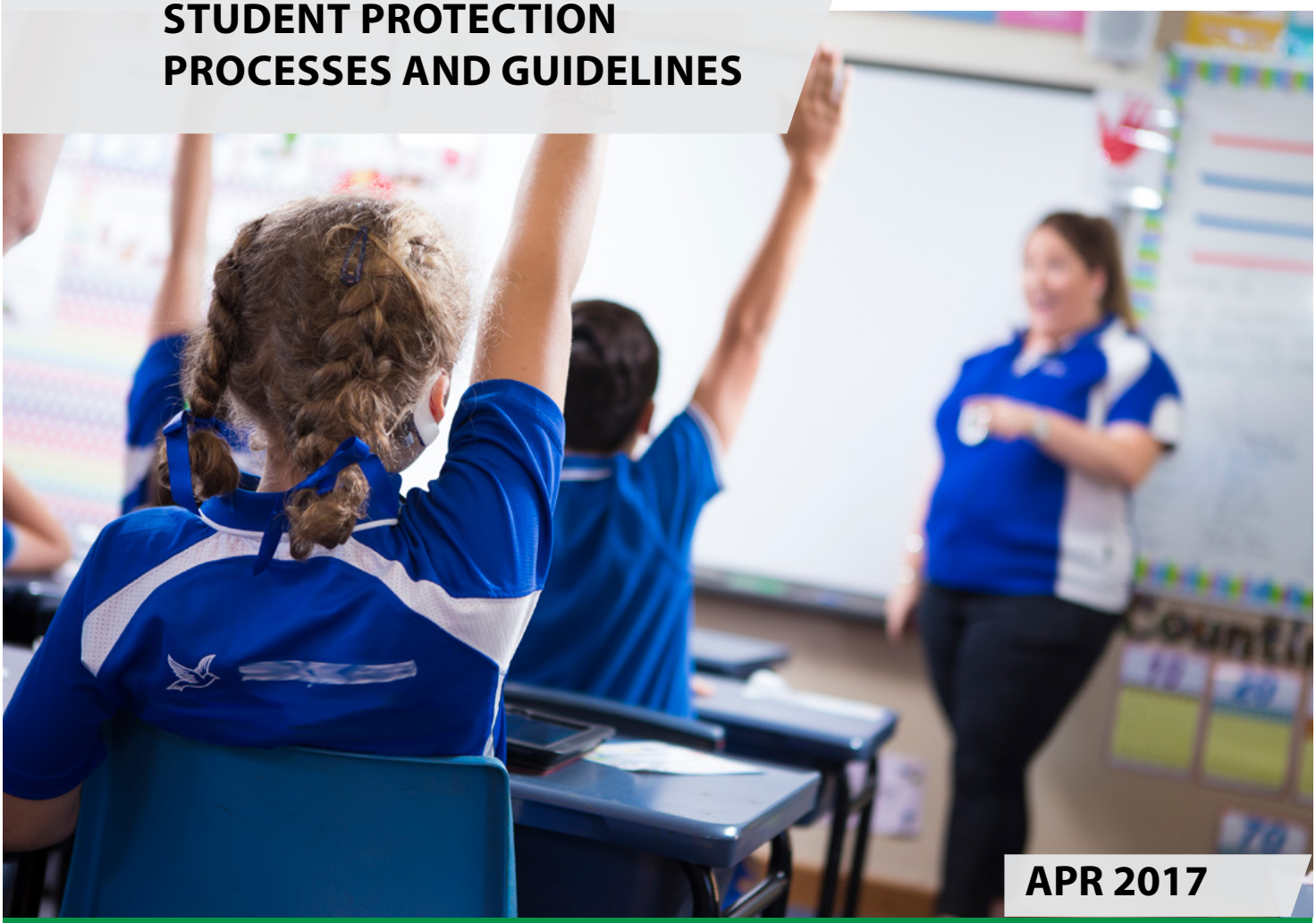
Diocese of Toowoomba
Catholic Schools

Toowoomba Catholic Schools

STUDENT PROTECTION PROCESSES AND GUIDELINES



APR 2017

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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 of Communities, Child Safety and Disability Services, particularly if he/she believes that it is essential to act to ensure a student's safety.

Effective date

These processes are effective from 19 April 2017.

Review schedule

These processes shall be reviewed every 12 months, or when necessary as required by changes to legislation, policy or procedure.

The Governing Body

The Governing Body is the Roman Catholic Diocese of Toowoomba.

The Director of the Governing Body for the Roman Catholic Diocese of Toowoomba is the Most Reverend Bishop McGuckin.

School Student Protection Contacts

Under the *Education (Accreditation of Non-State Schools) Regulation 2001* (Regulation 10(4)), all Toowoomba Catholic Schools have 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 School Student Protection Contacts are made known to staff, students and parents. The School Student Protection Contacts at are:

Complaints procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2001* (Regulation 10(7)), Toowoomba Catholic Schools has a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from the Toowoomba Catholic Schools website.

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 Student Protection Contacts, or the Toowoomba Catholic Schools Office.

The Director of the Governing Body 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
- the processes are being implemented within the school.

This is achieved by:

- the Student Protection Processes and Guidelines are published on the Toowoomba Catholic Schools website, and are available in hardcopy in each school
- all school staff members are required to complete student protection induction training on commencement of employment, then participate in ongoing training on an annual basis
- all volunteers and visiting service providers receive information regarding student protection processes as part of their induction
- students are made aware of the School Student Protection Contacts through posters displayed throughout the school, and receive protective behaviours education through the school curriculum
- parents and carers are provided with student protection information on enrolment, and through regular updates via newsletters and other school publications
- the Toowoomba Catholic Schools Office employs Student Protection Officers to provide support and advice to schools regarding the implementation of the Student Protection Processes.

This document should be read in conjunction with the Student Protection Guidelines for Toowoomba Catholic Schools.

1. Our responsibilities

Toowoomba Catholic Schools 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 Toowoomba Catholic Schools 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
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Toowoomba Catholic Schools.

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 Toowoomba Catholic Schools.

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 School Student Protection Contacts, in order to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a 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 wellbeing of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines for Toowoomba Catholic Schools 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 of Communities, Child Safety and Disability Services (Child Safety) or other service providers in a timely manner.

The Queensland College of Teachers 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 student protection information and resources through the Toowoomba Catholic Schools intranet (Compass) and through consultation with the Student Protection Officers at the Toowoomba Catholic Schools Office.

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 the **Student Protection Reporting Form** to the Principal or the Director of the Governing Body. The Principal or Director of the Governing Body is required by law to immediately forward a copy of the **Student Protection Reporting Form** 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 Director of the Governing Body using the **Student Protection Reporting Form**. See Flowchart 2.

Where the reasonable suspicion of sexual abuse or likely sexual abuse is against the **Principal**, the **Student Protection Reporting Form** must be submitted by the first person to the Director of the Governing Body, who must immediately forward a copy of the **Student Protection Reporting Form** to the Queensland Police Service.

The Principal or Director of the 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.

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 Toowoomba Catholic Schools 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

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 of Communities, Child Safety and Disability Services 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 using the **Student Protection Reporting Form** to their Principal of the reportable suspicion (or if the allegation is against the Principal to the Director of the Governing Body) and as a matter of urgency receiving written confirmation from the Principal or the Director of the Governing Body of the date and time that the report was submitted to the Department of Communities, Child Safety and Disability Services; or
- making a report directly to the Department of Communities, Child Safety and Disability Services via the online reporting form.

When the Principal or the Director of the 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 of Communities, Child Safety and Disability Services.

Where a Principal themselves forms a 'reportable suspicion', they must make a report directly to the Department of Communities, Child Safety and Disability Services.

Teachers are encouraged to make mandatory reports to the Department of Communities Child Safety and Disability Services 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 of Communities Child Safety and Disability Services.

If the teacher does not reasonably suppose that the Principal has provided the report to the Department of Communities, Child Safety and Disability Services, the teacher **must, as a matter of urgency,** make the report directly to the Department of Communities, Child Safety and Disability Services. Teachers are encouraged to confer with Toowoomba Catholic Schools Office Student Protection Officers 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 Toowoomba Catholic Schools that all reasonable suspicions that a 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 using the **Student Protection Reporting Form**, who in turn must immediately forward the **Student Protection Reporting Form** to the Department of Communities, Child Safety and Disability Services - Regional Intake Service. See Flowchart 3.

