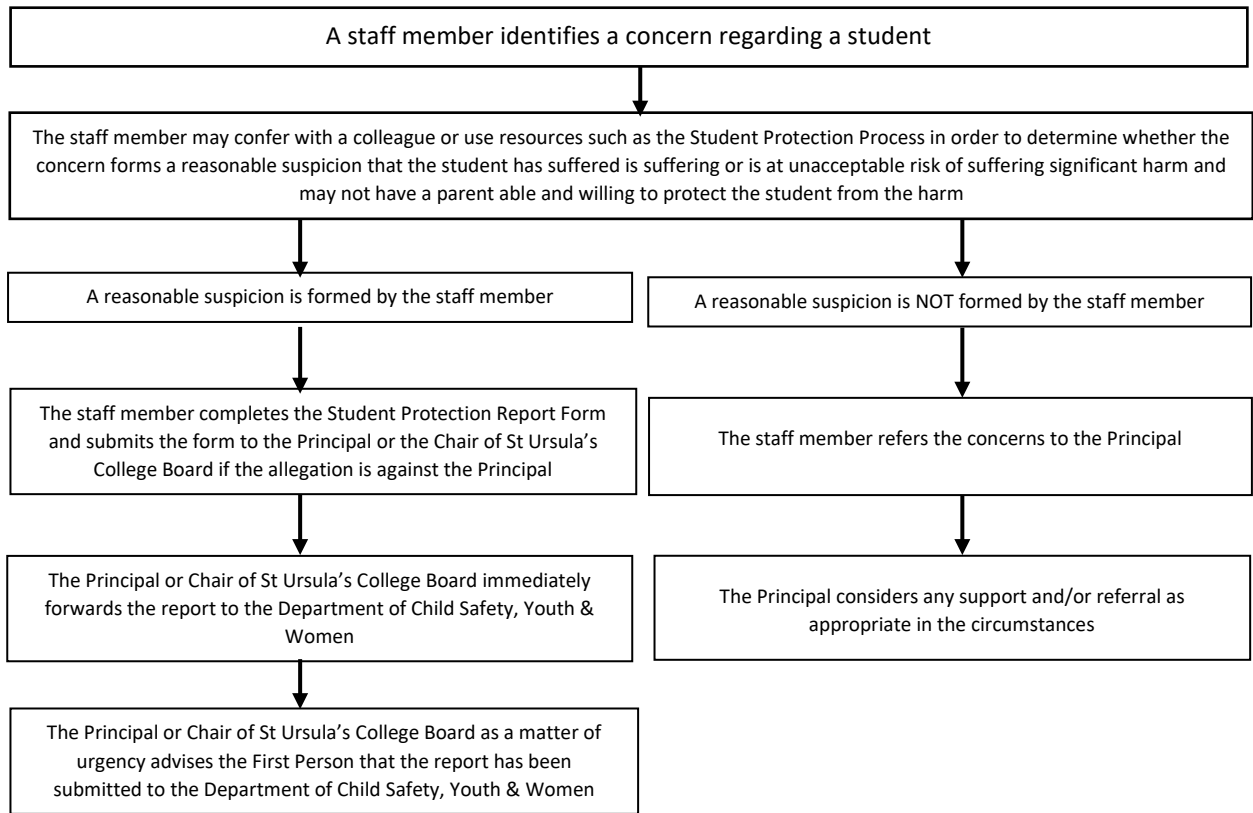


Important Notice

If there is reasonable suspicion that the student has been sexually abused, or is likely to be sexually abused and may not have a parent able and willing to protect them, the processes as outlined in Flowchart 3 must also be followed.

18. ANNEXURE 8 – FLOWCHART 3 [FLOWCHART 3 LINK](#)

REPORTING SIGNIFICANT HARM TO CHILD SAFETY SERVICES



Important Notice

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

Mandatory Responsibilities for Teachers

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

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Department of Child Safety, Youth & Women via the online reporting form: <https://secure.communities.qld.gov.au/cbir/home/Childrenafety#>

19. REFERENCE DOCUMENTS

[Towards Healing – \(click here\).](#)

[Diocesan Policy Safeguarding Children & Vulnerable Adults – \(click here\)](#)

[Mercy Partners Protection & Vulnerable Adults processes – \(click here\)](#)

[Qld Catholic Education Commission – \(click here\)](#)

[Catholic Schools Authorities – \(click here\)](#)

[QCEC Guideline - QCEC Guideline](#)

[Sample Interview Form - Sample Record of Interview Form](#)

[Queensland Police Service - \(click here\)](#)

Criminal Code (Child Sexual Offences Reform) & Other Legislation Amendment Bill 2019 - [\(click here\)](#)

Department Child Safety, Youth and Women website - [\(click here\)](#)

[Education \(Accreditation of Non-State Schools\) Regulation 2017 - click here](#)

St Ursula's Complaints Procedure [\(click here\)](#)

St Ursula's College Child Protection Processes [\(Annexure 3\)](#)

Child Protection Guidelines for Queensland Catholic Schools [\(click here\).](#)

Education (General Provisions) Act 2006, section 366 [\(click here\)](#)

Child Protection Policy – Context and Content [\(click here\)](#)

Queensland Child Protection Guide 2.1 March 2019 [\(click here\).](#)

Annexure 1 - Child Protection Report Form [\(click here\)](#)

Annexure 6 - Flowchart 1 [\(click here\).](#)

Annexure 7 - Flowchart 2 [\(click here\).](#)

Annexure 8 - Flowchart 3 [\(click here\).](#)

Child Protection Act 1999 [\(click here\)](#)

Department of Child Safety, Youth and Women [\(click here\)](#)

Department of Child Safety, Youth and Women Regional Intake Service [\(click here\)](#)

