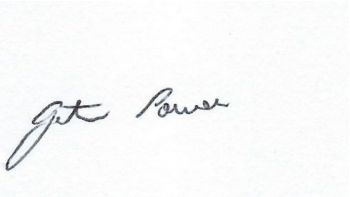




ST URSULA'S

COLLEGE | YEPPOON

CHILD PROTECTION POLICY & PROCESSES

Date	Reviewed By	Approved	Version
17/10/2022	All Board of Directors / Chairperson	Name: Justin Power  Title: Chairperson	10.0
Next Review to be Completed by: 17 October 2024			

*We acknowledge the traditional custodians of these lands and waterways, the Darumbal people. We pay respect to Elders past, present and emerging.
May we walk gently on this land.*

CHILD PROTECTION POLICY & PROCESSES

AMENDMENTS TO THIS POLICY	
DATE AMENDED	DESCRIPTION
01/10/2020	Added Annexure 10 - Police Investigations
17/11/2020	Added Criminal Code (Child Sexual Offences Reform) & Other Legislation Amendment Bill 2019 New Sub-Section 229BB & 229BC
02/03/2021	<ul style="list-style-type: none"> • Amend name change to the Department of Children, Youth Justice & Multicultural Affairs. In this document it will be known as 'The Department Responsible for Child Safety'. • Definition of a <i>child in need of protection</i> under Section 10 of the Child Protection Act 1999. Refer to Definitions page • Addition - 12.7 Requirement to Report a Child Sexual Offence • Addition - 15. Definitions - Criminal Code Act 1899 Page 27 • Amendment - 16. Flowchart 1 added text box 'Does the concern meet the definition of a child sexual offence by an adult under S229BC of the <i>Criminal Code Act 1899</i>' • Amendment - 17. Flowchart 2 added text box 'Does the concern meet the definition of a child sexual offence by an adult under S229BC of the <i>Criminal Code Act 1899</i>'
10/05/2021	<ul style="list-style-type: none"> • Updated Cover Page & Clause 6 with current Board of Chairperson/Directs' members, date and version number • Inserted acknowledgement of custodians - the Darumbal people
29/06/2021	<ul style="list-style-type: none"> • Clause 12.7 Requirement to Report a Child Sexual Offence Annexure 5 - Definitions - (second item from the top) "A Child in Need of Protection is a child who....."
13/09/2021	Updated Cover Page with current Board of Chairperson/Directs' members, date and version number
11/08/2022	Update Board members clause
10/10/2022	<ul style="list-style-type: none"> • Insert new links to all internal documents • Addition of 'and' on P12 and consistency of its use through the document Amendments as per QCEC Policy
21/11/2022	Updated link to Annexure 5 - Definitions

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 Guideline 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](#)).

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

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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 Responsible for Child Safety - ([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 Chairperson/Directors of the Governing Body for the St Ursula's College are listed in accordance with the ACNC document.

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 a minimum of 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:

College Principal and CEO	07 4939 9600
Deputy Principal / Spiritual & Pastoral	07 4939 9600
College Counsellor	07 4939 9600
Head of Boarding	07 4939 9600
Chairperson/Director of Governing Body	companysecretary@stursulas.qld.edu.au

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 the College, and 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 or via a link to the Complaints Procedure which is published on St Ursula's College website and intranet - [click here](#).

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

A Record of Complaint form ([click here](#)) can also be found at the end of this document 'Record of Complaint' about non-compliance with St Ursula's College Child Protection Processes. 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

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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
- 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

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- 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
- 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:

- 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

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inappropriate. Further detail around these key Child Protection concepts are contained within the Child Protection Policy – Context and Content.

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

Identify	Identifying child Protection concerns through recognising the <u>signs of abuse</u> and harm, and through <u>disclosures</u> or receipt of information
Confer	Seeking guidance and support – if necessary, <u>conferring</u> with the Principal or Child Protection Contacts, or use resources such as the <u>Child Protection Guide</u> to establish whether a ' <u>reasonable suspicion</u> ' has been formed
Report	Where a <u>reasonable suspicion</u> of <u>abuse</u> , <u>harm</u> or <u>inappropriate behaviour</u> is formed – reporting the concerns according to the specific processes outlined in this document
Support	Remaining focused on the <u>support</u> 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.

Staff members may confer (meaning formally consult and document any agreed actions as a record. Conferring is not reporting) with colleagues, for example 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.

When deciding who to confer with from those identified above, it is important that staff members consider whether any of those nominated colleagues could be involved in any way in the circumstances which give rise to the concern, as this may impact on their ability to be impartial and/or independent (for example, if the colleague is or could be the subject of the concern). If there is the potential that a colleague (who would otherwise be appropriate to consult with) may be involved in any way in the circumstances giving rise to the concern that may impact on their ability to be impartial and/or independent, the staff member must not confer with that person. Staff members

must never notify the source of concern, or a person potentially involved in the concern, that a student protection concern has been raised about them.