Where the allegation is against the **Principal**, the staff member must submit the **Student Protection Reporting Form** to the Director of the Governing Body, who in turn must immediately forward the **Student Protection Reporting Form** to the Department of Communities, Child Safety and Disability Services - Regional Intake Service.

The Principal or Director of the Governing Body or delegate must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department of Communities, Child Safety and Disability Services. 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 of Communities, Child Safety and Disability Services.

Copies of all student protection reports are submitted to the Toowoomba Catholic Schools Office.

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

In accordance with section 10 (2) of the *Education (Accreditation of Non State Schools) Regulation 2001*, 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 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 students or by other persons in the community.

2.4.1 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.

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

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.

2.4.2 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 first priority is the immediate safety of the student, which will include determining whether the effect on the student is significant, for example, an injury requiring medical attention.

Where there is a significant injury or immediate risk of significant injury to a student, the priority is meeting the 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 school's 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. Toowoomba Catholic schools will cooperate with any resulting investigation.

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

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.

2.4.3 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 of Communities, Child Safety and Disability Services 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 in section 2.2 and an assessment of the requirement to report made under section 2.3 is also required.

2.4.4 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 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.

2.5 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 for Toowoomba Catholic Schools provide detail around the options that are available to support students and families.

2.6 Responding to allegations against staff members, including the Principal, and volunteers

In accordance with s.10 (3) of the *Education (Accreditation of Non State Schools) Regulation 2001*, 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.

2.6.1 Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer

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 or volunteer.

In these circumstances, the reporting processes detailed in section 2.2 must be followed.

There may also be circumstances where police inform Toowoomba Catholic Schools of a criminal investigation involving a staff member or volunteer, which may not be the result of a report submitted by a school. In addition, the Department of Communities, Child Safety and Disability Services may be

involved, dependent on the nature of the allegations. In all of these circumstances, the processes as detailed in the section **2.7 Police Investigations** will be followed.

2.6.2 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 and the report from the staff member must be made to the Director of the Governing Body, not the Principal.

There may also be circumstances where police inform Toowoomba Catholic Schools of a criminal investigation involving a Principal, which may not be the result of a report submitted by a school. In addition, the Department of Communities, Child Safety and Disability Services may be involved, dependent on the nature of the allegations. In all of these circumstances, the processes as detailed in the **section 2.7 Police Investigations** will be followed.

2.6.3 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, where the allegation constitutes a criminal offence, for example an assault of a student resulting in significant harm, the allegation must be immediately reported to the Principal using the **Student Protection Reporting Form**, who in turn must immediately submit the report to the Queensland Police Service and to the Toowoomba Catholic Schools Office. The processes as detailed in the **section 2.7 Police Investigations** will then be followed.

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 the harm**, the reporting processes detailed in section 2.3 must be followed.

Where the allegation does not constitute a criminal offence, for example emotional harm to a student, and the information indicates that there may be a parent able and willing to protect the student, the allegation must be reported and dealt with in accordance with the inappropriate behaviour processes described in **section 2.6.5.**

2.6.4 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a principal has harmed a student. In these circumstances, where the allegation constitutes a criminal offence, for example an assault of a student resulting in significant harm, the allegation must be immediately reported to the Director of the Governing Body using the **Student Protection Reporting Form**, who in turn must submit immediately the report to Queensland Police Service and to the Toowoomba Catholic Schools Office. The processes as detailed in the section **2.7 Police Investigations** will then be followed.

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

Where the allegation does not constitute a criminal offence, for example emotional harm to a student, and the information indicates that there may be a parent able and willing to protect the student, the allegation must be reported and dealt with in accordance with the inappropriate behaviour processes described in section 2.6.6.

2.6.5 Allegations of inappropriate behaviour against a staff member or volunteer

A staff member may form a reasonable suspicion that a staff member or volunteer has behaved inappropriately towards a student. In these circumstances, the staff member must complete the **Inappropriate Behaviour Reporting Form** and submit this to the Principal or a School Student Protection Contact. If reported to a School Student Protection Contact, the School Student Protection Contact must submit the report to the Principal.

The Principal must then submit a copy of the report to the Director: Human Resources and Organisational Development (Director: HR & OD) at the Toowoomba Catholic Schools Office. The Director: HR & OD, in collaboration with the Principal and any other relevant roles, will then determine whether the allegation is dealt with as a **Minor Incident**, or as **Professional Misconduct**. See **section 2.8 Dealing with Inappropriate behaviour.**

2.6.6 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 complete the **Inappropriate Behaviour Reporting Form** and submit this to the Director: HR & OD at the Toowoomba Catholic Schools Office or to a School Student Protection Contact. If reported to a School Student Protection Contact, the School Student Protection Contact must submit the report to the Director: HR & OD at the Toowoomba Catholic Schools Office.

The Director: HR & OD, in collaboration with other relevant roles, will then determine whether the allegation is dealt with as a **Minor Incident**, or as **Professional Misconduct**. See **section 2.8 Dealing with Inappropriate behaviour.**

2.7 Police investigations

Once the report has been submitted or information is received from the Queensland Police Service regarding a criminal investigation, the Director: HR & OD will inform the Executive Director: Catholic Schools and commence a risk assessment process. The Director: HR & OD or delegate may seek advice from the Queensland Police Service or the Department of Communities, Child Safety and Disability Services as applicable as to if and when the staff member or volunteer should be informed of an allegation.

If the evidence to hand has merit, an investigation will ensue. A possible outcome may include, the staff member being suspended pending the outcome of the investigation process. Once the allegations are investigated and an outcome has been reached, the staff member will be informed of the outcome. If the person is a volunteer, he/she may be excluded from all Catholic schools within the Diocese until the matter is investigated and an outcome has been reached.

All staff members, volunteers and witnesses are afforded the opportunity to seek the assistance of a support person, a written record of the meeting and decisions made, and external support will be offered through the organisational Employee Assistance Program (EAP).

Any decision relating to the process of the release and content of information to the school community in relation to the allegations will be undertaken after consideration of and/or consultation with the key stakeholders as appropriate (ie staff member, student, complainant and the Queensland Police Service).

If students need to be interviewed by police or Child Safety Services officers, usually these interviews will not occur at school. If they are conducted at school and the parent/care provider cannot be present, or police are conducting the interview without parental consent, the Principal will negotiate with the police or the Child Safety Services Officers to ensure that the student is appropriately supported during the interview. Interviewing by the police of the staff member or volunteer will normally take place outside the school.

Toowoomba Catholic Schools will endeavour to assist the Queensland Police Service and the Department of Communities, Child Safety and Disability Services as applicable in their investigation where required.

Emotional support and pastoral care will be provided to the student/person making the allegation and to the staff member against whom the allegation has been made, and any others involved.

Following the notification to the Queensland Police Service or the Department of Communities, Child Safety and Disability Services, it may be appropriate for Toowoomba Catholic Schools to also conduct an internal investigation which is parallel to the police investigation. The decision to conduct an internal parallel investigation will depend on the circumstances of each particular case and will involve discussion with the Queensland Police Service or the Department of Communities, Child Safety and Disability Services. If the decision is made to conduct an internal investigation, refer also to **section 2.9 Investigation processes.**

In all cases, the pastoral care of students and staff will need to be monitored and support provided where necessary.

After a police investigation, there are various possible outcomes in relation to the criminal process conducted. They include: **No Charge, Charge, No Conviction or Conviction**.

2.7.1 Outcomes of Police Investigations

2.7.1.1 No charge

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

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

Where there will be no charge, the matter is referred back to the Director: HR & OD. The Director: HR & OD will then make a decision about any further action concerning the allegations. Of particular concern will be the duty of care to students, staff members, volunteers and others who may be affected by the allegation.

For the purpose of protecting a student, the standard of proof required to support an allegation from a professional point of view is different from that required to secure a conviction in criminal proceedings. The Director: HR & OD may decide to proceed with investigations regarding a possible breach of professional and ethical standards. If this investigation is decided upon, then the processes outlined in **section 2.9 Investigation processes** will be followed.

The Director: HR & OD will document the outcome of the Queensland Police Service investigation including the fact that there was no charge and that investigations are being conducted. This record will be kept confidentially at the Toowoomba Catholic Schools Office.

