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Preface

These processes have been developed by the Queensland Catholic Education Commission (QCEC), in consultation with Catholic School Authorities, in order to assist Catholic School Authorities to meet legislative and procedural processes for responding to, and reporting, abuse, harm and behaviour of a staff member that a student considers is inappropriate.

Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify Queensland Police Service and/or the Department responsible for Child Safety, particularly if he/she believes that it is essential to act to ensure a student's safety.

Effective Date

These processes are effective from 1 January 2021.

Review Schedule

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

The Governing Body

The Governing Body is Loreto Coorparoo Ltd. The Director/s of the Governing Body for Loreto College Coorparoo are:

- Mrs Donna Orazio (Chair)
- Mr Andrew Thomas
- Mr Luke Georgiou
- Ms Michelle Merriman
- Mr Michael Newman
- Ms Patrea Ursusla Walton
- Ms Siobhan Moloney
- Kevin Mar Fan

College Attendees:

- Director of Finance & Business Operations (Company Secretary)
- Principal
- Deputy Principal – Operations & School Development / Deputy Principal - Curriculum

Delegation

Pursuant to s 366B of the Education (General Provisions) Act 2006, the Directors of the Governing Body have delegated to the person performing the duties of Chair of the Board of Directors their obligations under s366 and 366A of the Education (General Provisions) Act 2006 and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

Student Protection Contacts

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (section 16(3)), Loreto College has at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate.

The names of these Student Protection Contacts are made known to staff, students and parents and are published on the school's website and maintained on a central register, updated regularly.

Mrs Kim Wickham,
Principal
Ph: 3394 9917

Ms Annie Diamond,
Director of Pastoral Care
Ph: 3394 9918

Mrs Jan Kearney,
Year 12 Coordinator
Ph: 3394 9923

Email:
wickhamk@loreto.qld.edu.au

Email:
diamonda@loreto.qld.edu.au

Email:
kearneyj@loreto.qld.edu.au

Complaints Procedure

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (section 16(5)), Loreto College has a written complaints procedure to address allegations of non-compliance with student protection processes.

In the event that a person, for example a parent, has a concern that the processes within the Student Protection Processes have not been complied with, then the person is able to make a complaint pursuant to Loreto College *Complaint Resolution Policy & Procedures* that is publicly available via the Loreto College website and internally on Teacher Kiosk.

Awareness and Implementation

If staff members, parents or students require further information in relation to any of the processes described in this document and/or other student protection compliance requirements, advice should be obtained from the Principal, the school's Student Protection Contacts or Loreto Coorparoo Board.

The Board of Directors of Loreto Coorparoo Ltd is responsible for ensuring that:

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

The Board of Directors of Loreto Coorparoo Ltd through the Principal, will meet the above requirements including:

- Publishing an electronic copy of the Student Protection Processes on the Loreto College public website and Staff, Parent and Student Portals so that it is readily accessible by staff, students and parents;
- All staff, College Board members and volunteers will complete the *Protecting Children & Vulnerable Adults* course on the Learning Manager Portal within four weeks of starting their employment or engagement and annually thereafter.
- Students and parents are made aware of the student protection processes, at the point of enrolment and schools/entity website.
- All staff annually are to receive professional development into the student protection processes.
- Schools/Entity are to report annually to their Boards as to how the processes are being implemented within the school, monitored and oversighted. The report needs to be minuted in the Board minutes.

This document should be read in conjunction with the Student Protection Guidelines for Loreto College

1 Our Responsibilities

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

- processes for how Loreto College will respond to harm, or allegations of harm, to students;
- a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student 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; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Loreto College.

2 Reporting Processes

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 student or if there is a report of behaviour by a staff member that a student considers is **inappropriate**. Further detail around these key child protection concepts are contained within the Student Protection Guidelines.

In general terms the process for responding to and reporting student protection concerns is as follows:

Identify

Identify student protection concerns through recognising the **signs of abuse** and harm, and through **disclosures** or receipt of information;

Confer

Seek guidance and support – if necessary, **confer** 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 – report the concerns according to the specific processes outlined in this document;

Support

Remain focussed on the **support** needs of the student and liaise with the Principal around any planning or actions that are required.

2.1 Conferral with colleagues and accessing support

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

Staff members may confer with colleagues, for example the Principal or Student Protection Contacts, 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 student concern.

Confidentiality is an important element of conferral processes, where information sharing should be limited to appropriate persons and to the extent necessary to respond to the safety and well-being of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines contain further detail around **confidentiality and information sharing**.

Again, the purpose of the conferral process is to assist a staff member in determining whether there is a reasonable suspicion of abuse, harm or inappropriate behaviour. A Principal, for example, may have additional information about a student 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 student is “significant”
- Provides greater clarity around whether there is a parent able and willing to protect the student.

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* – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to Department responsible for Child Safety or other service providers in a timely manner.

The Queensland College of Teachers (QCT) offers a range of professional standards resources that may assist in understanding and responding to inappropriate behaviour by a staff member.

Staff members can also access the Loreto College Teacher Kiosk and locate additional resources on the Links page.

2.2 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, if a **staff member** becomes aware or reasonably suspects in the course of the staff member’s employment at the school that a student has been **sexually abused** or is **likely to be sexually abused** by another person, the staff member must immediately provide a written report using to the Principal or the Chair of the Board of Directors. The Principal or Chair of the Board of Directors is required by law to immediately forward a copy of this report to the Queensland Police Service. See *Flowchart 1*

Where the first person is the Principal of the School, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and to the Chair of the Board of Directors. See *Flowchart 2*

Where the reasonable suspicion of **sexual abuse** or **likely sexual abuse** is against the **Principal**, a written report must be submitted by the first person to the Chair of the Loreto Board (chair@loreto.qld.edu.au), who must immediately forward a copy of this report to the Queensland Police Service.

The Principal or Chair of the Loreto Board (chair@loreto.qld.edu.au) 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.

