

STUDENT PROTECTION

PROCESSES AND GUIDELINES

Version:	July 2021
Replaces Version:	March 2021



**Catholic
Education**
Diocese of Cairns

Learning with Faith and Vision

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Executive Director's Message

Thank you for your continued commitment and engagement with our Student Protection Reporting Processes. Student Protection now carries much complexity and responsibility, requiring sensitivity, sound process and legal compliance. Our duty of care resides in our capacity both individually and collectively to take action as required.

Child safe practices are integral to learning and teaching. Safety, security and nurture are fundamental human rights and needs which are the foundational to the Catholic School experience.

This procedural document follows legislative amendments and our substantial review of previous documentation. It highlights and acknowledges the important role school staff have in our communities and the continued commitment to recognising and responding to all student protection concerns promptly, professionally and sensitively.

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



Bill Dixon

Executive Director

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 Children, Youth Justice and Multicultural Affairs, particularly if he/she believes that it is essential to act to ensure a student's safety.

Effective Date

These processes are effective from Monday, 5 July 2021

Review Schedule

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

The Governing Body

The Governing Body is the Roman Catholic Trust Corporation for the Diocese of Cairns. The Director of the Governing Body for the Roman Catholic Trust Corporation for the Diocese of Cairns is the Bishop of the Diocese of Cairns.

Delegation

Pursuant to s 366B of the *Education (General Provisions) Act 2006*, the Director of the Governing Body, the Bishop of the Diocese of Cairns has delegated to the person performing the duties of the Diocese of Cairns Catholic Education Executive Director (hereafter referred to as the Executive Director), obligations under s366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

Student Protection Contacts

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (Section 16(3)), schools administered by the Diocese of Cairns Catholic Education Services (hereafter referred to as Catholic Education Services) 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 Student Protection Contacts are made known to staff, students and parents and are published on their respective school's website, in parent newsletters and in posters placed prominently around the school site. A central register is maintained by Catholic Education Services and updated regularly.

Complaints Procedure

Under the Education (Accreditation of Non-State Schools) Regulation 2017 (Section 16 (5)), the Diocese of Cairns Catholic Education (herein after referred to as Cairns Catholic Education) has a written complaints procedure to address allegations of non-compliance with student protection processes.

In the event that a person, for example a parent, has a concern that the processes within the Student Protection Processes have not been complied with, then the person is able to make a complaint pursuant to Cairns Catholic Education *Grievance (Maintaining Right Relations) Procedure*.

Both the Policy and Procedure are publicly available via the Cairns Catholic Education website. The *Grievance (Maintaining Right Relations) Procedure* defines the process to make a complaint, which in the first instance should be to the Principal of the school, where appropriate.

Where the concern is not able to be resolved at the school level within a reasonable period, then the complaint should be referred to Catholic Education Services Manager Professional Standards and Safeguarding Office and Safeguarding Office.

Awareness and Implementation

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

Catholic Education Services is responsible for ensuring that:

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

This is achieved by:

- Cairns Catholic Education Publishing an electronic copy of the Student Protection Reporting Processes on the Cairns Catholic Education public website and Staff Portal so that it is readily accessible by staff, students and parents;
- As part of induction, all new Principals receive student protection training that is appropriate to their role and responsibilities;
- Developing and distributing training materials in student protection for staff, volunteers and other personnel;
- Providing resources for use by schools including student protection posters, inserts for newsletters and
- Developing and implementing Codes of Conduct for staff, volunteers and other personnel;
- Monitoring the completion of training by staff and keeping records of training in Cairns Catholic Education's Professional Learning System, iLearn;
- Employing specialist Student Protection Officers to support school staff;
- Monitoring compliance with implementation of processes through a school's cyclic review and the Student Protection Continuous Improvement audit;
- Developing and maintaining a Student Protection Case Management System (SPCMS) for recording and reporting student protection concerns and monitoring its use;
- All new staff undertake mandatory student protection induction training within 4 weeks of commencing employment;
- Mandatory online Student Protection compliance training is available to all staff annually;
- Suitable student protection programs and training materials for staff are made available;
- Specialised student protection training is made available and delivered to, for example, Principals, other Student Protection Contacts and Guidance Counsellors;
- Monitoring the completion of training by staff and keeping records of training in the Cairns Catholic Education's Professional Learning System, iLearn;
- Specialised student protection expertise is available to school and the Catholic Education Services staff through the work of the Professional Standards and Safeguarding Office

and also achieved by School Principals:

- Ensuring the Safeguarding Children icon is located on their school public website which directly links to the Cairns Catholic Education Safeguarding Children webpage and includes access to an electronic version of the Student Protection Processes and Guidelines document
- Making available a hard copy of the Student Protection Processes and Guidelines document at the school
- staff members are made aware of the Student Protection Reporting Processes and trained in implementing these processes by making sure that –
- all new staff members as part of their induction are made aware of the requirements of the Cairns Catholic

Education Code of Conduct and the documents that stipulate Student Protection Processes;

- the names of the school's Student Protection Contacts are made known to staff members, and volunteers and the information displayed in the staffroom, and provided in the staff handbook and/or on the school's intranet site;
- all new staff members undertake the online Mandatory Student Protection Reporting Obligations Training within the first 4 weeks of employment;
- other employees understand their student protection responsibilities as appropriate;
- all volunteers and other personnel (i.e. contractors) complete student protection training and receive a copy of the relevant Code of Conduct; and
- the Principal appoints at least one other suitable staff member to fulfil the role of Student Protection Contact for the school.

students and parents are aware of the Student Protection Processes by making sure that:

- Student Protection Posters are displayed prominently in areas of the school frequented by students;
- the names of the school's Student Protection Contacts are made known to students and parents in a variety of ways and publicised in the school community, for example by posters, at assemblies, in handbooks, in the school newsletter, on the school's website/intranet and provided at parent information sessions;
- students and parents are made aware of the processes for reporting to a Student Protection Contact, the behaviour of any staff member that a student considers is inappropriate, for
- example by posters, at assemblies, in handbooks, in the school newsletter, on the school's
- website/intranet and at parent information sessions;
- students and parents are made aware that a hard copy of the Student Protection Processes is in the school library and readily accessible during school hours;
- students and parents are made aware that electronic copies of the Student Protection Reporting
- Processes and Guidelines document are available through the Safeguarding Children icon on the schools public webpage or via the Cairns Catholic Education Safeguarding Children public webpage
- students and parents are made aware that allegations of non-compliance with the Student Protection Processes is available via Cairns Catholic Education *Grievance (Maintaining Right Relations) Procedure*, which is located on the Cairns Catholic Education public website.

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

STUDENT PROTECTION PROCESSES

1. Our responsibilities

Cairns Catholic Education 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 Cairns Catholic Education will respond to harm, or allegations of harm, to students;
- a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate;
- a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
- a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Cairns Catholic Education.

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 details around these key child protection concepts are contained within the Student Protection Guidelines.

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

Identify

Identify student protection concerns through recognising the [signs of abuse](#) and harm, and through [disclosures](#) or receipt of information;

Confer

Seek guidance and support – if necessary, [confer](#) with the Principal or appropriate colleagues, or use resources such as the [Queensland 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 focused on the support needs of the student and liaise with the Principal around any planning or actions that are required

2.1 Conferral with colleagues and accessing support

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

Staff members may confer with colleagues, for example the Principal or Student Protection Contacts, to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a student concern.

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

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

- Provides greater context to the concerns identified by the staff member;
- Changes the seriousness of the concerns, particularly as to whether harm to a student is 'significant';
- Provides greater clarity around whether there is a parent able and willing to protect the student.

In addition to conferring with colleagues, a number of practical tools and resources exist to support staff members in their decision making, including the [Queensland Child Protection Guide](#) – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to the Department responsible for Child Safety (herein after referred to as Child Safety Services) 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 Cairns Catholic Education Staff Portal and locate additional resources within the Safeguarding Children folder.

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 Record of Concern module of the Cairns Catholic Education Student Protection Case Management System (hereafter referred to as SPCMS) to the Principal or the Executive Director. The Principal or Executive Director is required by law to **immediately** forward a copy of the State Authority Report (SAR) generated through the SPCMS 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 Executive Director of Cairns Catholic Education. State Authority Reports (SAR's) generated and submitted through the SPCMS will satisfy both these requirements. See [Flowchart 2](#).

Where the reasonable suspicion of [sexual abuse](#) or [likely sexual abuse](#) is against the **Principal**, the written report in the form of a Record of Concern generated by the SPCMS must be submitted by the first person to

the Executive Director, who must **immediately** forward a copy of the State Authority Report (SAR) to the Queensland Police Service. State Authority Reports generated and submitted through the SPCMS will satisfy this requirement.