2.7.1.2 Charge

Where the Queensland Police Service charge the staff member, Toowoomba Catholic Schools is required to cooperate with arrangements made by the Queensland Police Service

The Director: HR & OD will put in writing any known details and record the fact that a charge has been made. This record will be kept on a confidential file at the Toowoomba Catholic Schools Office.

In the case where a staff member has been charged, the Director: HR & OD may still consider it appropriate to examine the allegation thoroughly and upon consultation with the Queensland Police

Service, may conduct a further internal investigation. If an internal investigation is decided upon, then the processes outlined under the section **2.7 Investigation Processes** will be followed.

If the staff member is charged but the prosecution does not proceed, then the processes outlined in **section 2.7.1.3 No conviction** will be followed.

2.7.1.3 No conviction

The failure of a court to convict a staff member against whom the allegation has been made and who has been charged with a criminal offence, does not necessarily mean that the allegation was unwarranted or that the staff member has no case to answer as a member of staff or a volunteer in Toowoomba Catholic Schools.

In the case where there is no conviction, the Director: HR & OD will examine the allegation thoroughly and if deemed necessary, will conduct a further internal investigation. If an investigation is decided upon, then the processes outlined in the **section 2.9 Investigation processes** will be followed.

The Director: HR & OD will document the outcome of the investigations including the fact that there was no conviction and that further internal investigations are being conducted. This record will be kept confidentially at the Toowoomba Catholic Schools Office.

2.7.1.4 Conviction

If the staff member is a paid employee and has been convicted in a court of law of an offence that is deemed an act of serious professional misconduct, then he/she will be summarily dismissed in accordance with the professional and ethical standards of Toowoomba Catholic Schools. If the offence is not deemed an act of serious misconduct, then the Director: HR & OD will commence a disciplinary process against the staff member.

If the person is a volunteer and has been convicted in a court of law on a charge that is deemed an act of serious misconduct, he/she will be excluded as a volunteer from all schools administered by Toowoomba Catholic Schools.

The Director: HR & OD will document the outcome of the court proceedings and record the staff member's or volunteer's conviction, summary dismissal or exclusion. This record will be kept confidentially at the Toowoomba Catholic Schools Office.

If the staff member against whom the allegation has been made is a teacher and is convicted of the offence, the Director: HR & OD will inform, in writing, the Queensland College of Teachers of the offence and the court outcome.

In all cases the pastoral care of student/s and staff will need to be monitored and support provided if deemed necessary.

2.8 Dealing with inappropriate behaviour

2.8.1 Minor incidents

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

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

- a complaint/allegation/report (in any form) has been received which alleges conduct or behaviour by a staff member, Principal or volunteer towards a student that contravenes the Toowoomba Catholic Schools Code of Conduct
- if the complaint/allegation/report involves low level physical contact from a staff member, Principal or volunteer, and no physical injury was sustained by the student
- the complaint/allegation/report does not relate to sexual abuse, suspected sexual abuse, likely sexual abuse or other harm or suspected harm or risk of harm of a student by the staff member, Principal or volunteer
- the conduct alleged does not warrant formal disciplinary action if proven
- the Principal, or Director: HR & OD if the allegation is about the Principal, considers the matter could be dealt with effectively at the local level.

Minor incident allegations against staff members, Principals or volunteers (apart from allegations against the Principal) will be coordinated locally by Principals. This might involve consultation with the relevant personnel at the Toowoomba Catholic Schools Office (for example a Student Protection Officer) if required.

If the allegation is against the Principal, the Director: HR & OD will determine the appropriate person to conduct the assessment and intervention at the school level in relation to the allegations.

Where the assessment outcome finds the allegations warrant guidance and or correction, the Principal, or nominated person where the allegation is against the Principal, will formulate a plan to address any inappropriate behaviour and provide support as required. This may include mediation and/or conciliation, management correction and guidance.

The resolution of all minor incidents remains the responsibility of the Principal, or the nominated person where the report is against the Principal. The Principal will normally seek advice from the Director: HR & OD to formulate a plan to address the issue with the staff member. Strict confidentiality shall be maintained regarding the matter.

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

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

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

The outcome should also document the staff member, Principal or volunteer's account of the incident, state whether or not the behaviour alleged has been admitted to or not by the staff member, Principal or volunteer, and should contain clear details of the advice/guidance that has been provided to the staff member, Principal or volunteer. The outcome should also indicate if the behaviour alleged is assessed to be contrary to the Toowoomba Catholic Schools Code of Conduct.

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

At the completion of the intervention process and following review of the matter by the Director: HR & OD, the staff member, Principal or volunteer will be formally advised of the outcome. The parent/care provider of the student concerned is to be advised in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

All documentation should be kept on a confidential file at school level or at the Toowoomba Catholic Schools Office if the report concerns the Principal. A copy of all documentation is submitted to the Director: HR & OD and stored securely.

2.8.2 Professional misconduct

Allegations of professional misconduct are matters, which, if substantiated, would make a staff member or Principal liable for disciplinary action.

Examples of incidents requiring a professional misconduct intervention include, but are not limited to:

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

Guidance and examples are provided in the table below regarding Minor incidents and Professional misconduct.

Criteria	*Professional Misconduct*	*Minor Incident*
Examples of complaints/ allegations	• behaviour that may have a psychological impact on a student including targeted and sustained criticism, belittling or teasing • using inappropriate locations or social isolation outside of the school's behaviour support policy as punishment • any form of corporal punishment • restraining a student for any purposes other than a student's actions causing imminent harm to self or others • hitting or kicking a student • holding a student • pushing, pulling, shoving, grabbing, pinching or poking a student • using fear or threats against a student	• inappropriate behaviour where no physical injury results • yelling at a student • allowing a student to over-step rules • discussing personal details of lifestyle of self or others • making inappropriate personal comments about a student (that are not considered to cause any detrimental effect of a significant nature)
Broad assessment criteria	• matters which, if proved to the required standard, could result in formal disciplinary action • repeated minor incidents that have not responded to management correction and guidance	• relatively minor matter • no injury evident • all parties agree to informal resolution at school level • no history of similar conduct by staff member who is subject of allegation
Type of intervention	• Director: HR & OD determined assessment and investigation	• information resolution and/or assessment process at school level
Who intervenes?	• Director: HR & OD nominates the appropriate investigator	• Principal or nominated person if allegation is about the Principal
Who approves this mode of intervention?	• Director: HR & OD	• Principal or nominated person if allegation is about Principal

Note: *Even minor assaults can be criminal offences. The management and investigation of these matters will depend on the significance of any injury, the wishes of the parties involved and whether the staff member has a history of similar conduct. Where the inappropriate behaviour of the staff member or volunteer constitutes a crime, the matter must be reported to the Queensland Police Service.*

On receipt of an allegation of inappropriate behaviour against a staff member or volunteer that is assessed as an allegation of Professional misconduct, the allegation will be dealt with in accordance with **section 2.9 Investigation processes**.

2.9 Investigation processes

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

The Director: HR & OD, will nominate an appropriate person(s) to investigate the allegation. In conducting the investigation, all reasonable steps will be taken to ensure that confidentiality is maintained. In the course of the investigation, the investigator(s) will gather all relevant information and conduct witness interviews where relevant and appropriate.

The Director: HR & OD will conduct a risk assessment to determine if it is appropriate for the staff member or Principal to be suspended whilst the investigations are occurring. If the person is a volunteer, he/she may be excluded from the school until the matter is resolved and any contact with the school will be with the explicit approval of the Principal. The Director: HR & OD will consider whether the suspension/exclusion will be made known to the staff. If staff are to be informed, then a statement will be developed.

The Director: HR & OD or delegate shall as soon as possible arrange for a meeting to be held to inform the staff member, Principal or volunteer that an allegation has been made against him/her, the nature of the allegation and that an investigation is being conducted. Prior to the meeting, the staff member, Principal or volunteer will be advised that he/she can have a support person at this meeting. A written record of the meeting and outcomes will be provided to the staff member, Principal or volunteer and if an employee, he/she will be reminded of the confidential counselling services available to all employees through the Employee Assistance Program.

If the allegation is in relation to a student at the school, the parent or care provider of the student/s central to the allegations will be contacted by Director: HR & OD or delegate and the following issues discussed:

- that an allegation has been made and is being investigated
- the process of the investigation
- parent/care provider permission for student/s to be interviewed
- parent/care provider views concerns and support needs
- communication process for the parent/care provider to be updated about the investigation and other related issues
- the need for confidentiality.