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.

Whilst the legislation relating to the mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age, these processes extend the meaning to include students 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 student to reasonable suspicions formed in the course of the staff member's employment at the school, it is the policy of Loreto College Coorparoo that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

2.3 Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm

2.3.1 Mandatory reporting responsibilities for approved teachers

Approved teachers have a **mandatory reporting** obligation under section 13E of the *Child Protection Act 1999* to make a report to the Department responsible for Child Safety when a teacher forms a 'reportable suspicion' about a child.

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 to their Principal of the reportable suspicion (or if the allegation is against the Principal to the Chair of the Loreto Board (chair@loreto.qld.edu.au) and as a matter of urgency receiving written confirmation from the Principal or the Chair of the Loreto Board of the date and time that the report was submitted to the Department responsible for Child Safety; or
- Making a report directly to the Department responsible for Child Safety via the *online reporting form*.

When the Principal or the Chair of the Board of Directors 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.

Where a Principal themselves forms a 'reportable suspicion', they **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 student, 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. Teachers are encouraged to confer with Loreto College Student Protection Contacts 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 school. However, it is the policy of Loreto College Coorparoo that all reasonable suspicions that student 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 they are formed, are reported to the Department of Communities, Child Safety and Disability Services in accordance with these processes.

Where a **staff member** reasonably suspects a student has suffered, is suffering or is at **unacceptable risk** of suffering **significant harm**, due to **sexual, physical, emotional / psychological abuse** or **neglect** and may not have a **parent able and willing** to protect the student from the harm, then the staff member must make a written report of the concerns to the Principal in writing, who in turn must immediately forward this report to the Department responsible for Child Safety - Regional Intake Service. See *Flowchart 3*

Where the allegation is against the **Principal**, the staff member must submit a written report to the Chair of Loreto Board (chair@loreto.qld.edu.au), who in turn must immediately forward this report to the Department responsible for Child Safety - Regional Intake Service.

The Principal or Chair of the Board of Directors 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.

Where a Principal themselves reasonably suspects a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, due to sexual, physical, emotional / psychological abuse or neglect and may not have a parent able and willing to protect the student from the harm, they must make a report directly to the Department responsible for Child Safety.

Copies of all student protection reports are submitted to the Principal and in cases where the report is against the Principal, the report must go to the delegated Director of the College Board.

2.4 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* mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a general requirement applying to all adults (18 years or 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

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; and
- b) they have the power or responsibility to reduce or remove the risk; and
- c) they wilfully or negligently fail to reduce or remove the risk.

reported under the above two acts.

2.5 Requirement to respond to harm or allegations of harm to students

In accordance with section 16 (1) of the Education (Accreditation of Non State Schools) Regulation 2017, a school must have written processes to respond to harm or allegations of harm to a student. Therefore, in addition to the requirements outlined in *Sections 2.2 and 2.3* of this document, 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 students or by other persons in the community.

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

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

Once the immediate safety of the student is assured the staff member should raise the concern of self-harm with the Principal, and contact should be made with the student's parent/carer, unless doing so places the student at further risk of harm. A report should be written to record the self-harming behaviour and document the response of the school.

Once informed of student self-harm, the school response must include:

- assessing the immediate safety of the student or any other student who may have been affected and
- instigate the school's critical incident plan, if required
- notify and collaborate with the school counsellor or school psychologist regarding an appropriate response plan to ensure the ongoing safety of the student
- notify the student's parents unless doing so is not appropriate – for example, the incident may relate to an independent student or notifying parents may not be in the student's best interests. Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the

student from harm (for example refusing to support the student in accessing medical or psychological care) then a written report must be made in accordance with the reporting processes detailed in *Section 2.3* of this document as a concern of neglect

- support any other student or staff member who may be affected by an incident of self-harm
- utilise established referral protocols and pathways to local mental health service providers if urgent mental health advice and assistance is required
- establish a date as to when the outcomes of the response will be reviewed

Where the staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care), then a written report must be made in accordance with the reporting processes detailed in *Section 2.3* as a concern of neglect.

2.5.2 Harm or risk of harm to a student caused by another student

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

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

Behaviour between students is managed in accordance with the Loreto College written processes for the conduct of students, or relevant behaviour support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through the Queensland Police Service. Loreto College will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with the Loreto College bullying response procedures and associate procedures relating to student conduct.

Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of student to student behaviours AND may not have a parent able and willing to protect the student from harm, (for example an inability to provide supervision for the student), then a written report must be made in accordance with the reporting processes detailed in *Section 2.3* of this document.

2.5.3 Responding to student sexual behaviour

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

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

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

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

In circumstances where there is a parent able and willing to protect the student from harm, then the parents must be notified of the concerns as soon as possible. Where there is not a parent able and willing to protect the student and there is a reasonable suspicion of significant harm or risk of harm, then the reporting process detailed in *Section 2.3* of this document must be followed.

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

2.6 Responding to concerns that do not meet the threshold for reporting

A staff member may identify concerns regarding a student 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 student 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 student/and or their family to the appropriate service. This may include support options through the school, such as the School Counsellor, or to community based options such as Family and Child Connect.

The Student Protection Guidelines provide detail around the options that are available to support students and families.

2.7 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, a school must have a process for the reporting of staff behaviour that a student 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 student considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay.

2.7.1 *Allegations of sexual abuse or likely sexual abuse against a staff member, volunteer or other contracted group / individual*

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by a staff member, volunteer or other contracted group / individual.

In these circumstances, the reporting processes detailed in *Section 2.2* of this document must be followed. In addition, in these circumstances, organisational conduct processes will be commenced once confirmed as appropriate by the Queensland Police Service. This is to ensure that any action taken by Loreto College does not compromise any potential criminal investigation.