Education (Accreditation of Non State Schools) Regulation 2017 [\(click here\)](#)

St Ursula's Child Behaviour Management Procedure - [\(click here\)](#)

St Ursula's Student Behaviour Policy – [\(click here\)](#)

St Ursula's Positive Behaviours - [\(click here\)](#)

Family and Child Connect Services - [\(click here\)](#)

Inappropriate Behaviour - [\(click here\).](#)

Queensland College of Teachers Professional Boundaries document [\(click here\)](#)

Education (Queensland College of Teachers) Act 2005 - [\(click here\)](#)

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**20. ANNEXURE 4 – CHILD PROTECTION POLICY
CONTEXT & CONTENT [ANNEXURE 4 LINK](#)**



ST URSULA'S
COLLEGE | YEPPON

Child Protection Policy Context & Content

Date	Reviewed By	Approved	Version
11 June 2020	CLT: <ul style="list-style-type: none"> • D Pascoe • B Connolly • B Flanders • P Tomkins • C Dunbar 	Name: C Dunbar Signed: _____ Title: Principal	2.0
Next Review to be Completed by:		11 June 2022	

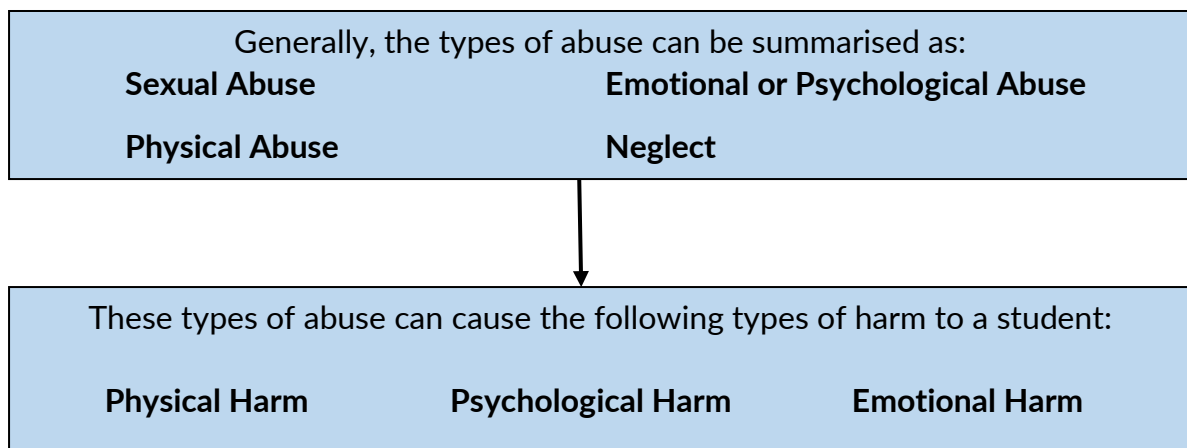
21. PREFACE

These guidelines have been developed from a Queensland Catholic Education Commission (QCEC) resource in order to provide information to support the implementation of the Child Protection Processes for St Ursula's College. These guidelines may be subject to change in line with Child Protection practice developments.

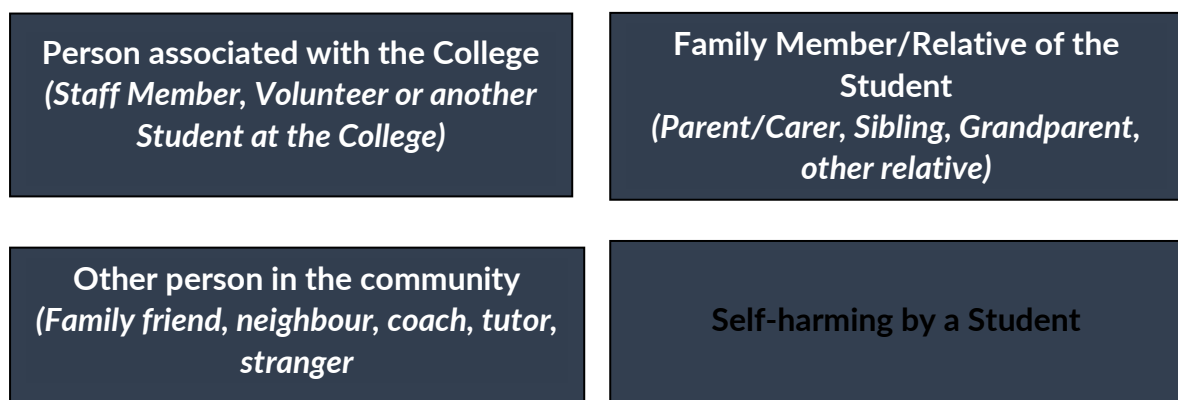
22. UNDERSTANDING ABUSE AND HARM

All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. The processes ensure the safety of children, and to inform staff members of actions they must take if they form a Reasonable Suspicion of Abuse, Harm or Staff Inappropriate Behaviour towards a Child.

As a first step, it is important that staff members have an understanding of what is meant by the terms 'Abuse' and 'Harm'.



Sources of Abuse and Harm



23. TYPES OF ABUSE

Sexual Abuse and Likely Sexual Abuse

Sexual Abuse of a child occurs where a person engages in sexual behaviour with a child, and:

- the other person bribes, coerces, exploits, threatens or is violent toward the Relevant person
- the child has less power than the other person
- there is a significant disparity between the child and the other person in intellectual capacity or maturity ([click here for Page 206 Part 10-S364 Qld Education Act](#)).

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

Likely Sexual Abuse is where it is more probable than not that a child will be sexually abused in the future. One situation where a Reasonable Suspicion of likely Sexual Abuse could be formed is where 'grooming' behaviours towards a child are identified.

What Does Sexual Abuse Involve?