The Principal or Executive Director (as the delegate of the 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 Cairns Catholic Education that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police Services 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 Child Safety 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 can fulfil this mandatory reporting obligation by:

- Making a written report using the Record of Concern module of the SPCMS to their Principal of the reportable suspicion (or if the allegation is against the Principal to the Executive Director) and as a matter of urgency receiving written confirmation from the Principal or Executive Director of the date and time that the report was submitted to Child Safety Services; or
- Making a report directly to Child Safety Services via the online reporting form generated through the SPCMS with the assistance of Catholic Education Services Student Protection Officers or via Child Safety Services [online reporting form](#).

When the Principal or Executive Director receives a report, where a teacher has formed a 'reportable suspicion', they **must**, as a matter of urgency, forward the report to Child Safety Services.

Where a Principal themselves forms a '[reportable suspicion](#)', they **must** make a report directly to Child Safety Services.

Teachers are encouraged to make mandatory reports to Child Safety 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 Child Safety Services

If the teacher does not reasonably suppose that the Principal has provided the report to Child Safety Services the

teacher **must, as a matter of urgency**, make the report directly to Child Safety Services Teachers are encouraged to confer with the school Student Protection Contacts or Cairns Catholic Education Student Protection Officers for support in making the mandatory report themselves.

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 Record of Concern module of the SPCMS who in turn must immediately forward the State Authority Report (SAR) to the Child Safety Services - Regional Intake Service. See [Flowchart 3](#).

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 the Diocese of Cairns Catholic Education 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 Child Safety Services in accordance with these processes.

Where the allegation is against the **Principal**, the staff member must submit the Record of Concern to the Executive Director who in turn must immediately forward the State Authority Report (SAR) to Child Safety Services - Regional Intake Service.

The Principal or Executive Director must, as a matter of urgency, advise the staff member that the report has been forwarded to Child Safety 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 Child Safety Services.

Copies of all State Authority Reports are to be submitted to Catholic Education Services Professional Standards and Safeguarding Office. Reports generated in the SPCMS will satisfy this requirement.

2.4 Requirement to report a Child Sexual Offence

In addition to the requirement to report sexual abuse or likely sexual abuse, section 229BC of the Criminal Code Act 1899 mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a general requirement applying to all adults (18 years or over) when information causes, or ought reasonably to cause, the adult to believe that a child sexual offence is being or has been committed against a child by another adult (for more details see Legislative References).

A report does not have to be made under the Criminal Code Act 1899 if a report has already been made under the Education (General Provisions) Act 2006 (reporting sexual abuse or likely sexual abuse) or the Child

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

IMPORTANT NOTE: Failure to protect from a child sexual offence

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

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

- knows there is a significant risk that another adult associated with the school will commit a child sexual offence against a child; and
- they have the power or responsibility to reduce or remove the risk; and
- they wilfully or negligently fail to reduce or remove the risk.

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

In accordance with section 16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have written processes to respond to harm or allegations of harm to a student. Therefore, in addition to the requirements outlined in sections 2.2 and 2.3 above, staff members must respond to any reasonable suspicion in accordance with the required processes that a child has suffered, is suffering or unacceptable risk of suffering, significant harm caused by emotional abuse, neglect, self-harm, or harm caused by others - for example, by other students or by other persons in the community.

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

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

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

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

- assessing the immediate safety of the student or any other student who may have been affected and
- instigate the school's critical incident plan, if required
- notify and collaborate with the school counsellor or school psychologist regarding an appropriate response plan to ensure the ongoing safety of the student
- notify the student's parents unless doing so is not appropriate – for example, the incident may relate to an independent student or notifying parents may not be in the student's best interests. Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the student from harm (for example refusing to support the student in accessing medical or psychological care) then a written report must be made in accordance with the reporting processes detailed in Section 2.3 as a concern of neglect
- support any other student or staff member who may be affected by an incident of self-harm
- utilise established referral protocols and pathways to local mental health service providers if urgent mental health advice and assistance is required
- establish a date as to when the outcomes of the response will be reviewed

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

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

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

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

Behaviour between students is managed in accordance with Cairns Catholic Education 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. The Diocese of Cairns Catholic Education will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with Cairns Catholic Education Student Bullying: Prevention and Responses in Schools Policy. and associate procedures relating to student conduct. This may include the school notifying the police of incidents involving assaults, threats, intimidation or harassment.

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](#).

2.5.3 Responding to student sexual behaviour

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

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

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

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

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

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

A staff member may identify concerns regarding a student that ultimately do not form a reasonable suspicion of sexual abuse, likely sexual abuse or significant harm, however, indicate that without support or intervention a student and/or their family are at risk of entering the child protection system.