The Principal will instigate any actions for dealing with allegations against staff members or volunteers, including:

- Processes for risk management and support to ensure the safety and wellbeing of all parties;
- Considerations around standing down a staff member or removing the volunteer from their volunteer activities; and
- Processes for liaising with Queensland Police Service around the investigation and outcomes

Loreto College processes for dealing with allegations against staff members or volunteers are outlined in the Professional Conduct Policy and the Complaints Policy.

Where Loreto College investigates an allegation of harm caused, or likely to be caused, to a child because of the conduct of a relevant teacher, the Queensland College of Teachers will be notified of the commencement and outcome of the investigation.

2.7.2 *Allegations of sexual abuse or likely sexual abuse against a Principal*

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by the school Principal.

In these circumstances, the reporting processes detailed in *Section 2.2* must be followed except the report from the staff member will be made to the Chair of the Loreto Board (chair@loreto.qld.edu.au), not the Principal. Completing the written report will facilitate this requirement. In addition, in these circumstances, organisational conduct processes will be commenced once confirmed as appropriate by the Queensland Police Service. This is to ensure that any action taken by the college does not compromise any potential criminal investigation.

The Chair of the Loreto Board will instigate any actions for dealing with allegations against the Principal, including:

- Processes for risk management and support to ensure the safety and wellbeing of all parties;
- Considerations around standing down a staff member or removing the volunteer from their volunteer activities; and
- Processes for liaising with Queensland Police Service around the investigation and its outcomes.

Following the provision of a Student Protection Report, an investigation must not be conducted by or on behalf of Loreto College pending the result of Police inquiries. However, the Chair of the Board of Directors will take immediate steps to ensure that a risk assessment is undertaken

to determine whether the Principal subject to the allegations should continue to be allowed to work in the school. As a result of the risk assessment, and following consultation with the QLD Police Service, the Principal may be suspended from his/her duties, or have his/her duties restricted.

The Chair of the Board of Directors will seek advice from the QLD Police Service as to if and when the Principal should be informed of the allegation. In all allegations of sexual abuse or likely sexual abuse against a Principal, the Chair of the Board of Directors in consultation with the College Board with the permission of the QLD Police Service will proceed in accordance with the processes detailed in *Section 2.9* of this document.

2.7.3 *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 student. In these circumstances, the staff member must make a written report of the concern to the Principal. The Principal upon receipt of this information, commences the process detailed in *Section 2.9* of this document.

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 and responded to as SEXUAL ABUSE.

If the allegation of harm relates to sexual abuse or likely sexual abuse, then the processes detailed in *Section 2.2* must be followed.

If a student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of a staff member's or volunteer's behaviour, it is a requirement that the QLD Police Service is notified by the Principal. Parents are notified and must be informed of the school's action to date.

Parents must also be informed that they are able to contact the QLD Police Service directly if they wish to. The Principal must make a record of this discussion within the Student Protection report as part of the workplace investigation process to be carried out.

Where the allegation is that a student has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by a staff member or volunteer AND may not have a parent able and willing to protect the student from harm, the reporting processes detailed in *Section 2.3* must be followed.

Where the allegation concerns emotional harm to a student and there is a parent able and willing to protect the student then the allegation will be dealt with in accordance with the processes detailed in *Section 2.9 of this document*.

2.7.4 *Allegations of harm against a Principal*

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, the staff member must make a written report of the concern to the Chair of the Board of Directors.

The Chair of the Board of Directors, upon receipt of the information, commences the processes detailed in *Section 2.9* of this document.

If the allegation of harm relates to sexual abuse or likely sexual abuse, then the processes detailed in *Section 2.2* must be followed.

Where the allegation is that a student has suffered, is suffering, or is at an unacceptable risk of suffering significant harm caused by the Principal AND may not have a parent able and willing to protect the student from harm, the reporting process detailed in *Section 2.3* must be followed.

If a student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of the Principals behaviour, it is an organisational requirement that the QLD Police Service be notified. The first staff member must notify the Chair of the Board of Directors (chair@loreto.qld.edu.au) who must notify the QLD Police Service. Parents are notified and must be informed of the school's action to date. Parents must also be informed that they may contact the QLD Police Service directly if they wish to. The Chair of the Board of Directors must make a record of this discussion within the Student Protection report as part of the workplace investigation process to be carried out.

Overall case management will be provided by the Chair of the Board of Directors. It is important that they establish communication with the Police (if required) and parents so that information may be shared as appropriate. Loreto College Student Protection Officers are also available to provide assistance and support to staff in managing what can be complex issues relating to student protection matters.

2.7.5 Allegations of inappropriate behaviour against a staff member or volunteer

A staff member may form a reasonable suspicion that another staff member or volunteer has behaved inappropriately towards a student. In these circumstances, the staff member must make a written report of the concern to the Principal.

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

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

- Level 1 Intervention – for responding to reports of minor inappropriate behaviour; or
- Level 2 Intervention Request – for responding to reports of repeated, serious or more complex inappropriate behaviour (which does NOT involve sexual abuse/likely sexual abuse which is reportable under *Section 2.2* of this document).

The Principal, with reference to *Sections 2.8 and 2.9* of this document, will determine the level of intervention required after consultation with the Chair of the Board of Directors and action the appropriate procedures to be followed.

If the person against whom a report of inappropriate behaviour has been made is a volunteer or an employee who is not a staff member of Loreto College, the Principal will take appropriate steps, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in *Sections 2.8 and 2.9* as they apply to a staff member of Loreto College.

2.7.6 Allegations of inappropriate behaviour against a Principal

A staff member may form a reasonable suspicion that a Principal has behaved inappropriately towards a student. In these circumstances, the staff member must make a written report of the concern to the Chair of the Board of Directors using the Student Protection Reporting form.

The Chair of the Board, with reference to *Sections 2.8 and 2.9*, will determine the level of intervention required.

In these circumstances, there are two intervention levels that may be considered when responding to alleged inappropriate behaviour by a Principal towards a student:

Level 1 Intervention – for responding to reports of minor inappropriate behaviour; or

Level 2 Intervention Request – for responding to reports of repeated, serious or more complex inappropriate behaviour (which does NOT involve sexual abuse/likely sexual abuse which is reportable under *Section 2.2* of this document).