If the context and nature of the allegation involves other students, (eg other students named as witnesses), and they also need to be interviewed, the above guidelines relating to parents/care providers will be followed.

Emotional support and pastoral care will be provided to the student/person making the allegation, to the staff member or volunteer against whom the allegation has been made, and any others involved.

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

At the conclusion of the investigation, a written report, outlining the outcome of the investigation, will be provided to the Director: HR & OD by the investigator(s).

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

- if the allegation, after the report has been presented, is determined to be without foundation, and if in the case where a police investigation has also been conducted and police believe that there is no substance to the allegations, the processes will be followed as in **section 2.9.1 Unsubstantiated allegations.**

- If the allegation, after the report has been presented, appears to be professional misconduct, the processes will be followed as in **section 2.9.2 Substantiated allegations**.

Any decision relating to the process of the release of information to the school community in relation to the allegations needs to be actioned after consideration and/or consultation with the key stakeholders ie staff member, Principal, student and complainant.

At the completion of the intervention process and following review of the matter by the Director: HR & OD, the parent/care provider of the student concerned is to be advised in writing of the completion of the intervention unless there are extraordinary reasons why this should not occur, in which case the reasons should be documented. Any other complainants (including students) are also advised of the completion of the intervention.

2.9.1 Unsubstantiated allegations

When Director: HR & OD receives a report regarding the outcome of an investigation process which indicates that the allegations are unsubstantiated, the following process will occur.

The Director: HR & OD (or delegate) will advise the complainant that the allegations were unsubstantiated. Where the complainant is a student, the Director: HR & OD will advise the student's parents/care providers.

When the complainant (or the complainant's parents/care providers where the complainant is a student) is informed of the outcome, an offer will be made for them to provide any additional information regarding the complaint.

If there is no further information forthcoming from the complainant, the Director: HR & OD or delegate will inform the staff member, Principal or volunteer of the allegation made against him/her, the nature of the allegation made and of the Director: HR & OD's decision that the allegations were unsubstantiated.

A summary of the allegation and the Director: HR & OD's decision is provided to the staff member, Principal or volunteer.

Where the allegation is against a staff member or volunteer, the Director: HR & OD or delegate, will also advise the Principal that the allegations were unsubstantiated.

A summary of the allegation and outcome will be provided to the staff member or volunteer by the Director: HR & OD or delegate in writing, and retained confidentially at the Toowoomba Catholic Schools Office.

Toowoomba Catholic Schools will take all reasonable steps to support the staff member or volunteer.

At the school the pastoral care of the staff member or volunteer will be monitored by the Principal. Where the allegation was against a staff member or Principal, they will be reminded of the confidential counselling services already available to all employees through the Employee Assistance Program.

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

2.9.2 Substantiated allegations

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

- the Director: HR & OD will, in writing and/or in a meeting with the staff member or Principal, communicate the actions that the Director: HR & OD proposes to take. Depending on the facts of each matter, these actions may include (but are not limited to): further training, a letter of warning, dismissal, or in the case of a volunteer - exclusion from Toowoomba Catholic schools.

Any warning will stipulate that further substantiated misconduct may lead to termination of the staff member or Principal's employment.

If, based upon the evidence to hand, the Director: HR & OD is considering a recommendation to the Executive Director: Catholic Schools to terminate the staff member or Principal's employment, then the Director: HR & OD will provide the staff member or Principal with a timeframe within which the staff member is asked to show cause as to why the employment contract should not be terminated. If either a response is not received by the deadline, or the response does not provide further insight that could change the course of the investigation and outcome into to the already substantiated allegations, the Director: HR & OD will recommend to the Executive Director: Catholic Schools that the staff member or Principal's employment be terminated. If the Executive Director: Catholic Schools accepts the recommendation, the Executive Director will write to the staff member or Principal providing the reasons for the termination of the staff member or Principal's employment.

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

2.9.3 Investigations involving registered teachers

When an investigation commences in relation to an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher, the Director: HR & OD or delegate will, as soon as practicable, notify the Queensland College of Teachers in accordance with the requirements of section 76 of the *Education (Queensland College of Teachers) Act 2005.*

As soon as practicable after the investigation ends, for any reason, the Director: HR & OD or delegate will give notice to the Queensland College of Teachers as to the outcome of the investigation accordance with the requirements of section 77 of the *Education (Queensland College of Teachers) Act 2005*.

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 the Queensland Police Service and/or the Department of Communities, Child Safety and Disability Services 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 wellbeing of students, particularly in relation to allegations of sexual abuse between students, and maintain as far as possible, supportive relationships with parents/care providers and families
- ensure that all parties involved respect the confidentiality and privacy of students and families involved
- where relevant, make any preparation for the interview of a student by the Queensland Police Service and/or the Department of Communities, Child Safety and Disability Services at school – see the Interviews of Children at School Guideline and Record of Interview Form.

4. Advising parents/care providers

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

If a student protection report submitted to the Queensland Police Service and/or the Department of Communities, Child Safety and Disability Services relates to suspected abuse or neglect by a member

of the student's family, the Principal will only inform the parent(s) or care provider(s) of the student protection concern once confirmed as appropriate with the Queensland Police Service or the Department of Communities, Child Safety and Disability Services. This is to ensure that any potential child protection or criminal investigation is not compromised.

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

Definitions

Child
A child is a person under 18 years of age.

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

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 2001*, section 7AA.

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*:

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

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

Reportable suspicion
As defined by section 13E of the *Child Protection Act 1999* means a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.

Relevant person (*Child Protection Act 1999*)
A relevant person for the purposes of mandatory reporting under section 13E of the *Child Protection Act 1999* is any of the following —

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

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 Toowoomba Catholic Schools on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order.

Student

A student is any person enrolled as such at Toowoomba Catholic Schools. 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—
    (i) a pre-preparatory learning program at the school; or
    (ii) a distance education pre-preparatory learning program at the school;
(c) a person with a disability who—
    (i) under section 420(2), is being provided with special education at the school; and
    (ii) is not enrolled in the preparatory year at the school.

School Student Protection Contact (SSPC)

A School Student Protection Contact (SSPC) is one of at least two persons who are nominated in each school in compliance with *the Education (Accreditation of Non-State Schools) Regulations* (Regulation 10, (4)) to whom a student can report behaviour by a staff member that the student considers inappropriate.

Teacher

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

Legislative references

Child Protection Act 1999

Reporting of a child in need of protection	Section 13 A states: *(1) Any person may inform the chief executive if the person reasonably suspects—* *(a) a child may be in need of protection; or* *(b) an unborn child may be in need of protection after he or she is born.* *(2) The information given may include anything the person considers relevant to the person's suspicion.*
Forming a reasonable suspicion of significant harm	Section 13C of the *Child Protection Act 1999* offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm: *(2) (a) whether there are detrimental effects on the child's body or the child's psychological or emotional state—* *(i) that are evident to the person; or* *(ii) that the person considers are likely to become evident in the future; and* *(b) in relation to any detrimental effects mentioned in paragraph (a)—* *(i) their nature and severity; and* *(ii) the likelihood that they will continue; and* *(c) the child's age.* *(3) The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.*
Reportable Suspicions	Section 13E of the *Child Protection Act 1999* includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department of Communities, Child Safety and Disability Services, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a "reportable suspicion"). Section 13G(5) states that a person does not commit an offence under the *Child Protection Act 1999* or any other act for failing to make a mandatory report under section 13E.
Conferral with colleagues	13H of the *Child Protection Act 1999* - Conferrals with colleague and related information sharing, states that: *(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—* *(a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;* *(b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);* *(c) for the relevant person to give a report under section 13G or keep a record about giving a report;* *(d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.*

Interviews with Children at School	Section 17 of the *Child Protection Act 1999* provides Department of Communities, Child Safety and Disability Services and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

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

The *Education (Accreditation of Non-State Schools) Act 2001* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria.