These concerns should be raised with the Principal, who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the School Counsellor, or to community-based options such as Family and Child Connect.

The Student Protection Guidelines provide detail around the options that are available to [support students and families](#).

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

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

Additionally, a school must have a process to respond to the reported staff inappropriate behaviour.

Therefore, if a staff member becomes aware of staff behaviour that a student considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay.

2.6.2 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 and the report from the staff member must also be made to the Manager Professional Standards and Safeguarding Office. Reports generated in the SPCMS will satisfy this requirement. In addition, in these circumstances, organisational conduct processes will be commenced once confirmed as appropriate by the Queensland Police Service. This is to ensure that any action taken by Cairns Catholic Education does not compromise any potential criminal investigation.

The Manager Professional Standards and Safeguarding Office (or delegate) will instigate any actions for dealing with allegations against staff members or volunteers, including:

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

2.6.3 Allegations of sexual abuse or likely sexual abuse against a Principal

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

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed except the report from the staff member will be made to the Executive Director, not the Principal. Completing the written report in the form of a Record of Concern in the SPCMS will facilitate this requirement. In addition, in these circumstances, organisational conduct processes will be commenced once confirmed as appropriate by the Queensland Police Service. This is to ensure that any action taken by Cairns Catholic Education not compromise any potential criminal investigation.

The Executive Director (or delegate) will instigate any actions for dealing with allegations against staff members or volunteers, including:

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

Following the provision of a State Authority Report (SAR), an investigation must not be conducted by or on behalf of Cairns Catholic Education pending the result of Police inquiries. However, the Executive Director (or delegate) will take immediate steps to ensure that a risk assessment is undertaken to determine whether the Principal subject to the allegations should continue to be allowed to work in the school. As a result of the risk assessment, and following consultation with the QLD Police Service, the Principal may be suspended from his/her duties or have his/her duties restricted.

The Executive Director (or delegate) will seek advice from the QLD Police Service as to if and when the Principal should be informed of the allegation. In all allegations of sexual abuse or likely sexual abuse against a Principal, the Executive Director (or delegate) in consultation with the Manager Professional Standards and Safeguarding Office (or delegate) with the permission of the QLD Police Service will proceed in accordance with the processes detailed in Section 2.6.8 - *Level 2 Intervention for responding to reports of repeated, serious or more complex inappropriate behaviours.*

IMPORTANT NOTE: Sexual Activity between staff members and students

The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded and responded to as SEXUAL ABUSE.

2.6.4 Allegations of harm against a staff member or volunteer

A staff member may form a reasonable suspicion that a staff member or volunteer has harmed a student. In these circumstances, the staff member must make a written report of the concern to the Principal using the Record of Concern module of the SPCMS. The Principal, upon receipt of this information, commences the process detailed in Section 2.6.8 – *Level 2 intervention for responding to reports of repeated, serious or more complex inappropriate behaviour*.

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

If a student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of a staff member's or volunteer's behaviour, it is a requirement that the QLD Police Service is notified by the Principal. Parents are notified and must be informed of the school's action to date. Parents must also be informed that they are able to contact the QLD Police Service directly if they wish to. The Principal must make a record of this discussion within the SPCMS as part of the workplace investigation process to be carried out.

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

Where the allegation concerns emotional harm to a student and there is a parent able and willing to protect the student then the allegation will be dealt with in accordance with the processes detailed in Section 2.6.8 *Level 2 - Intervention for responding to reports of repeated, serious or more complex inappropriate behaviour*.

2.6.5 Allegations of harm against a Principal

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, the staff member must make a written report of the concern to the Executive Director (or using the Record of Concern module of the SPCMS. The Executive Director (or delegate), upon receipt of this information, commences the processes detailed in Section 2.6.8 *Level 2 – Intervention for responding to reports of repeated, serious or more complex inappropriate behaviour*

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

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

If a student has experienced significant physical harm (for example, bruises and non-accidental injuries), as a result of the Principal's behaviour, it is an organisational requirement that the QLD Police Service be notified. The first staff member must notify the Diocese of Cairns Catholic Education Services Manager Professional Standards and Safeguarding Office who must notify the QLD Police Service. Parents are notified and must be informed of the school's action to date. Parents must also be informed that they may contact the QLD Police Service directly if they wish to. The Manager Professional Standards and Safeguarding Office must make a record of this discussion within the SPCMS as part of the workplace investigation process to be carried out.

Overall case management will be provided by the Executive Director (or delegate). It is important for the case manager to establish communication with the Police (if required) and parents so that information may be shared as appropriate. Catholic Education Services Student Protection Officer is also available to provide assistance and support to staff in managing what can be complex issues relating to student protection matters.