IMPORTANT NOTE: Sexual Activity between Staff Members and Students
The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as Sexual Abuse.

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

Sexual Abuse involving physical contact with a child could include:

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

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

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

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

What is Grooming?

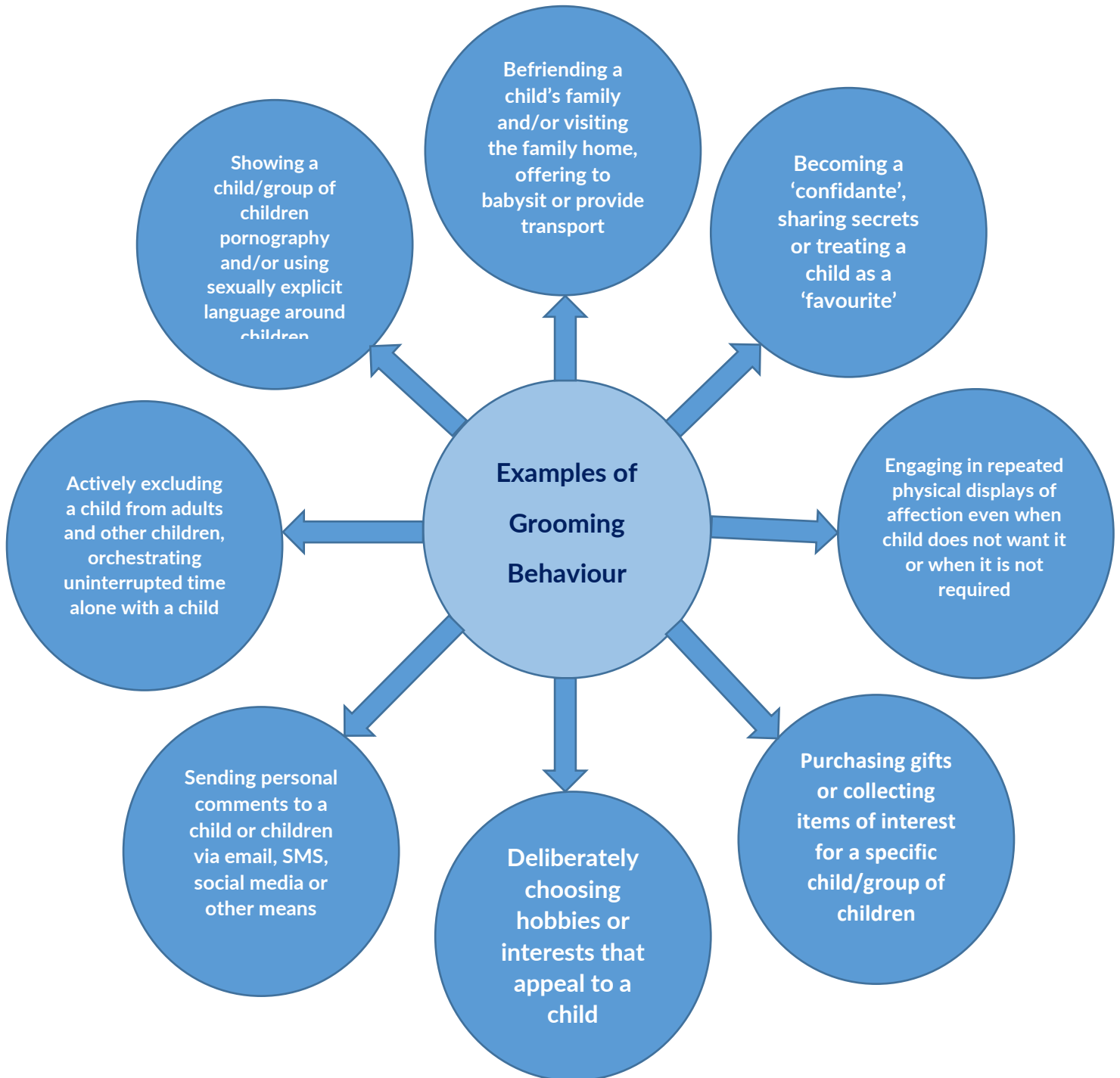
Sexual offending against a child is rarely a random act by a stranger. It is commonly based on a relationship with the child that has been formed over time. The abuse is commonly well thought out and planned in advance. Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's parents, care-providers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her parents or care-providers will trust the offender and not suspect any intended wrongdoing.

The establishment of a relationship of trust which is then misused is often very confusing and damaging to the child, who may not even immediately recognise what is happening to them as abuse. Grooming behaviour is unlikely to be recognised when observed as a one-off event, but a pattern of grooming of the intended victim and/or the intended victim's parents or care-providers is likely to be recognised. Grooming will tend to develop in intensity over time. It will also tend to include elements of secrecy and concealment. It is important to be aware of the types of behaviours that can be used in the process of grooming a Child or young person, while remembering that some of the behaviours might equally reflect normal interactions based on genuine motives of care and concern. This is the reason that, for staff members, the observance of clear professional boundaries and transparency in the declaration of potential conflicts of interest is a vital part of the protection of children and of the professional integrity of staff members themselves.

Recognition of the grooming process that is used as a preparation for the Sexual Abuse of a child is an indicator of likely Sexual Abuse.

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Some examples of 'grooming' behaviour could include:



Sexual Activity Between Children

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.

Child Sexual Behaviour

Suspicious that a child has been sexually abused may also be formed in some cases where a child exhibits concerning sexual behaviour. Resources such as those published by the Department of Child Safety, Youth and Women can assist in identifying age inappropriate sexual behaviour, and in the section 'Identifying the Signs of Abuse and Harm' details further signs of Sexual Abuse.

Physical Abuse

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

What Does Physical Abuse Involve?