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

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

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

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

Education (Queensland College of Teachers) Act 2005

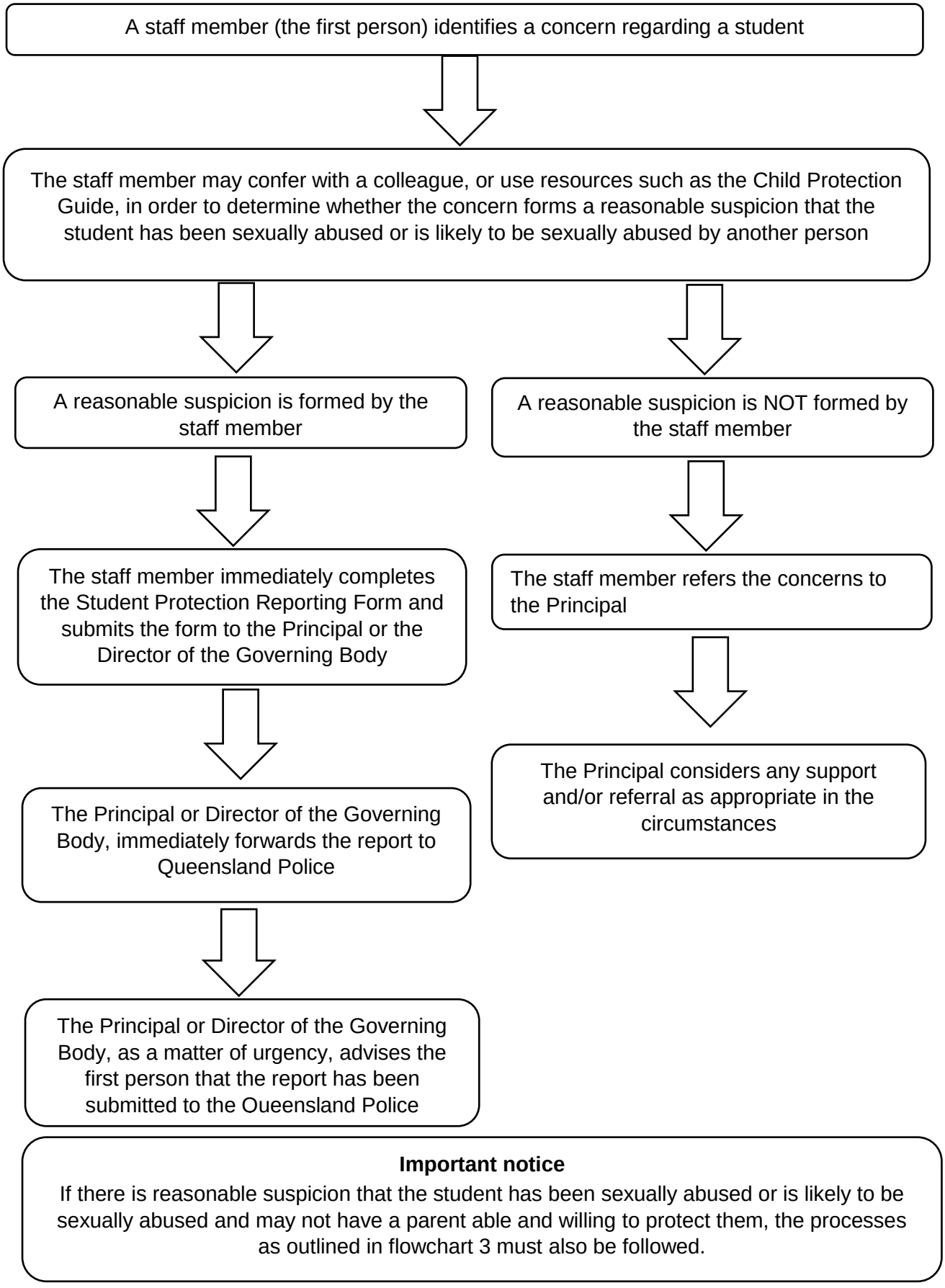
The *Education (Queensland College of Teachers) Act 2005* requires an employing authority to notify the Queensland College of Teachers about:

- investigations of harm caused or likely to be caused to a child because of the conduct of a teacher (section 76)
- the outcome of the investigation, including any findings and decisions made by the employing authority (section 77)
- certain dismissals that, in the opinion of the employing authority, call into question a teacher's competency to be employed as a teacher (section 78)