The Chair of the College Board will manage the process for dealing with allegations of inappropriate behaviour against a Principal including:

- processes for risk management and support;
- considerations around standing down the Principal; and
- processes for liaising with Queensland Police Service around their investigation and its outcomes.

Staff members should complete a written report detailing the alleged inappropriate behaviour towards the student to the Chair of the Board of Directors (chair@loreto.qld.edu.au) who will investigate the alleged inappropriate behaviour and respond to any substantiated unacceptable conduct under the provisions of the Loreto Code of Conduct and the Complaint Resolution Policy.

2.8 Level 1 Intervention for responding to reports of minor inappropriate behaviour by a staff member towards a student

2.8.1 When is a Level 1 Intervention actioned?

A Level 1 Intervention is undertaken following a report of minor inappropriate behaviour by a staff member towards a student. A matter of minor inappropriate behaviour relates to a report that, if substantiated, may constitute a minor breach of the Loreto College Code of Conduct.

When a report relates to repeated or multiple minor breaches reported at about the same time, they may need to be actioned as a Level 2 Intervention.

2.8.2 Who is responsible for a Level 1 Intervention?

The Level 1 Intervention response to a report of inappropriate behaviour towards a student by a staff member will be coordinated at a school level by the Principal who will determine how best to address the complaint or report with the staff member and initiate any consequences that may be determined to be appropriate. This might involve consultation with relevant persons such as the Student Protection contacts.

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under Loreto College's Code of Conduct. Such inappropriate behaviour may be of a physical, sexual, emotional or psychological nature. Further information regarding professional boundaries is located in the accompanying Student Protection Guidelines document.

The fact that a complaint or allegation is not presented formally or in writing is not a valid reason to fail to follow these processes.

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

- a student, parent or other person makes a complaint in relation to a staff member's behaviour towards a student that the student, parent or other person considers to be inappropriate and which does not meet the threshold for a report to a statutory authority; or
- a staff member observes or overhears inappropriate behaviour by a staff member towards a student which does not meet the threshold for a report to a statutory authority.

Staff may be at risk of disciplinary sanction for failing to report a complaint or allegation which relates to an allegation or complaint of inappropriate behaviour of a staff member towards a student/s.

2.8.3 What actions are undertaken for a Level 1 Intervention?

The role of the Principal

The Principal will facilitate the intervention process to address a reported concern and complete all documentation of the process including:

- reviewing the Student Protection report;
- assessing the nature of the concern;
- clarifying the concern with the student/parent/complainant;
- gathering additional information if required (for example, where the staff member denies or contests the allegation, or the age or other characteristic of the child necessitates further enquiry);
- determining the boundary violation;
- confirming the Level 1 Intervention as the appropriate process;
- discussing the concern with the staff member;
- documenting the staff member's account of the matter;
- determining whether the matter is contrary to Loreto College's Code of Conduct
- determining and actioning the appropriate student support strategies;
- determining and actioning the appropriate staff intervention strategies;
- submitting the matter to the Chair of the for review;
- actioning any amendments;
- producing the Level 1 Intervention Report and supplying a copy of the report to the staff member; and
- advising the complainant/student's parents/carers of the completion of the process.

The Level 1 Intervention Report provided to the staff member includes:

- the details and circumstances of the reported matter;
- relevant actions taken by the Principal to assess the matter;
- the staff member's account of the incident including whether the behaviour alleged has been admitted, admitted with qualification or denied by the staff member;
- the determination as to whether the behaviour alleged is assessed to be contrary to the Loreto College Code of Conduct; and
- details of the advice/guidance that has been provided to the staff member.

Further guidance on the role of the Principal

The decision regarding whether to, and how to, gather further information will depend on factors such as the relative seriousness of the allegation, the expectations of the complainant(s), any record of past reports of inappropriate behaviour on the part of the staff member, and the likelihood of an allegation being able to be substantiated given the circumstances.

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

The staff member must be formally advised of the outcome of the Level 1 Intervention through the provision of the Level 1 Intervention Report following review of the matter by the Chair of the Loreto Board.

The parent/carer of the student concerned is to be advised in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal will inform the Chair of the Board of Directors as soon as possible.

Provision of pastoral care and support

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

2.9 Level 2 Intervention for responding to reports of repeated, serious or more complex inappropriate behaviour by a staff member towards a student

2.9.1 When is a Level 2 Intervention actioned?

A Level 2 Intervention is undertaken following a report of repeated, serious or more complex inappropriate behaviour by a staff member towards a student (including significant physical or emotional harm to a student). Such behaviour, if substantiated, would constitute misconduct and would justify a formal disciplinary sanction against the staff member.

In circumstances where there is a report or reasonable suspicion of sexual abuse or likely sexual abuse of a student by a staff member to a State authority, investigation by college staff under a Level 2 Intervention is not to be commenced until such time as the relevant statutory authority advises Loreto College that they may commence their processes.

The requirements for reporting a reasonable suspicion of sexual abuse or likely sexual abuse of a student are covered in *Section 2.2* of this document.

In circumstances where there is a report that a student has suffered, is suffering, or is at unacceptable risk of suffering significant harm caused by a staff member and may not have a parent able and willing to protect the student from harm, the reporting processes detailed in *Section 2.3* must be followed.

Where a report has been made to the Queensland Police Service about a matter, the Level 2 Intervention request will be forwarded to the Chair of the Board of Directors, however, further investigation will only commence once confirmed as appropriate with the Queensland Police Service. This is to ensure that any action taken by Loreto College does not compromise any potential criminal investigation.

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

Where Loreto College commences an investigation under a Level 2 Intervention into an allegation of harm caused, or likely to be caused, to a child because of the conduct of the relevant teacher, Loreto College will notify the Queensland College of Teachers in accordance with the Education (Queensland College of Teachers) Act 2005.