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

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

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

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

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

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

Emotional/Psychological Abuse

***Emotional or Psychological Abuse* is the persistent emotional ill-treatment of a student which causes severe and persistent adverse effects on a student's emotional development**

What Does Emotional or Psychological Abuse Involve?

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

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

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

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Neglect

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

What Does Neglect Involve?

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

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

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

More information around understanding Child Abuse and Harm can be found on the Department of Child Safety, Youth and Women website - ([click here](#)).

24. SIGNIFICANT HARM

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

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

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

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What is 'Unacceptable Risk' of Harm?

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

Relationship Between Abuse and Harm

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

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



Types of Harm (impact on the Child)	Physical (refers to body)	Emotional (ability to express emotions)	Psychological (mind & cognitive processes)
	Bruising Fractures Internal Injuries	Depression Hypervigilance Self-Harm	Learning and developmental delays Impaired self-image

25. RECOGNISING ABUSE AND HARM

Recognising the Signs of Abuse and Harm

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

It is important to remember:

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

Identifying the Signs of Abuse and Harm

In general terms, something may be wrong if you observe child 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 the College 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 children: separation anxiety, changed eating patterns;
- in older children: drug/alcohol use, sexual promiscuity, self-harm or reckless and risk-taking behaviours.

In relation to possible *Harm or Risk of Harm* to a child that may be a result of Sexual, Physical or Emotional Abuse and/or Neglect, you may observe the following:

Physical

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

Neglect

- delay in achieving developmental milestones
- medical or therapeutic needs not attended to
- poor personal hygiene leading to social isolation

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- 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

More information around recognising the signs of Abuse can be found on the Department of Child Safety, Youth and Women Website ([click here](#)).

26. FORMING A REASONABLE SUSPICION

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

Generally, the ways in which a staff member may form a *Reasonable Suspicion* are as follows:



- A child makes a direct disclosure about another person's behaviour (see Section 5.1)

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



- Direct observation of abusive or inappropriate behaviour towards a child
- Relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained.

Additionally, section 13C of the Child Protection Act 1999 - ([click here](#)), offers some guidance around forming a Reasonable Suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering significant Harm:

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

A Staff Member may **confer** with a Colleague as part of the decision making process as to whether they have formed a Reasonable Suspicion – further detail around conferral processes can be found in the Child Protection Policy ([click here](#)).

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

It is not the role of the staff member of the College to investigate, confirm or substantiate the validity of the information:

- in some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under these processes
- if the information received gives rise to a staff member forming a *Reasonable Suspicion* of Harm to a child resulting from Abuse or Neglect, from any source, the staff member must follow the relevant reporting requirements described in this document Child Protection Policy Context and Content.

if the information received by the staff member suggests Inappropriate Behaviour by a Staff Member towards a child, then the Staff Member must follow the relevant reporting requirements described in the St Ursula's College Child Protection Policy ([click here](#)).



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

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

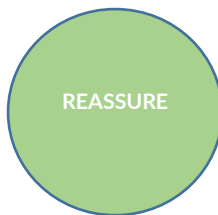
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Responding to a Disclosure

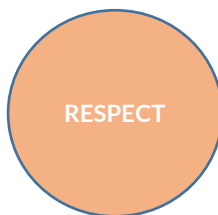
Staff members in schools are often the first people a child may tell when they are feeling unsafe, therefore it is important for staff members to be aware of how children/young people disclose and how to respond in the most appropriate manner. If a child tells a staff member about being abused or harmed:



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



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



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

Adapted from an AIFS infographic: Responding to Children and Young People's Disclosure of Abuse ([click here](#)).

Remember - it is not a College staff member's role to investigate a suspicion of an unacceptable risk of Abuse/Harm from any source, rather to report a Reasonable suspicion of Abuse or Harm in accordance with the Child Protection processes. It is the role of officers of Queensland Police Service and qualified officers of the Department of Child Safety, Youth and Women to investigate and collect evidence in the required circumstances, such as conducting interviews with children.

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

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

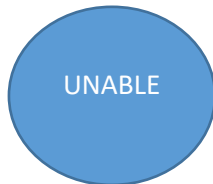
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Any response must be focussed on the best interests of the child. As such, the immediate support needs of a child are the priority and staff members must act promptly to raise the concerns with the Principal.

27. CONSIDERING WHETHER THERE IS A PARENT ABLE AND WILLING TO PROTECT A CHILD

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

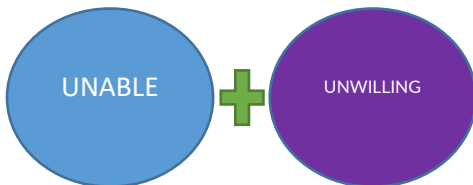
A parent must be able AND willing to protect the Child from significant Harm.



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



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



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

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

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

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

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

NOTE: If a Reasonable Suspicion of Sexual Abuse or Likely Sexual Abuse is formed, a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.

28. CONFIDENTIALITY, RECORD KEEPING AND INFORMATION SHARING

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

The management of any Child Protection concern should be well-documented, with clear records of any disclosures made by a child and any actions taken by the College. All information relating to a Child Protection concerns, including notes, reports and other documents must be stored securely and confidentially. The advice of the Child Protection contacts, Principal or the Chair of the Governing Body - ([click here](#)) should be sought.

Will a child's family know I have made a report?

A person who notifies the Department of Child Safety, Youth and Women around a suspicion that a child has been, or is likely, to be harmed (known as the "notifier") cannot be identified unless certain exceptions apply. Where a Child Protection report results in a criminal court proceeding, the report may form part of the prosecution's evidence, therefore the staff member who made the report may be required to give evidence. Consequently, Child Protection reports must be completed in an impartial, accurate and factual manner.