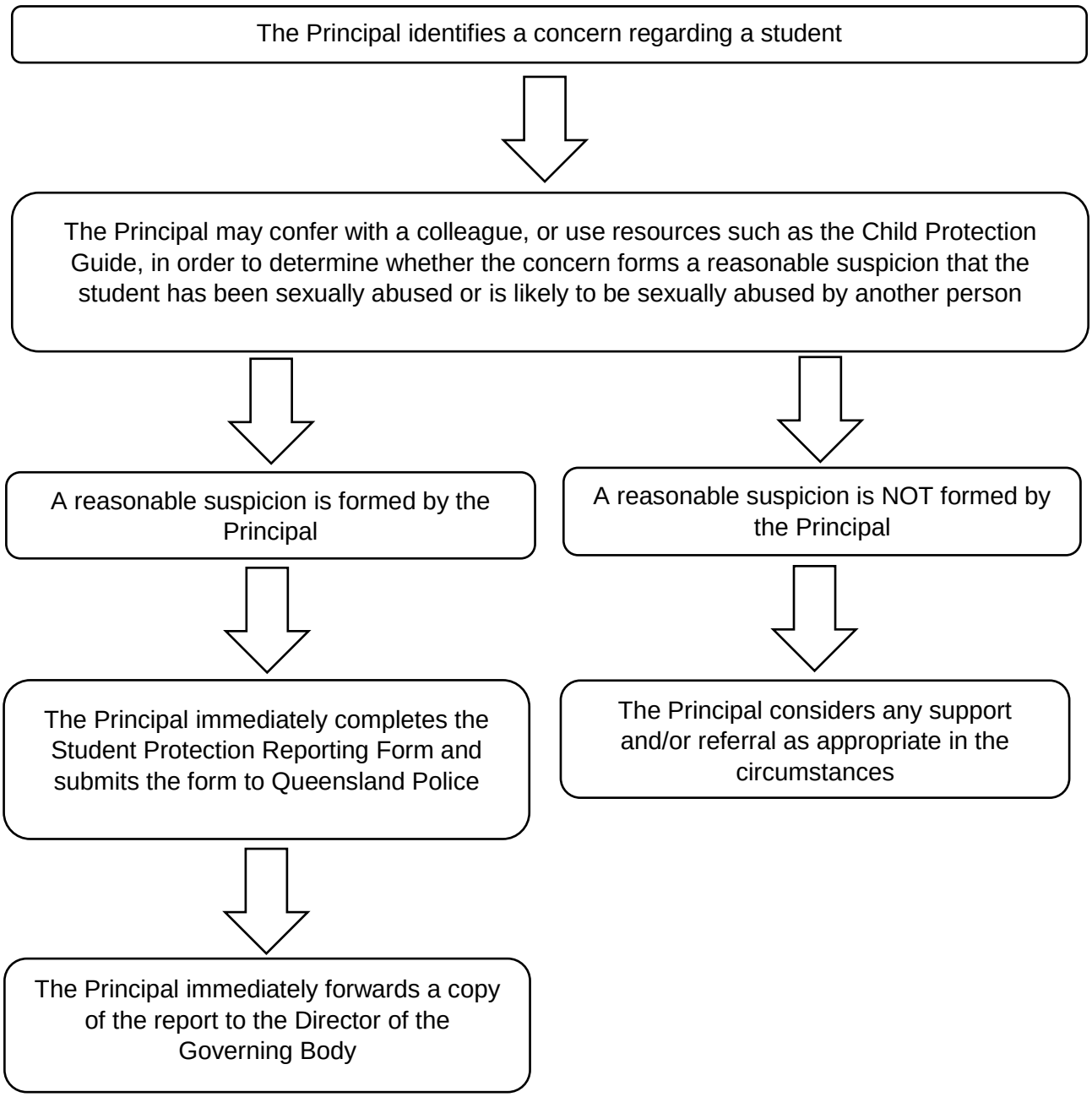
Evidence Act 1977

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

Flowchart 1: Reporting sexual abuse and likely sexual abuse



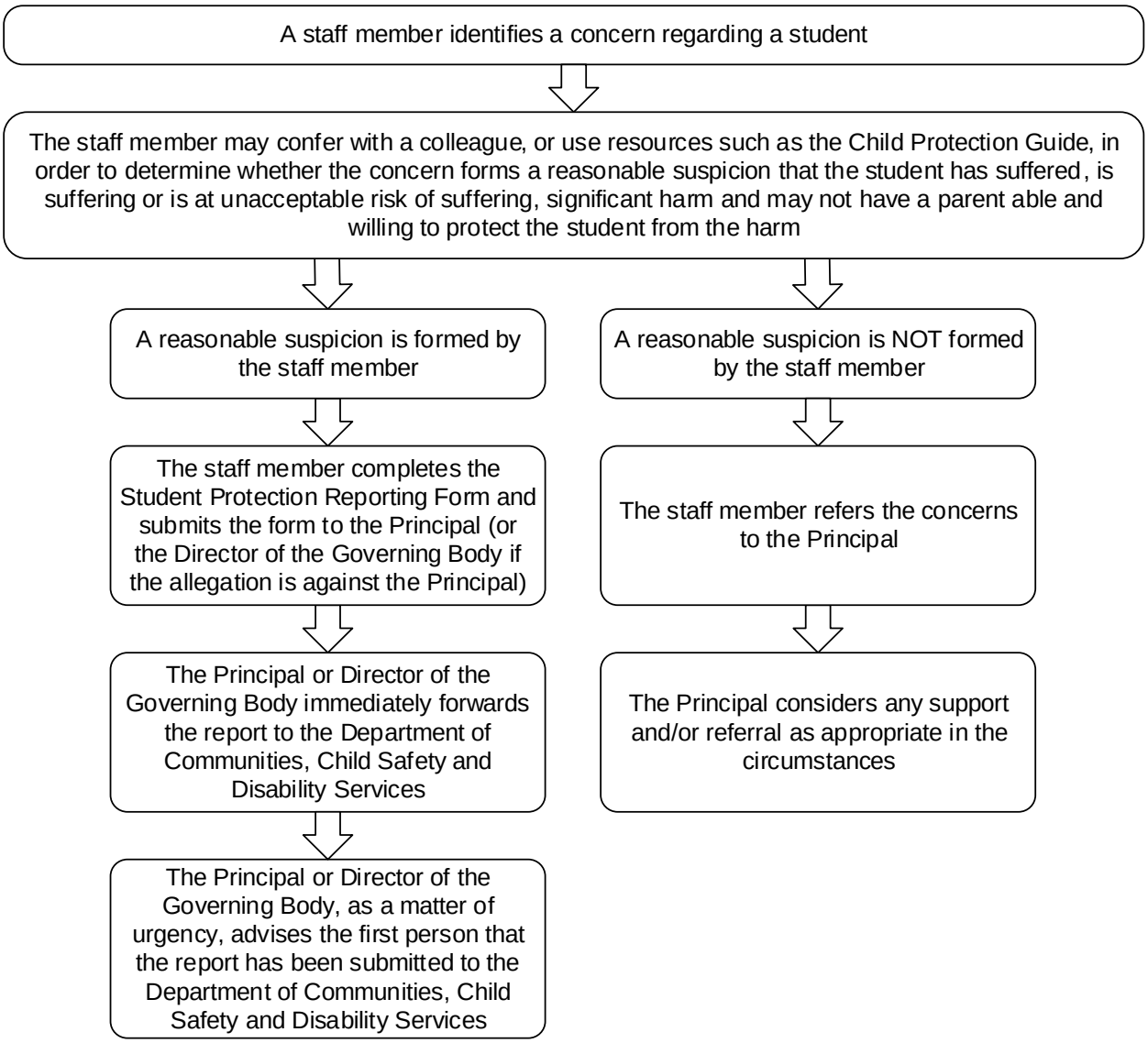
Flowchart 2: Reporting sexual abuse and likely sexual abuse where the first person is the Principal



Important notice

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

Flowchart 3: Reporting significant harm to Child Safety Services



Important notice

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

Mandatory Responsibilities for Teachers

If the staff member is a teacher, and the reasonable suspicion is that the student has suffered, is suffering or is an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the teacher is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department of Communities, Child Safety and Disability Services, 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#

Diocese of Toowoomba
Catholic Schools

Toowoomba Catholic Schools

STUDENT PROTECTION GUIDELINES

APR 2017

Begin your discovery at **www.twb.catholic.edu.au**

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Preface

These guidelines have been developed by the Queensland Catholic Education Commission (QCEC) in conjunction with Catholic School Authorities in order to provide information to support the implementation of the *Student Protection Processes for Queensland Catholic Schools*. These guidelines may be subject to change in line with child protection practice developments, and may be subject to customisation to reflect the resources and systems in place for a particular Catholic School Authority.

1. Understanding abuse and harm

All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. This part explains the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take if they form a reasonable suspicion of abuse, harm or staff inappropriate behaviour towards a student.

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

Generally, the types of abuse can be summarised as:

Sexual Abuse **Emotional or Psychological Abuse**

Physical Abuse **Neglect**

These types of abuse can cause the following types of harm to a student:

Physical Harm **Psychological Harm** **Emotional Harm**

1.1. Sources of abuse and harm

Students can be abused, or experience harm from a number of sources. These include:

Person associated with the school
(staff member, volunteer or another student at the school)

Family Member/Relative of the student
(parent/care provider, sibling, grandparent, other relative)

Other person in the community
(family friend, neighbour coach, tutor, stranger)

Self-harming by a student

2. Types of abuse

2.1 Sexual abuse and likely sexual abuse

Sexual abuse of a student occurs where a person engages in sexual behaviour with a student, and:

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or
- the student has less power than the other person; and/or
- there is a significant disparity between the student and the other person in intellectual
- capacity or maturity.[1]

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

Likely sexual abuse is where it is more probable than not that a student will be sexually abused in the future. One situation where a reasonable suspicion of likely sexual abuse could be formed is where 'grooming' behaviours towards a student are identified.

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.

What does sexual abuse involve?

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

Sexual abuse involving physical contact with a student could include:

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

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

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

- exposing a sexual body part to a student
- requesting a student to expose a sexual body part
- making obscene or sexually explicit remarks to a student

[1] See Section 364 of the *Education (General Provisions) Act 2006*

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

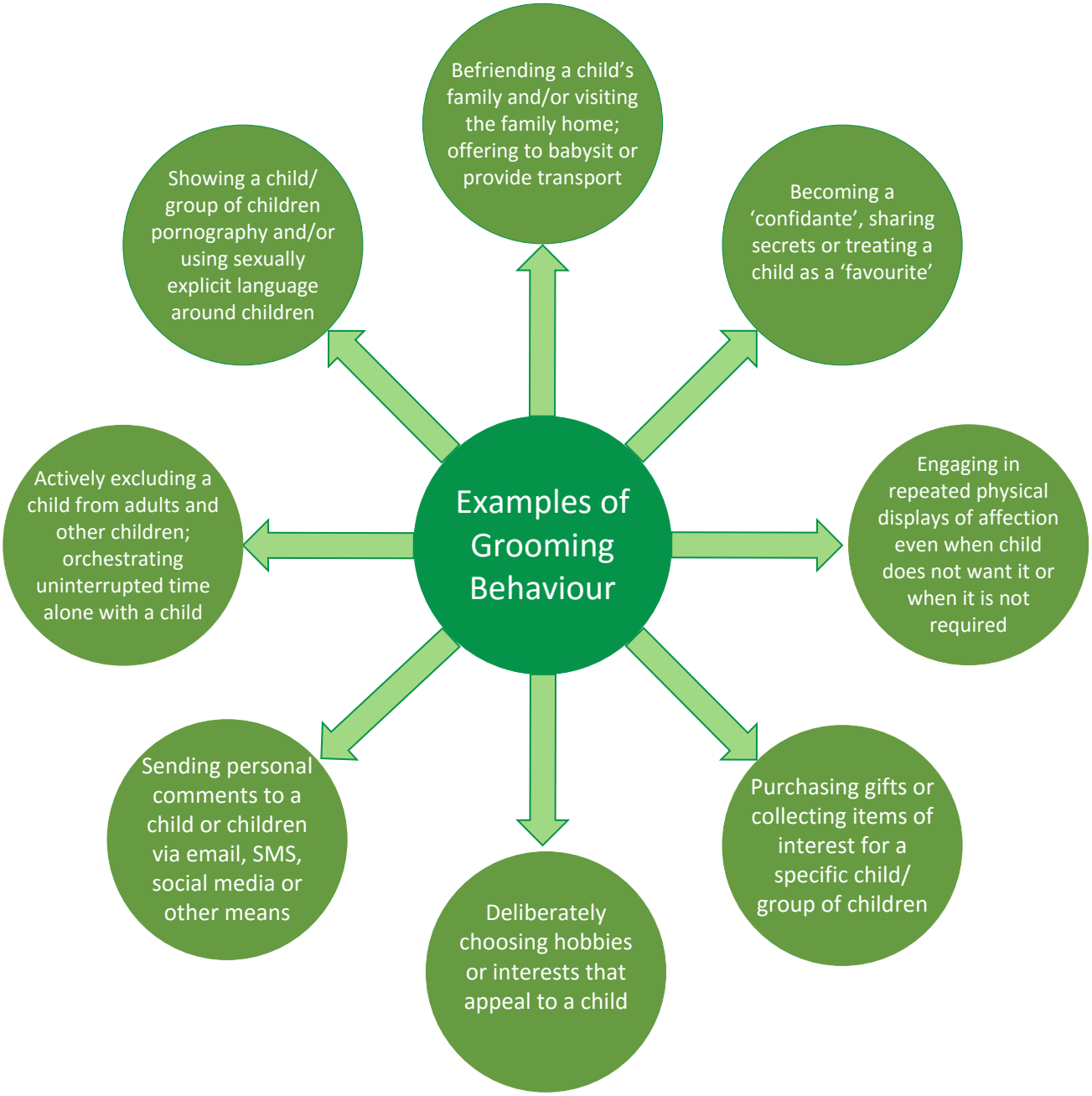
What is grooming?