Confidentiality is a critically important element of conferral processes. Within the College, information should be limited to appropriate colleagues (as detailed above) 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 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 there is a suspicion of abuse, harm or inappropriate behaviour which gives rise to an obligation to report. A Principal, for example, may have additional information about a student or their family, or another staff member, not known by the Staff Member but which:

- 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 Child Protection Contacts, 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 the Department Responsible for Child Safety or other service providers in a timely manner.

Staff members should refer to their Code of Conduct to assist in understanding and responding to inappropriate behaviour by a staff member. The Queensland College of Teachers also offers a range of professional standards resources that may also assist. It is important for staff members to understand that while they may confer, conferring does not replace the staff member’s obligation to report as detailed in these Child Protection Processes.

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 or Chairperson/Director of the College's Governing body. The Principal or Chairperson/Director of the College's Governing body 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 Chairperson/Director of the College's Governing body using the Annexure 1 - Child Protection Report Form ([click here](#)). 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 ([click here](#)) must be submitted by the First Person to a Chairperson/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 Chairperson/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 1: If a Reasonable Suspicion of Sexual Abuse or likely Sexual Abuse is formed, a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.

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

In addition, whilst the legislation limits the mandatory reporting of Sexual Abuse or Likely Sexual Abuse of a 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.

NOTE 2: Staff members have a legal obligation to report under sections 366 and 366A of the Education (General Provisions) Act 2002 ('the Act') which cannot be delegated or transferred. Failure by a staff member to comply with this legal obligation, as required in this document, may breach the Code of Conduct and may result in disciplinary action against the staff member. In addition, a staff member who fails to make a report in accordance with this obligation may also breach the Act and may be charged with this failure. A conviction of such an offence could result in a financial penalty in addition to investigation by the staff member's professional body.

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 131444).

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 Responsible for Child Safety - ([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 ([click here](#)) and Education (General Provisions) Regulations 2017 ([click here](#)) 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**

and

- there may not be a parent able and willing to protect the child from the harm

A Teacher fulfils this mandatory reporting obligation by making a written report using the Annexure 1 - Child Protection Report Form ([click here](#)) to their Principal or a Chairperson/Director of the College's Governing body, of the Reportable Suspicion (or if the allegation is against the Principal, or a Chairperson/Director of the College's Governing body, and as a matter of urgency receiving written confirmation from the

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Principal or the Chairperson/Director of the College's Governing body, of the date and time that the report was submitted to the Department Responsible for Child Safety.

When the Principal or the or a Chairperson/Director of the College's Governing body, receives a report, where a teacher has formed a 'Reportable Suspicion', they **must**, as a matter of urgency, forward the report to the Department Responsible for Child Safety. The Principal or the Chairperson/Director of the College's Governing body, 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 Responsible for Child Safety and confirm the date the Report was submitted.

Where the Principal themselves forms a 'Reportable Suspicion', that Principal must make a report directly to the Department Responsible for Child Safety.

Teachers are encouraged to make mandatory reports to the Department Responsible for Child Safety 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 Responsible for Child Safety.

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

Again, the *Child Protection Act 1999* ([click here](#)) 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 Responsible for Child Safety 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 Responsible for Child Safety 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.

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12.4 Compulsory Reporting Responsibilities for Staff Members

Where a staff member reasonably suspects a student 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 Department Responsible for Child Safety - 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 Chairperson/Director of the College's Governing body, who in turn must immediately forward the completed Annexure 1 - Child Protection Report Form to the Department Responsible for Child Safety Regional Intake Service - ([click here](#)).

The Principal or the Chairperson/Director of the College's Governing body, (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 Responsible for Child Safety. This advice should be in writing where possible and should confirm the date upon which it was forwarded.

Where a 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 Responsible for Child Safety - ([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 Responsible for Child Safety so as to ensure that any potential Child Protection or criminal investigation is not compromised.

NOTE 3: Teachers have a legal obligation to report under section 13E of the Child Protection Act 1999. This obligation cannot be delegated or transferred to another person. As stated, by policy this obligation is extended to all staff members (not just teachers). Failure by staff to comply with the obligation to report, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member.

12.5 Requirement to Report a Child Sexual Offence

In addition to the requirement to report sexual abuse or likely sexual abuse, Section 229BC of the *Criminal Code Act 1899* ([click here](#)) mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a

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general requirement applying to all adults (18 years and over) when information causes, or ought reasonably to cause, the adult to believe that a child sexual offence is being or has been committed against a child by another adult (for more details see Legislative References).

A report does not have to be made under the *Criminal Code Act 1899* if a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting significant harm or risk of significant harm). Therefore, a report will only need to be made under the *Criminal Code Act 1899* if a matter that would constitute a child sexual offence by an adult has not already been reported under the above two acts.