Information Sharing

Within the College, information should not be shared around Child Protection matters with other staff members unless for a specific purpose under these processes; for example, conferring with the Principal to determine whether a matter constitutes a Reasonable Suspicion of Abuse or Harm. Information may also be provided to staff members as part of ongoing support or risk management processes for a child.

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

- Under Part 4 of the *Child Protection Act 1999*, the Department of Child Safety, Youth and Women - ([click here](#)) may request information around a child who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records

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around what information was provided in response and ensure that any information is accurate and factual.

- The Principal, as a 'particular prescribed entity' under the Child Protection Act 1999 - ([click here](#)), may share information with certain service providers in order to obtain support for a child and their family. As best practice, any referral for support should be with the knowledge and consent of a child's parents or care-providers; however, the Principal may refer to service providers such as **Family and Child Connect** - ([click here](#)) or **Intensive Family Support Services** - ([click here](#)) without the prior consent of a parent or care-provider. These services will then seek the consent of the parent to engage them in providing support.
- Police may seek information from the Principal in relation to a law enforcement activity, for example in the investigation of a criminal offence, or in attempting to locate a missing child. Again, the Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

29. SUPPORT AND REFERRAL SERVICES

When children and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department of Child Safety, Youth and Women or Police.

Where a concern is identified that does not meet the threshold for a report to Department of Child Safety, Youth and Women or Police, or indeed where the outcome of a report is that no intervention by the authorities will occur, the Principal should consider any referral to appropriate support services.

Family and Child Connect

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

Intensive Family Support Services

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

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Intensive family support services include:

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

Information around making a referral to these services can be found via the Department of Child Safety, Youth and Women website ([click here](#)) Details around information sharing provisions for the Principal are detailed in the section 'Confidentiality, Record Keeping and Information Sharing'.

Other Referral Options

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

College Based Supports

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

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

30. UNDERSTANDING BEHAVIOUR BY A STAFF MEMBER A CHILD CONSIDERS TO BE INAPPROPRIATE

For the purposes of these processes, staff Inappropriate Behaviour includes (though is not limited to) any behaviour, including words, towards a child that is contrary to what is required of staff members under the St Ursula's College Staff Code of Conduct - ([click here](#)).

Inappropriate Behaviour by a Staff Member towards a Child can be described in terms of violations of professional boundaries. These boundaries can be described as follows:

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Physical Boundaries

Exist to protect the body. Physical boundaries define appropriate physical contact between staff members and students in appropriate circumstances whilst respecting and responding to the physical needs of students

Emotional Boundaries

Exist to protect feelings. Emotional boundaries determine the nature of appropriate professional relationships between staff members and students in the context of respecting the emotional needs and wellbeing of students

Behavioural Boundaries

Exist to protect actions. Behavioural boundaries determine the appropriate behaviours expected of a staff member towards students, including respecting the rules of the Catholic College Authority or School

31. EXAMPLES OF BOUNDARY VIOLATIONS

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

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

32. HISTORICAL ALLEGATION

When a staff member receives information that a former child has been sexually abused, or has suffered significant harm, by a staff member at the College, the staff member must follow the relevant College processes. All staff members are required to immediately report such historical matters to the Principal or where the concern is about the Principal, to the Chair of the St Ursula's College Board.

If the allegation is against a current staff member, then the Principal (or Chair of the St Ursula's College Board if the complaint concerns the Principal) will carry out a risk assessment and a recommendation will be made in relation to the staff member's employment.

The Principal, Staff and/or the Chair of St Ursula's College Board should follow the **St Ursula's College Record of Complaint** ([click here](#)) They should also work closely with the Queensland Police Service and, if and when their investigation is concluded, determine whether a St Ursula's College investigation needs to occur.

If the allegation is against a former staff member, then the matter should be referred to the Chair of St Ursula's College Board. The Governing Body will take advice regarding what steps ought to be taken in relation to providing information to the State Authorities and the Queensland College of Teachers, or any other steps deemed necessary by legal counsel.

If prior to 12 June 2014, the allegation will be reported to the Congregation of the Presentation Sisters. If after 12 June 2014, the allegation will be reported to Mercy Partners as per the Memorandum of Understanding between the Presentation Sisters and St Ursula's College Limited dated June 2020.

33. REFERENCE DOCUMENTS

- Queensland Education Act - ([click here for Page 206 Part 10-S364 Qld Education Act](#))
- Department of Child Safety, Youth and Women website - ([click here](#))
- Child Protection Act 1999 - [Child Protection Act](#)
- Child Protection Policy - ([click here](#))
- Children & Young People's Disclosure of Abuse - ([click here](#)).
- Family & Child Connect - ([click here](#))
- Intensive Family Support Services - ([click here](#))
- Commission One Place - ([click here](#))
- St Ursula's Staff Code of Conduct - ([click here](#)).
- Professional Boundaries - [Professional Boundaries: A Guideline for Queensland Teachers](#)
- [Student Behaviour Policy](#)
- [Volunteers - Code of Conduct](#)
- [Parental Code of Conduct](#)

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34. ANNEXURE 10 – POLICE INVESTIGATIONS