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

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

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

Some examples of ‘grooming’ behaviour could include:



Activity between peers

Sexual activity between students

It is important to note that activity between peers may also be considered abusive, especially if the relationship is coercive or the behaviour forceful, degrading or threatening. Sexual activity between young people under 16 years of age is not automatically considered to be sexual abuse, even though technically it is unlawful in Queensland. The dynamics and characteristics of the sexual activity is a key consideration. For example, if a young person under the age of 16 years engages in sexual activity with a peer and there is no imbalance of power, coercion or manipulation involved, this may not be considered sexual abuse. On the other hand, if there is a power imbalance, coercion or manipulation in the sexual activity between a young person 16 years and older and another person, this may be considered sexual abuse.

Student sexual behaviour
Suspicions that a student has been sexually abused may also be formed in some cases where a student exhibits concerning sexual behaviour. Resources such as those published by the Department of Communities, Child Safety and Disability Services can assist in identifying age inappropriate sexual behaviour, and section 4.2 details further signs of sexual abuse.

2.2 Physical abuse

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

What does physical abuse involve?

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

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

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

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

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

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

2.3 Emotional/Psychological abuse

Emotional or psychological *abuse is the persistent emotional ill-treatment of a child which causes severe and persistent adverse effects on a child's emotional development.*

What does emotional or psychological abuse involve?

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

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

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

2.4 Neglect

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

What does neglect involve?

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

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

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

More information around understanding child abuse and harm can be found on the Department of Communities, Child Safety and Disability Services website.

3. Significant harm

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

- that the child has suffered, is suffering or is at any unacceptable risk of suffering significant harm; and
- there may not have a parent able and willing to protect the child from harm.

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

3.1 What is "unacceptable risk" of harm?

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

3.2 Relationship between abuse and harm

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

	Physical abuse	Emotional abuse	Sexual abuse	Neglect
Types of abuse	hitting punching	rejection persistent hostility	sexual exploitation penetration exposure to pornography	inadequate supervision poor hygiene/nutrition

	Physical (refers to body)	Emotional (ability to express emotions)	Psychological (mind & cognitive processes)
Types of harm (impact on the child)	bruising fractures internal injuries	depression hypervigilance self-harm	learning and developmental delays impaired self-image

4. Recognising abuse and harm

4.1 Recognising the signs of abuse and harm

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

It is important to remember:

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

4.2. Identifying the signs of abuse and harm

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

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

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

Physical

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

Neglect

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

Domestic violence

- difficulties in eating and sleeping
- hypervigilance
- regression to age-inappropriate behaviours
- developmental delays
- child is over-protective of a parent/care provider
- excessively controlling or aggressive/violent behaviour
- abuse of siblings/parent/care provider

Emotional/psychological

- inability to value self and others
- lack of trust in people
- statements from the child eg “I’m bad; I was born bad”
- extreme attention-seeking behaviours

Sexual

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

More information around recognising the signs of abuse can be found on the Department of Communities, Child Safety and Disability Services website.

5. Forming a reasonable suspicion

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

When a reasonable suspicion is formed, a staff member must act in accordance with the processes outlined in this document.

Generally, the ways in which a staff member may form a reasonable suspicion are as follows:

- a student makes a direct disclosure about another person's behaviour (see section 5.1)
- a parent or any person reports information of concern about a student and/or another person’s behaviour (this information may come from another student, relative, friend, acquaintance of the student, or sometimes could be anonymous)

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

Additionally, section 13C of the Child Protection Act 1999 offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:

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

A staff member may **confer** with a colleague as part of the decision making process as to whether they have formed a reasonable suspicion – further detail around conferral processes can be found in the Student Protection Processes for Toowoomba Catholic Schools.

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

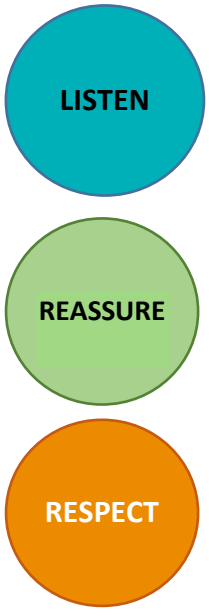
- it is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information
- in some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under these processes
- if the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant reporting requirements described in the Student Protection Guidelines for Toowoomba Catholic Schools
- if the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant reporting requirements described in the Student Protection Processes for Toowoomba Catholic Schools

NOTE: Staff members must not photograph student injuries or audio/ video record the discussion with the student – this is the role of the Queensland Police Service.

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

5.1 Responding to a disclosure

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



- **move to a suitable environment**, free of distractions
- **be calm and patient** - allow for the child to be heard
- **let the child use their own words** - avoid asking leading questions
- **avoid "quizzing" the child about details of the abuse**
- **don't be afraid of saying the 'wrong' thing;** listening supportively is more important than what you say

- reassure the child that **it is okay to tell you** what's been happening
- **address** any **concerns about** the **child's safety**
- reassure the child s/he is **not at fault and is not the cause of any distress** you may feel

- respect that the child **may only reveal some details**
- **acknowledge** the **child's bravery and strength**
- **avoid making promises you can't keep** - manage the child or young person's expectations
- **explain** to the child that in order for them to be safe **you will need to report their experience to someone else**

Adapted from an AIFS infographic: Responding to children and young people's disclosure of abuse

Remember - it is not a school staff member's role to investigate a suspicion of an unacceptable risk of abuse/ harm from any source, rather to report a reasonable suspicion of abuse or harm in accordance with the student protection processes. It is the role of officers of the Queensland Police Service and qualified officers of the Department of Communities, Child Safety and Disability Services to investigate and collect evidence in the required circumstances, such as conducting interviews with students.

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

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

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

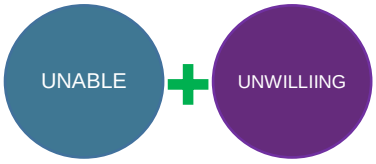
6. Considering whether there is a parent able and willing to protect a student

Where there is no parent able and willing to protect a child from significant harm, then the Department of Communities, Child Safety and Disability Services intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported Department of Communities, Child Safety and Disability Services.

A parent must be able AND willing to protect the child from significant harm.

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

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



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

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

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

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

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

NOTE: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.

7. Confidentiality, record keeping and information sharing

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

The management of any student protection concern should be well-documented, with clear records of any disclosures made by a student and any actions taken by the school. All information relating to a student protection concerns, including notes, reports and other documents must be stored securely and confidentially.

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

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

Information sharing

Within the school, information should not be shared around student protection matters with other staff members unless for a specific purpose under these processes, for example conferring with the Principal to determine whether a matter constitutes a reasonable suspicion of abuse or harm. Information may also be provided to staff members as part of ongoing support or risk management processes for a student.