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

Repeated behaviours

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

Serious behaviours

- serious inappropriate physical contact*
- serious emotional abuse
- aggressive or abusive interactions (verbal/nonverbal/physical)
- other serious inappropriate behaviour

Complex behaviours

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

* Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the Queensland Police Service has become involved, and whether the staff member has a previous history of similar conduct.

If it is reasonably suspected that harm has been caused to a student or there is an unacceptable risk of harm to a student the Principal must also consider the appropriate response described under *Sections 2.3 and 2.4*.

2.9.2 Who is responsible for a Level 2 Intervention?

A Level 2 Intervention is carried out by the Principal as authorised by the Chair of the Board of Directors. The Principal will notify the Chair at the commencement and end of the intervention (which may include an investigation process).

What actions are undertaken for a Level 2 Intervention?

The role of the Principal

The Principal will initiate a request for a Level 2 Intervention to the Chair of the Board of Directors by completing the required documentation including:

- reviewing the Student Protection Report;
- assessing the nature of the concern;
- clarifying the concern with the student/parent/complainant;
- gathering additional information if required and/or after consultation with the Chair of the Board of Directors and Student Protection;
- determining the boundary violation;
- outlining the rationale for the Level 2 Intervention Request;
- determining and actioning the appropriate student support strategies;
- proposing and actioning the appropriate staff intervention strategies;
- submitting the matter to the Director Employee Services for review;
- actioning any amendments required; and
- producing the Level 2 Intervention Request.

The Level 2 Intervention Request Report includes:

- the details of the school, the student and the staff member of concern;
- the details of the boundary violation;
- details of any harm to the child;
- description of the concern;
- relevant actions taken by the Principal to clarify the concern, gather information and make an initial assessment of the matter;
- where appropriate, the staff member's account of the incident including whether the behaviour alleged has been admitted, admitted with qualification or denied by the staff member;
- student support strategies;
- staff intervention strategies; and
- the rationale for the Level 2 Intervention Request.

Further guidance on the role of the Principal

A formal investigation (as opposed to information gathering to allow an assessment of the matter to be made) must not be undertaken at the school level without the approval of the Chair of the College Board.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal will inform the Chair of the College Board as soon as possible.

Investigation of Level 2 matters

If the Chair of the College Board forms the view that a Level 2 Intervention is appropriate, The Chair in consultation with the Principal will determine who should most appropriately investigate the allegation/s.

The Chair may authorise the Principal, a Loreto College staff member or an external party to conduct the investigation.

Notifying the staff member

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

Considerations around standing down staff members

If as the result of a risk assessment it is decided that the staff member should be stood down from his/her duties, or have his/her duties restricted, the staff member concerned will be informed of the decision to stand him/her down or restrict his/her duties. The basis for this decision will be provided to the staff member in writing. The staff member will be reminded that they may access the confidential counselling services available to all staff members through the Employee Assistance Program.

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

Pastoral care and support

Pastoral care and support will be offered to the student concerned and their family, to the staff member against whom the allegation/s have been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice may be sought from external providers about appropriate support for the student and his/her family.

The investigation process

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

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

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

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

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

After the investigation, a written report outlining the process of investigation, the evidence gathered, and the conclusions reached will be provided to the Principal / Chair by the investigator. The report will indicate whether, in the investigator's opinion, the allegation(s) are substantiated on the balance of probabilities and, where required, whether Loreto College's Code of Conduct has been breached.

The Principal will receive and keep the investigation report in a confidential file and provide a copy of the report to the Chair of the Board of Directors.

Determination of misconduct

If, following the presentation of the investigation report, the Principal / Chair has determined that allegations of inappropriate behaviour are substantiated and that they constitute misconduct, the Principal / Chair will communicate this in writing to the staff member.

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

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

No determination of misconduct

If, following the presentation of the investigation report, it is determined that the allegations of inappropriate behaviour are not substantiated and therefore no misconduct is substantiated, the Principal / Chair will communicate this in writing to the staff member.

Finalisation of a Level 2 Intervention

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

The provision of ongoing pastoral care and support, as required, will be offered to the student and their family, and any others involved. The welfare and best interests of any student involved will be paramount.

If the staff member continues to work at the school, the Principal will support the pastoral care of the staff member, and the staff member will be reminded of the confidential counselling services available to all staff members through the Employee Assistance Program. Reasonable

steps will be taken by the Principal to manage risks and to provide appropriate ongoing supervision of, and support for, the staff member.

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

2.10 Processes for dealing with allegations against principals, staff members or volunteers subsequent to a report made to the Queensland Police Service

After a matter relating to the behaviour of a staff member, employee or volunteer is reported to the Queensland Police Service and/or the Level 2 Intervention Request has commenced the Principal/Chair will:

- commence a risk assessment process and action any relevant risk mitigation;
- seek advice from the Queensland Police Service about the status of any investigation including determining when a staff member, employee or volunteer may be informed of the complaint;
- determine when a request for a Level 2 Intervention may be actioned and notify relevant parties of any required actions including investigation, pastoral support, and the consideration of any requirement to stand down a staff member from duties; and
- assist with any communication which may be required to school communities after consideration of and/or consultation with stakeholders.

2.10.1 Outcomes of a Police investigation

No charge

The Queensland Police Service may not charge when there is insufficient evidence to support a charge following a police investigation. Where there is no charge, the matter is referred to the Principal/Chair who will authorise the commencement of a Level 2 Intervention process which may result in a matter being addressed through the Loreto College Professional Conduct Policy and may result in disciplinary action.

Charge

The Queensland Police Service may charge a staff member, other employee or volunteer. Loreto College will cooperate with the Queensland Police Service and action any advice received from the Queensland College of Teachers with regard to the status of a teacher's registration or Blue Card Services with regard to a non-teaching staff member, employee or volunteer.