- Once the report has been submitted or information is received from the Queensland Police Service regarding a criminal investigation, the Principal will inform the Board Chair and commence a risk assessment process. The Principal or delegate may seek advice from the Queensland Police Service or the Department of Child Safety, Youth and Women as applicable as to when the staff member or volunteer should be informed of an allegation.
- If the evidence to hand has merit, an investigation will ensue. A possible outcome may include, the staff member being suspended pending the outcome of the investigation process. Once the allegations are investigated and an outcome has been reached, the staff member will be informed of the outcome. If the person is a volunteer, he/she may be excluded from St Ursula's College Yeppoon until the matter is investigated and an outcome has been reached.
- All staff members, volunteers and witnesses are afforded the opportunity to seek the assistance of a support person, a written record of the meeting and decisions made, and external support will be offered through the organisational Employee Assistance Program (EAP) www.centacarecq.com or accesscq@centacarecq.com
- Any decision relating to the process of the release and content of information to the College community in relation to the allegation will be undertaken after consideration of and/or consultation with the key stakeholders as appropriate (i.e. staff member, student, complainant and the Queensland Police Service).
- If students need to be interviewed by police or Child Safety officers, usually these interviews will not occur at the College. If they are conducted at the College and the parent/care provider cannot be present, or police are conducting the interview without parental consent, the Principal will negotiate with the police or the Child Safety Services Officers to ensure that the student is appropriately supported during the interview. Interviewing by the police of the staff member or volunteer will normally take place outside the College.
- St Ursula's College will endeavour to assist the Queensland Police Service and the Department of Child Safety, Youth and Women as applicable in their investigation where required.
- Emotional support and pastoral care will be provided to the student/person making the allegation and to the staff member against whom the allegation has been made, and any others involved.
- Following the notification to the Queensland Police Service, Child Safety and Disability Services, it may be appropriate for St Ursula's College to also conduct an internal investigation which is parallel to the police investigation. The decision to conduct an internal parallel investigation will depend on the circumstances of each case and will involve discussion with the Queensland Police Service and the Department of Child Safety, Youth and Women. If the decision is made to conduct an internal investigation, refer also to section 13. Investigation Processes.

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

35. OUTCOMES OF POLICE INVESTIGATIONS

11.1 No Charge

A decision by the Queensland Police Service to lay no charge may be made where:

- There is insufficient evidence to support a charge following a police investigation.
- There is insufficient evidence to proceed to court with a charge. An example may be a case where the student and/or parent/care providers are unwilling for the student to appear as a witness in any court proceedings.
- Where there will be no charge, the matter is referred to the Principal. The Principal will then make a decision about any further action concerning the allegations. Of concern will be the duty of care to students, staff members, volunteers and others who may be affected by the allegation.
- For the purpose of protecting a student, the standard of proof required to support an allegation from a professional point of view is different from that required to secure a conviction in criminal proceedings. The Principal may decide to proceed with investigations regarding a possible breach of professional and ethical standards. If this investigation is decided upon, then the processes outlined in section?? Investigation processes will be followed.
- The Principal, in conjunction with the Board Chair will document the outcome of the Queensland Police Service investigation including the fact that there was no charge and that investigations are being conducted. This record will be kept confidentially at St Ursula's College.

11.2 Charge

- Where the Queensland Police Service charge the staff member, St Ursula's College is required to cooperate with arrangements made by the Queensland Police Service.
- The Principal will put in writing any known details and record the fact that a charge has been made. This record will be kept on a confidential file at St Ursula's College and a copy will be forwarded to the Board Chair.
- In the case where a staff member has been charged, the Principal may still consider it appropriate to examine the allegation thoroughly and upon consultation with the Queensland Police Service, may conduct a further internal investigation. If an internal investigation is decided upon, then the processes outlined under the section?? Investigation Processes will be followed.
- If the staff member is charged but the prosecution does not proceed, then the processes outlined in **section 11.3 No conviction** will be followed.

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11.3 No Conviction

- The failure of a court to convict a staff member against whom the allegation has been made and who has been charged with a criminal offence, does not necessarily mean that the allegation was unwarranted or that the staff member has no case to answer as a member of staff or a volunteer at St Ursula's College.
- In the case where there is no conviction, the Principal will examine the allegation thoroughly and if deemed necessary, will conduct a further internal investigation. If an investigation is decided upon, then the processes outlined in the **section 13 Investigation processes** will be followed.
- The Principal will document the outcome of the investigations including the fact that there was no conviction and that further internal investigations are being conducted. This record will be kept on a confidential file at St Ursula's College and a copy will be forwarded to the Board Chair.

11.4 Conviction

- If the staff member is a paid employee and has been convicted in a court of law of an offence that is deemed an act of serious professional misconduct, then he/she will be summarily dismissed in accordance with the professional and ethical standards of St Ursula's College.
- If the offence is not deemed an act of serious misconduct, then the Principal, in consultation with the Board Chair, will commence a disciplinary process against the staff member.
- If the person is a volunteer and has been convicted in a court of law on a charge that is deemed an act of serious misconduct, he/she will be excluded as a volunteer from St Ursula's College.
- The Principal will document the outcome of the court proceedings and record the staff member's or volunteer's conviction, summary dismissal or exclusion. This record will be kept confidentially at St Ursula's College and a copy will be forwarded to the Board Chair.
- If the staff member against whom the allegation has been made is a teacher and is convicted of the offence, the Principal will inform, in writing, the Queensland College of Teachers of the offence and the court outcome.
- In all cases the pastoral care of student/s and staff will need to be monitored and support provided if deemed necessary.

36. DEALING WITH INAPPROPRIATE BEHAVIOUR

12.1 Minor incidents

Minor incidents relate to allegations of minor inappropriate behaviour by a staff member, Principal or volunteer. The types of allegations suited to Minor incident interventions include but are not limited to a one-off allegation of inappropriate behaviour by a staff member or volunteer where no physical injury results. The allegations may involve low

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level physical contact from a staff member or volunteer. The allegations must not relate to abuse or harm to a student.