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

- under Part 4 of the *Child Protection Act 1999*, the Department of Communities, Child Safety and Disability Service may request information around a student who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

- a principal, as a 'particular prescribed entity' under the *Child Protection Act 1999* may share information with certain service providers in order to obtain support for a student and their family. As best practice, any referral for support should be with the knowledge and consent of a student's

parents or care providers, however a principal may refer to service providers such as **Family and Child Connect** or **Intensive Family Support Services** without the prior consent of a parent or care provider. These services will then seek the consent of the parent or care provider to engage them in providing support.

- police may seek information from a principal in relation to a law enforcement activity, for example in the investigation of a criminal offence, or in attempting to locate a missing child. Again, the Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

8. Support and referral services

When students and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department of Communities, Child Safety and Disability Services or the Queensland Police Service. Where a concern is identified that does not meet the threshold for a report to Department of Communities, Child Safety and Disability Services or Queensland Police Service, or indeed where the outcome of a report is that no intervention by the authorities will occur, the Principal should consider any referral to appropriate support services such as

Family and Child Connect

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

Intensive Family Support Services

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

Intensive Family Support services include:

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

Information around making a referral to these services can be found via the Department of Communities, Child Safety and Disability Services website. Particular information around information sharing provisions for principals are detailed in section 7.

Other referral options

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

School based supports

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

- referral to the school counsellor
- engaging specific educational services to meet a student's needs
- consideration of academic demands and providing flexible alternatives
- identifying other school support staff, including pastoral care options and peer support
- implementing risk management plans, particularly involving situations between students
- providing protective behaviours education to students, including safety planning.

9. Understanding behaviour by a staff member a student considers to be inappropriate

For the purposes of these processes, staff inappropriate behaviour includes (though is not limited to) any behaviour, including words, towards a student that is contrary to what is required of staff members under the Toowoomba Catholic Schools Code of Conduct.

Inappropriate behaviour by a staff member towards a student can by described in terms of *violations of professional boundaries*. These boundaries can be described as follows:

Physical boundaries

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

Emotional boundaries

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

Behavioural boundaries

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

Examples of boundary violations appear on the following page.

9.1 Examples of Boundary Violations*

*See also the *Professional Boundaries: A Guideline for Queensland Teachers* as published by the QCT.

Physical Boundary Violations	Emotional Boundary Violations	Behavioural Boundary Violations
• pushing • pulling • grabbing • hitting • poking shoving • shaking • throwing • kicking • pinching • punching • using physical force to ensure a child cooperates • holding or restraining a child (unless in imminent danger of harm) • using an object (ruler, book, whiteboard marker) to manage a student • refusing biological necessities • applying painful or noxious conditions to a student • inappropriately touching or massaging a student • unnecessary or unwanted physical contact	Making inappropriate comments about a student and/or a student's family by: • shaming, • embarrassing, humiliating • using sarcasm • making derogatory remarks belittling • teasing • unprofessional criticism Exerting power over a student through the use of: • intimidating behaviour • fear • threats • moral pressure Shouting at a student	Having inappropriate interactions with a student through: • inappropriate use of social media in relation to a student • phone calls emails or texts to the student's personal email or phone • gift giving or showing special favours • sharing secrets with a student • disclosing inappropriate personal information to a student • inappropriate questioning of a student about personal and private matters • engaging in social activities with students (with whom there is not a declared personal relationship) outside school • driving students without appropriate authority • visiting students at home without appropriate authority Using unprofessional language: • swearing at or in the presence of a student • making otherwise inappropriate comments to or in the presence of a student Failing to follow a school's behaviour support policy and procedures: • unreasonable, unfair and/or unjust disciplinary measures • the imposition of manifestly unreasonable expectations or excessive demands on a student • using inappropriate locations or social isolation outside of the school's behaviour support guidelines as punishment Using a personal device or private email address to make contact with a student (with whom there is not a declared personal relationship or appropriate authority) Photographing a student other than for an appropriate professional reason Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs) Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student

10. Historical allegations

When a staff member receives information that a former student has been sexually abused, or has suffered significant harm, by a staff member at the school, the staff member must follow the processes detailed in section 2 of the Student Protection Processes.

If the allegation is against a current staff member or principal, then the processes detailed in section 2.6.1 and 2.6.2 of the Student Protection Processes apply.

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

In relation to historical complaints of harm other than sexual or physical abuse matters, where the person against whom the allegation has been made is still employed by Toowoomba Catholic Schools, the matter should be addressed by Toowoomba Catholic Schools.

Where the person is no longer an employee of Toowoomba Catholic Schools, the matter should be referred to the Director of the Office of Professional Standards Qld (Towards Healing) who can make an assessment as to whether the information should be provided to the Queensland Police Service.

Where the staff member is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of the Office of Professional Standards Qld (Towards Healing) will be informed as soon as possible.

Where a historical allegation of sexual abuse, suspected sexual abuse, likely sexual abuse or significant harm towards a student is made against an employee of Toowoomba Catholic Schools, and the date of the allegation was during the period in which the Governing Body was not the Roman Catholic Diocese of Toowoomba, then in addition to meeting all reporting requirements as detailed in the Student Protection Processes for Toowoomba Catholic Schools, the Executive Director of the Toowoomba Catholic Schools Office will notify in writing the appropriate contact within the Governing Body at the time that the allegation has been made, and this notification will occur without unreasonable delay.

Vision statement

To offer life long Catholic education so that each person may know and come to be identified more fully with the living Spirit of Christ. This Spirit, working through the faith community, calls all involved in Catholic education to...

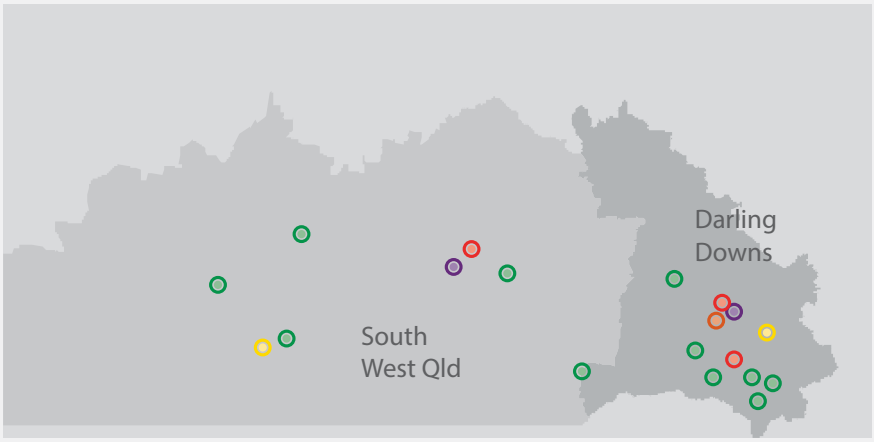
...act justly, love tenderly and walk humbly with your God. (Micah 6:8)

Toowoomba schools

- Holy Name Primary School
- Mater Dei Primary School
- Mary MacKillop Catholic College
- Our Lady of Lourdes Primary School
- Sacred Heart Primary School
- St Anthony's Primary School
- St Saviour's Primary School
- St Thomas More's Primary School
- St Joseph's College
- St Mary's College
- St Saviour's College
- Youth and Community Learning Centre

Regional schools

- **Allora** I St Patrick's Primary School
- **Charleville** I St Mary's Primary School
- **Chinchilla** I St Joseph's Primary School
- **Clifton** I St Francis de Sales Primary School
- **Cunnamulla** I Sacred Heart Parish School
- **Dalby** I Our Lady of the Southern Cross College
- **Goondiwindi** I St Mary's Primary School
- **Inglewood** I St Maria Goretti Primary School
- **Millmerran** I St Joseph's Primary School
- **Mitchell** I St Patrick's Primary School
- **Oakey** I St Monica's Primary School
- **Pittsworth** I St Stephen's Catholic School
- **Quilpie** I St Finbarr's Primary School
- **Roma** I St John's School
- **St George** I St Patrick's Primary School
- **Stanthorpe** I St Joseph's School
- **Warwick** I St Mary's Primary School
- **Warwick** I Assumption College
- **Tara** I St Joseph's Primary School



Diocese of Toowoomba
Catholic Schools

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