There can be one of two outcomes following charging: no conviction or conviction.

No conviction

The failure of a court to record a conviction against the staff member, employee or volunteer against whom a charge has been laid or a decision by the Queensland Police Service not to prosecute, does not necessarily mean that the allegation was unwarranted and that the staff member, employee or volunteer has no case to answer. The fact that a staff member, employee or volunteer has been found 'not guilty' of an offence does not automatically mean that a matter has been closed. The standard of proof required for disciplinary action within the employer-employee relationship is 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'. When Loreto College becomes aware that a staff member has not been found guilty of an offence with which they have been charged or that a

conviction has not been recorded, a Level 2 Intervention process will be commenced. The Level 2 Intervention process may result in a matter being addressed through the Loreto Professional Conduct Policy and may result in disciplinary action.

Documents on the public record as a result of court or tribunal proceedings, and/or materials made available as a result of a Queensland Police Service investigation may be considered as part of any investigation conducted by or on behalf of Loreto College.

Conviction

If a current staff member, employee or volunteer is convicted in a court of law for an offence against a student that is deemed to be serious professional misconduct, then the Principal/Chair will decide about continuing the employment of the staff member, employee or volunteer. The Principal/Chair will document the outcome of the court proceedings in the formal communication regarding the termination of the staff member's, employee's or volunteer's employment. If the conviction is for a charge that is deemed to be less than serious misconduct but is contrary to the Loreto College Code of Conduct, then the Principal/Chair will proceed to take disciplinary action against the staff member, employee or volunteer.

3 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 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;
- 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; and
- Where relevant, make any preparation for the interview of a student by Queensland Police Service and/or the Department responsible for Child Safety at school.

4 Advising parents

When a student 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 student protection report is made.

If a student 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 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 responsible for Child Safety. 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 responsible for Child Safety 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.

5 Definitions

Child

A child is a person under 18 years of age.

Child in Need of Protection is a child who

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

Colleague

As defined by section 13H of the *Child Protection Act 1999*, colleague, of a relevant person, means a person working in or for the same entity as the relevant person

Director of the Governing Body

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

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

Failure to Report

An offence will be committed if an adult (18 years or over) fails to report to police any information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult.

Failure to Protect

An offence will be committed if an adult in the school:

- a) Knows there is a significant risk that another adult associated with the school will commit a child sex offence against a child; and
- b) They have the power or responsibility to reduce or remove the risk; and
- c) They wilfully or negligently fail to reduce or remove the risk.

First Person

The "first person" is a staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused 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*:

- a) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- b) It is immaterial how the harm is caused.
- c) Harm can be caused by:
 - physical, psychological or emotional abuse or neglect; or
 - sexual abuse or exploitation.
- d) Harm can be caused by:
 - a single act, omission or circumstance; or
 - 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 student that is contrary to what is required of staff members under the Loreto College Professional Code of Conduct. Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour and must be responded to in accordance with the processes contained within this document.

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) a police officer who, under a direction given by the commissioner of the police service under the Police Service Administration Act 1990, is responsible for reporting under this section;
- e) 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 Loreto Coorparoo Limited 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.

Student

A student is any person enrolled as such at Loreto College Coorparoo. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- a) a student under 18 years attending the school;
- b) a pre-preparatory age child registered in:
 - a pre-preparatory learning program at the school; or
 - a distance education pre-preparatory learning program at the school;

- c) a person with a disability who:
- under section 420(2), is being provided with special education at the school; and
 - is not enrolled in the preparatory year at the school.

Student Protection Contact (SPC)

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

Teacher

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

6 Legislative references

6.1 Child Protection Act 1999

Reporting of a child in need of protection	<p>Section 13 A states</p> <p><i>“(1) Any person may inform the chief executive if the person reasonably suspects—</i></p> <p style="padding-left: 40px;"><i>(a) a child may be in need of protection; or</i></p> <p style="padding-left: 40px;"><i>(b) an unborn child may be in need of protection after he or she is born.</i></p> <p><i>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</i></p>
Forming a reasonable suspicion of significant harm	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:</p> <p><i>(2) a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state—</i></p> <p style="padding-left: 40px;"><i>(i) that are evident to the person; or</i></p> <p style="padding-left: 40px;"><i>(ii) that the person considers are likely to become evident in the future; and</i></p> <p style="padding-left: 40px;"><i>(b) in relation to any detrimental effects mentioned in paragraph (a)—</i></p> <p style="padding-left: 80px;"><i>(i) their nature and severity; and</i></p> <p style="padding-left: 80px;"><i>(ii) the likelihood that they will continue; and</i></p> <p style="padding-left: 40px;"><i>(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>
Reportable Suspicions	<p>Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the <i>Department responsible for Child Safety</i>, 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>(1) <i>A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes —</i></p> <ul style="list-style-type: none"> (a) <i>for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;</i> (b) <i>in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);</i> (c) <i>for the relevant person to give a report under section 13G or keep a record about giving a report;</i> (d) <i>for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.</i>
<p>Interviews with Children at School</p>	<p>Section 17 of the <i>Child Protection Act 1999</i> provides Department responsible for Child Safety and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.</p>

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

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

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

6.3 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 student 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 students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the Education (General Provisions) Act 2006 and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the Education (General Provisions) Act 2006.