The matter is a Minor incident if all the following criteria are met:

- A complaint/allegation/report (in any form) has been received which alleges conduct or behaviour by a staff member, Principal or volunteer towards a student that contravenes the St Ursula's College Staff Code of Conduct.
- If the complaint/allegation/report involves low level physical contact from a staff member, Principal or volunteer, and no physical injury was sustained by the student.
- The complaint/allegation/report does not relate to sexual abuse, suspected sexual abuse, likely sexual abuse or other harm or suspected harm or risk of harm of a student by the staff member, Principal or volunteer.
- The conduct alleged does not warrant formal disciplinary action if proven.
- The Board Chair, if the allegation is about the Principal, considers the matter could be dealt with effectively at the local level.
- If the allegation is against the Principal, the Board Chair will determine the appropriate person to conduct the assessment and intervention at the College level in relation to the allegations.
- Where the assessment outcome finds the allegations warrant guidance and or correction, the Principal, or Board Chair where the allegation is against the Principal, will formulate a plan to address any inappropriate behaviour and provide support as required. This may include mediation and/or conciliation, management correction and guidance.
- The resolution of all minor incidents remains the responsibility of the Principal, or the nominated person where the report is against the Principal. The Principal will normally seek advice from the Board Chair to formulate a plan to address the issue with the staff member. Strict confidentiality shall be maintained regarding the matter.
- Should a staff member, Principal or volunteer deny or contest the allegation of inappropriate behaviour towards a student, the Principal or, the nominated person if the matter involves the Principal, must decide whether or not further information gathering at the College 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 staff member, Principal or volunteer and the likelihood of an allegation being able to be substantiated given the circumstances.

The resolution of all Minor incidents must be documented. Documentation will include:

- a) The details and circumstances of the reported matter.
- b) The action taken by the Principal or nominated person if the allegation is against the Principal, to assess the matter.
- c) The outcome.

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- The outcome should also document the staff member, Principal or volunteer's account of the incident, state whether or not the behaviour alleged has been admitted to or not by the staff member, Principal or volunteer, and should contain clear details of the advice/guidance that has been provided to the staff member, Principal or volunteer. The outcome should also indicate if the behaviour alleged is assessed to be contrary to the St Ursula's College Staff Code of Conduct.
- A staff member, Principal or volunteer 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 Principal, the staff member, Principal or volunteer will be formally advised of the outcome. The parent/care provider 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.
- All documentation should be kept on a confidential file at St Ursula's College. If the report concerns the Principal, a copy of all documentation is to be submitted to the Board Chair and stored securely.

12.2 Professional Misconduct

Allegations of professional misconduct are matters, which, if substantiated, would make a staff member or Principal liable for disciplinary action. Examples of incidents requiring a professional misconduct intervention include, but are not limited to:

- Inappropriate non-physical and/or physical contact
- Exposing or subjecting the child/student to emotionally or psychologically inappropriate behaviour
- Repeated instances of inappropriate behaviour.

Guidance and examples are provided in the table below regarding Minor Incidents and Professional Misconduct.

Criteria	Professional Misconduct	Minor Incident
Examples of complaints/allegations	<ul style="list-style-type: none"> • Behaviour that may have a psychological impact on a student including targeted and sustained criticism, belittling or teasing. • Using inappropriate locations or social isolation outside of the College's behaviour support policy as punishment • Any form of corporal punishment. • Restraining a student for any purposes other than a student's actions causing imminent harm, to self or others. • Hitting or kicking a student. • Holding a student. • Pushing, pulling, shoving, grabbing, pinching or poking a student. 	<ul style="list-style-type: none"> • Inappropriate behaviour where no physical injury results. • Yelling at a student. • Allowing a student to over-step rules. • Discussing personal details of lifestyle of self or others. • Making inappropriate personal comments about a student (that are not considered to cause any detrimental effect of a significant nature).

	<ul style="list-style-type: none"> Using fear or threats against a student. 	
Broad assessment criteria	<ul style="list-style-type: none"> Matters which, if proved to the required standard, could result in formal disciplinary action. Repeated minor incidents that have not responded to management correction and guidance. 	<ul style="list-style-type: none"> Relatively minor matter No injury evident. All parties agree to informal resolution at College level. No history of similar conduct by staff member who is subject of allegation.
Type of Intervention	<ul style="list-style-type: none"> The Principal determined assessment and investigation. 	<ul style="list-style-type: none"> Information resolution and/or assessment process at College level.
Who Intervenes?	<ul style="list-style-type: none"> The Principal nominates the appropriate investigator. 	<ul style="list-style-type: none"> The Principal or nominated person if allegation is about the Principal.
Who approves this mode of intervention?	<ul style="list-style-type: none"> The Principal 	<ul style="list-style-type: none"> The Principal or nominated person if allegation is about the Principal.

NOTE: Even minor assaults can be criminal offences. The management and investigation of these matters will depend upon the significance of any injury, the wishes of the parties involved and whether the staff member or volunteer constitutes a crime, the matter must be reported to the Queensland Police Service.

On receipt of an allegation of inappropriate behaviour against a staff member or volunteer that is assessed as an allegation of Professional misconduct, the allegation will be dealt with in accordance with section 13 Investigation Processes.

37. INVESTIGATION PROCESSES

When the Principal receives any allegation of sexual abuse, likely sexual abuse, harm or inappropriate behaviour against a staff member, Principal or volunteer and the nature of the allegation indicates that further investigation is required, then the Principal, following discussions with appropriate personnel, will direct the following actions to occur:

- The Principal will nominate an appropriate person(s) to investigate the allegation. In conducting the investigation, all reasonable steps will be taken to ensure that confidentiality is maintained. In the course of the investigation, the investigator(s) will gather all relevant information and conduct witness interviews where relevant and appropriate.
- The Principal will conduct a risk assessment to determine if it is appropriate for the staff member or Principal to be suspended whilst the investigations are occurring. If the person is a volunteer, he/she may be excluded from the College until the matter is resolved and any contact with the College will be with the explicit approval of the Principal. The Principal will consider whether the suspension/exclusion will be made known to the staff. If staff are to be informed, then a statement will be developed.
- The Principal or delegate shall as soon as possible arrange for a meeting to be held to inform the staff member, Principal or volunteer that an allegation has been made against him/her, the nature of the allegation and that an investigation is being conducted.
- Prior to the meeting, the staff member, Principal or volunteer will be advised that he/she can have a support person at this meeting. A written record of the meeting and outcomes will be provided to the staff member, Principal or volunteer and if an

employee, he/she will be reminded of the confidential counselling services available to all employees through the Employee Assistance Program.