NOTE 4: Staff members have a legal obligation to report under section 229BC of the Criminal Code Act 1899. This obligation cannot be delegated or transferred. Failure to comply with this legal obligation, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member. Failure to report may also constitute a breach of the Criminal Code for which a staff member may be charged and subjected

IMPORTANT NOTE:

FAILURE TO PROTECT FROM A CHILD SEXUAL OFFENCE

In addition to the requirement to report a child sexual offence, under Section 229BB of the Criminal Code Act 1899 it is a criminal offence for an adult to fail to protect a child from a child sexual offence.

A failure to protect offence will be committed if an adult in a school:

- a) Knows there is a significant risk that another adult associated with the school will commit a child sexual offence against a child
- b) They have the power or responsibility to reduce or remove the risk

to a fine or imprisonment if convicted.

12.6 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.

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12.7 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.

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 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.

12.8 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 Students, and relevant Positive Behaviours 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.

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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12.9 Responding to Student Sexual Behaviour

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

Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibit concerning sexual behaviour. In these circumstances, a report to the Queensland Police Services is required as outlined in section 2.2 and an assessment of the requirement to report made under section 2.3 is also required.

12.10 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.

12.11 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 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

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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.

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 Or a director of the College's Governing body, 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.

12.12 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.

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

A staff member's failure to report may constitute a breach of the Code of Conduct and disciplinary action may be taken against the staff member.

- **Considerations around suspending staff members** – The Principal will follow the protocols around any breaches as outlined in the Staff 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](#)).
- **Considerations around suspending staff members** – the Governing Body – Board of Chairperson/Directs of St Ursula's College, and Mercy Partners would manage this in the case of the Principal.

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- **Processes for liaising with Queensland Police Service around investigation outcomes** – The Chairperson or delegate of the Board of Chairperson/Directs and Mercy Partners will follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

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.

12.13 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 Staff 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](#)).
- **Considerations around suspending staff members** – the Governing Body – Board of Chairperson/Directs 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 Chairperson/Directs and Mercy Partners will follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

12.14 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, or Chairperson/Director of the College's governing body who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

- **Considerations around suspending staff members** – The Principal will follow the protocols around any breaches as outlined in the Staff 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](#)).
- **Considerations around suspending staff members** – the Governing Body – Board of Chairperson/Directs 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 Chairperson/Directs and Mercy Partners will follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

12.15 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).

The Principal will follow the protocols around any breaches as outlined in the Staff 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.

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12.16 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 Chairperson/Director of the College's Governing Body who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

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

12.17 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/Director of the College's Governing body who will investigate the alleged harm and respond to any substantiated unacceptable conduct.

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 Staff Code of Conduct ([click](#)

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[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](#)).
- **Considerations around suspending staff members** – the Governing Body – Board of Chairperson/Directs 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 Chairperson/Directs and Mercy Partners will follow the processes relevant as outlined by the Queensland Police Service ([click here](#)).

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 Chairperson/Director of the College's Governing body, (if the report was in relation to the Principal) with Queensland Police Service and/or the Department Responsible for Child Safety to confirm both receipt of the report, and any action that these agencies may take. 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 Responsible for Child Safety 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 Responsible for Child Safety 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 Responsible for Child Safety 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

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the Child Protection concern once confirmed as appropriate with the Queensland Police Service or the Department Responsible for Child Safety. 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 Responsible for Child Safety feedback on the possible timing of their intervention and obtain some 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.

15. EXTERNAL REFERENCE DOCUMENTS

- Towards Healing ([click here](#))
- Diocesan Policy Safeguarding Children and Vulnerable Adults ([click here](#))
- Mercy Partners Protection and Vulnerable Adults processes ([click here](#))
- Catholic School Authorities – ([click here](#))
- Queensland Catholic Education Commission (QCEC) - ([click here](#))
- Queensland Police Service - ([click here](#))
- Department Responsible for Child Safety - ([click here](#))
- s366B of the Education (General Provisions) Act 2006 ([click here](#)).
- Education (Accreditation of Non-State Schools) Regulation 2017 (Regulation 16(3) [click here](#))
- Queensland Child Protection Guide 2.1 March 2019 - ([click here](#)).
- 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 - ([click here](#))

16. INTERNAL REFERENCE DOCUMENTS

- [Annexure 01 -Child Protection Report Form V2.0.pdf](#)
- [Annexure 02 - Complaints Handling Policy V4.0](#)
- [Annexure 03 - Record of Complaint V2.0.pdf](#)
- [Annexure 04 - Context & Content Policy V6.0.pdf](#)
- [Annexure 05 - Definitions.pdf](#)
- [Annexure 06 - Flowchart 1 Reporting Sexual Abuse & Likely Sexual Abuse V3.0.pdf](#)
- [Annexure 07 - Flowchart 2 Reporting Sexual Abuse Where Principal V3.0.pdf](#)
- [Annexure 08 - Flowchart 3 Reporting Significant Harm to Child Safety Services V2.0.pdf](#)
- [Annexure 09 - Reporting Process V2.0.pdf](#)
- [Annexure 10 - Police Investigations V2.0.pdf](#)

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