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

6.4 Criminal Code Act 1899

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

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

Failure to make a report, without a reasonable excuse, is a criminal offence. A reasonable excuse not to make a report under the *Criminal Code Act 1899*, includes that a report has already been made under:

- a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)
- b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

6.5 Education (Queensland College of Teachers) Act 2005

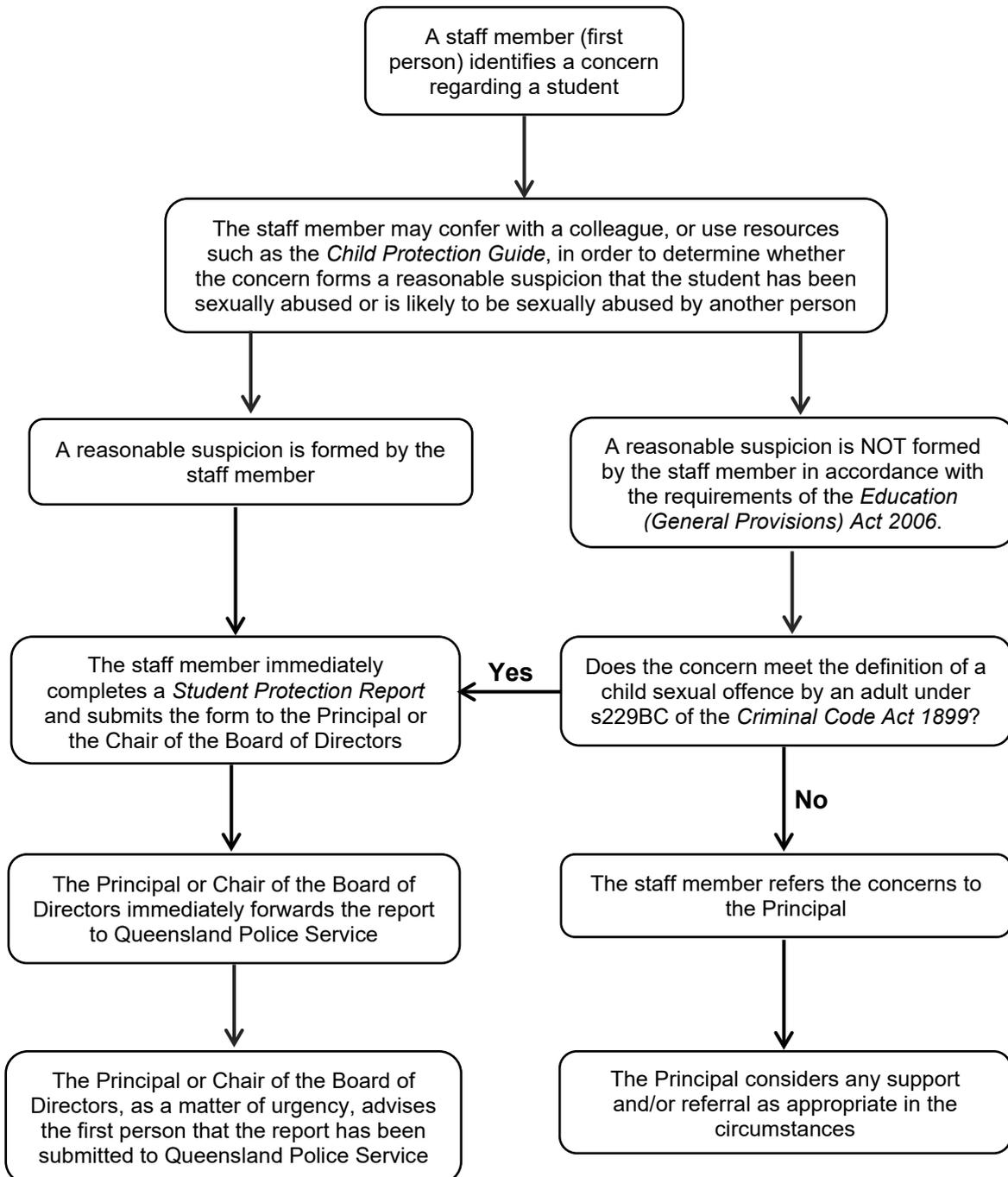
The Education (Queensland College of Teachers) Act 2005 requires an employing authority to notify the Queensland College of Teachers:

- about particular allegations
 - 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
 - as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)
- about certain dismissals
 - 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).

6.6 Evidence Act 1977

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

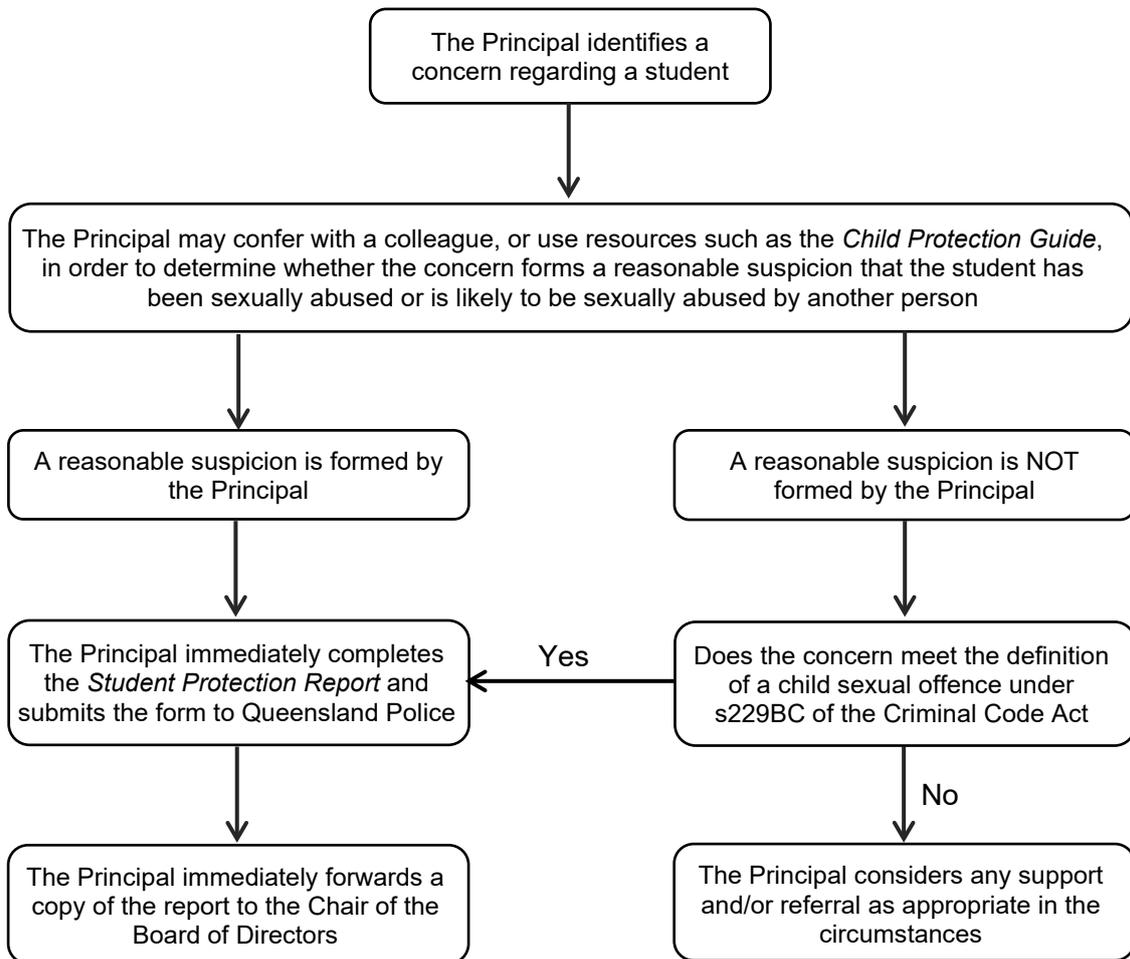
7 Reporting Sexual Abuse & Likely Sexual Abuse (Flowchart 1)