- If the allegation is in relation to a student at the College, the parent or care giver of the student/s central to the allegations will be contacted by the Principal or delegate and the following issues discussed:
 1. That an allegation has been made and is being investigated.
 2. The process of the investigation:
 - a. Parent/care provider permission for student/s to be interviewed.
 - b. Parent/care provider views concerns and support needs.
 - c. Communication process for the parent/care provider to be updated about the investigation and other related issues.
 3. The need for confidentiality:
 - a. If the context and nature of the allegation involves other students, (e.g. other students named as witnesses), and they also need to be interviewed, the above guidelines relating to parents/care providers will be followed.
 4. Emotional support and pastoral care will be provided to the student/person making the allegation, to the staff member or volunteer against whom the allegation has been made, and any others involved.

In the course of the investigation, the staff member, Principal or volunteer will be provided with the specific details of the allegations and will be asked to provide a response to the allegations in writing within a reasonable timeframe. In addition to the written response, the staff member, Principal or volunteer may be required to participate in an interview with the investigator(s).

At the conclusion of the investigation, a written report, outlining the outcome of the investigation, will be provided to the Principal by the investigator(s). This will then be forwarded to the Board Chair.

According to the outcome of the investigation, one of the following decisions will be made concerning the allegation:

- If the allegation, after the report has been presented, is determined to be without foundation, and if in the case where a police investigation has also been conducted and police believe that there is no substance to the allegations, the processes will be followed as in section 13.1 Unsubstantiated Allegations.
- If the allegation, after the report has been presented, appears to be professional misconduct, the processes will be followed as in section 13.2 Substantiated Allegations.
- Any decision relating to the process of the release of information to the College community in relation to the allegations needs to be actioned after consideration and/or consultation with the key stakeholders, ie staff member, Principal, student and complainant.
- At the completion of the intervention process and following review of the matter by the Principal, the parent/care provider 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.

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13.1 Unsubstantiated Allegations

When the Principal receives a report regarding the outcome of an investigation process which indicates that the allegations are unsubstantiated, the following process will occur.

- The Principal (or delegate) will advise the complainant that the allegations were unsubstantiated. Where the complainant is a student, the Principal will advise the student's parents/care providers.
- When the complainant (or the complainant's parents/care providers where the complainant is a student) is informed of the outcome, an offer will be made for them to provide any additional information regarding the complaint.
- If there is no further information forthcoming from the complainant, the Principal or delegate will inform the staff member, Principal or volunteer of the allegation made against him/her, the nature of the allegation made and of the Principal's decision that the allegations were unsubstantiated.
- A summary of the allegation and the Principal's decision is provided to the staff member, Principal or volunteer.
- Where the allegation is against a staff member or volunteer, and the allegations were unsubstantiated, the Principal or delegate will then forward a copy to the Board Chair.
- A summary of the allegation and outcome will be provided to the staff member or volunteer by the Principal or delegate in writing and retained confidentially at St Ursula's College.
- St Ursula's College will take all reasonable steps to support the staff member or volunteer.
- At the College, the pastoral care of the staff member or volunteer will be monitored by the Principal. Where the allegation was against a staff member or Principal, they will be reminded of the confidential counselling services already available to all employees through the Employee Assistance Program.

It may be appropriate for the Principal or delegate to provide educative direction and counselling for the complainant (or disciplinary action where the person is a Principal or staff member) if the complaint is proven to be a malicious, knowingly false or an exaggerated allegation

13.2 Substantiated Allegations

Where the allegations are substantiated and relate to staff members or Principals:

- The Principal (or delegate) will, in writing and/or in a meeting with the staff member or Principal, communicate the actions that the Principal or delegate proposes to take. Depending upon the facts of each matter, these actions may include (but are not limited to): further training, a letter of warning, dismissal, or in the case of a volunteer – exclusion from St Ursula's College.
- Any warning will stipulate that further substantiated misconduct may lead to termination of the staff member or Principal's employment.
- If, based upon the evidence to hand, the Principal (or delegate) is considering a recommendation to the Board Chair to terminate the staff member or Principal's employment, then the Principal (or delegate) will provide the staff member or Principal with a timeframe within which the staff member is asked to show cause as to why the employment contract should not be terminated. If either a response is not received by the deadline, or the response does not provide further insight that could change the course of the investigation and outcome into to the already substantiated allegations, the Principal (or delegate) will recommend to the Board Chair that the staff member or Principal's employment be terminated. If the Board Chair accepts the recommendation,

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the Board Chair will write to the staff member or Principal providing the reasons for the termination of the staff member or Principal's employment.

In all cases, the pastoral care of student/s and staff will need to be monitored and support provided where required.

13.3 Investigations Involving Registered Teachers

- When an investigation commences in relation to an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher, the Principal (or delegate) will, as soon as practicable, notify the Queensland College of Teachers in accordance with the requirements of section 76 of the *Education (Queensland College of Teachers) Act 2005*.
- As soon as practicable after the investigation ends, for any reason, the Principal (or delegate) will give notice to the Queensland College of Teachers as to the outcome of the investigation in accordance with the requirements of section 77 of the *Education (Queensland College of Teachers) Act 2005*.

13.4 Once a Report is Made

Under these processes, consideration must be given to any ongoing or resulting action that is required. This includes:

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

13.4 Advising Parents/Care Providers

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

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

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

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