Important notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused or has been the victim of child sexual offence perpetrated by an adult and may not have a parent able and willing to protect them, the processes as outlined in flowchart 3 must also be followed.

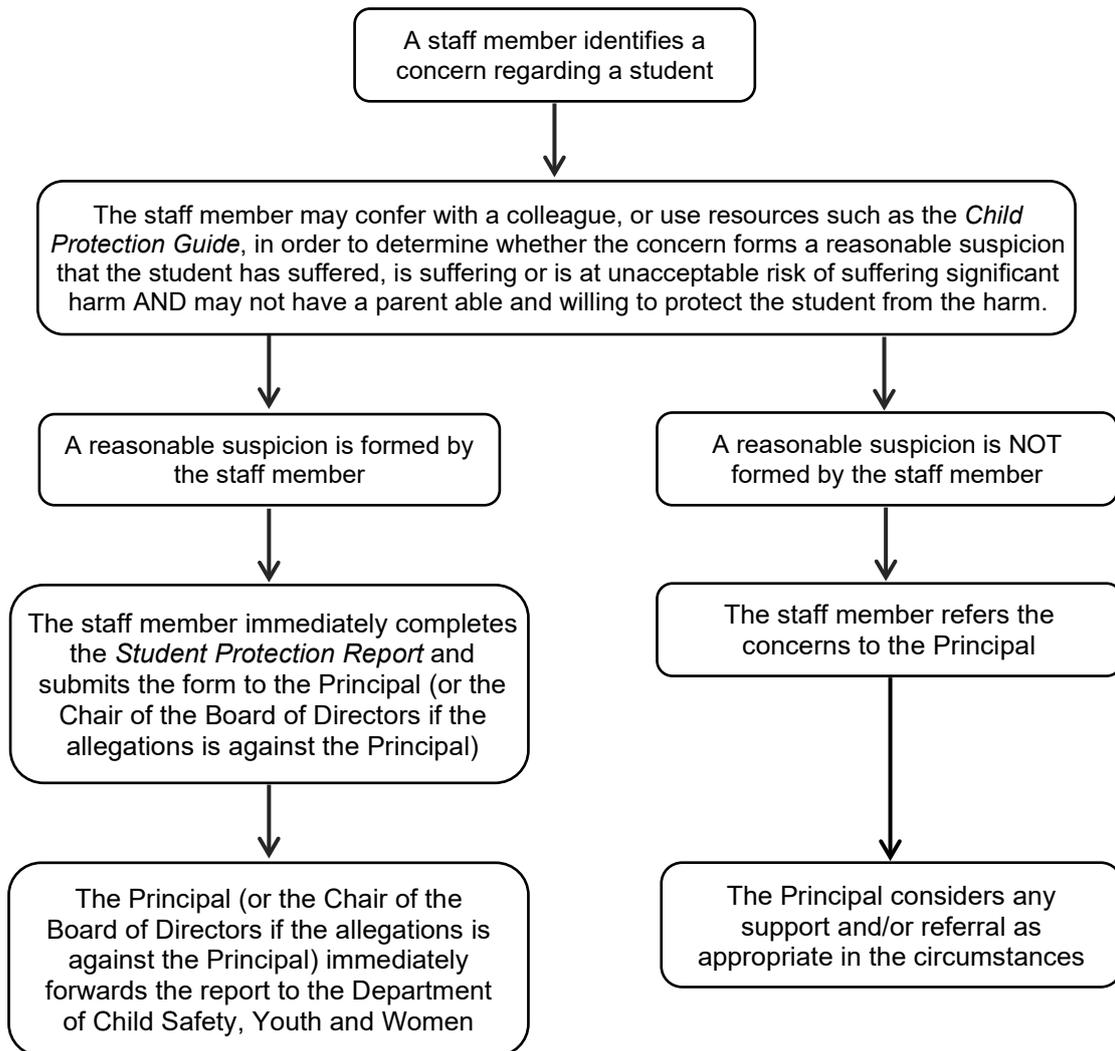
8 Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal (Flowchart 2)



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.

9 Reporting Significant Harm to Child Safety Services (Flowchart 3)



Important notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person, then the processes outlined in flowchart 1, or flowchart 2 if the first person is the Principal, must be followed.

10 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 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 responsible for Child Safety, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If 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 Child Safety Services via the online reporting form:

<https://secure.communities.qld.gov.au/cbir/home/ChildSafety#>