2.6.6 Allegations of inappropriate behaviour against a staff member or volunteer

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

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

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

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

The Principal, with reference to 2.6.5.1 and 2.6.5.2, will determine the level of intervention required and action the appropriate procedures to be followed. Guidance on determining the appropriate response can be obtained from Cairns Catholic Education Professional Standards and Safeguarding Office. Manager Professional Standards and Safeguarding Office

If the person against whom a report of inappropriate behaviour has been made is a volunteer or an employee who is not a staff member of Cairns Catholic Education, the Principal will take appropriate steps, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in 2.6.5.1 and 2.6.5.2 as they apply to a staff member of Cairns Catholic Education.

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

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

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

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

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

When is a Level 1 Intervention actioned?

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

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

Who is responsible for a Level 1 Intervention?

The Level 1 Intervention response to a report of inappropriate behaviour towards a student by a staff member will be coordinated at school level by the Principal, who will record the intervention in the SPCMS. The Principal will determine how best to address the complaint or report with the staff member and initiate any consequences that may be determined to be appropriate. Advice from relevant personnel in the Cairns Catholic Education Services office (e.g., Director of School Effectiveness, Professional Standards and Safeguarding Office) may be accessed by the Principal, as required to manage any aspect of the intervention.

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 Cairns Catholic Education Code of Conduct. Such inappropriate behaviour may be of a physical, sexual, emotional or psychological nature. Further information regarding professional boundaries is located in the accompanying Student Protection Guidelines document.

What actions are undertaken for a Level 1 Intervention?

The role of the Principal

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

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

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

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

Further guidance on the role of the Principal

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

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

The staff member must be formally advised of the outcome of the Level 1 Intervention through the provision of the Level 1 Intervention Report following review of the matter by the Manager Professional Standards and Safeguarding Office and Safeguarding Office (or delegate)

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

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal will inform the Manager Professional Standards and Safeguarding Office and Safeguarding Office as soon as possible.

Provision of pastoral care and support

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

The role of Catholic Education Services staff

The Manager of the Professional Standards and Safeguarding Office (or delegate) will review the Level 1 Intervention for completeness, accuracy, and relevance and advise the Principal if any amendments are required.

The Manager of the Professional Standards and Safeguarding Office (or delegate) is responsible for checking whether any previous Level 1 Intervention Reports have been received concerning the staff member and will determine what further action, if any, needs to be taken.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Manager Professional Standards and Safeguarding Office will ensure that the relevant church authority is informed.

The Manager of the Professional Standards and Safeguarding Office (or delegate) and Cairns Catholic Education Student Protection Officers are available for consultation and advice in relation to managing school level interventions.

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

When is a Level 2 Intervention actioned?

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

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

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

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

Where a report has been made to the Queensland Police Service about a matter, the Level 2 Intervention request will be forwarded to the Manager Professional Standards and Safeguarding Office and Safeguarding Office, however, further investigation will only commence once confirmed as appropriate with the Queensland Police Service. This is to ensure that any action taken by Catholic Education Services or the school does not compromise any potential criminal investigation.

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

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

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

Repeated behaviours

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

Serious behaviours

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

Complex behaviours

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

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

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

Who is responsible for a Level 2 Intervention?

A Level 2 Intervention is carried out by the Manager Professional Standards and Safeguarding Office and Safeguarding Office (or delegate) as authorised by the Executive Director. The Manager Professional Standards and Safeguarding Office and Safeguarding Office (or delegate) will notify the Executive Director at the commencement and end of the intervention (which may include an investigation process).

What actions are undertaken for a Level 2 Intervention?

The role of the Principal

The Principal will initiate a request for a Level 2 Intervention to the Manager Professional Standards and Safeguarding Office and Safeguarding Office by completing the required documentation through the SPCMS including:

- reviewing the Record of Concern;
- assessing the nature of the concern;
- clarifying the concern with the student/parent/complainant;
- gathering additional information if required and/or after consultation with the Manager of Professional Standards and Student Protection;
- determining the boundary violation;
- outlining the rationale for the Level 2 Intervention Request;
- determining and actioning the appropriate student support strategies;
- proposing and actioning the appropriate staff intervention strategies;
- submitting the matter to the Manager Professional Standards and Safeguarding Office and Safeguarding Office for review;
- actioning any amendments required; and
- producing the Level 2 Intervention Request.

The Level 2 Intervention Request Report includes:

- the details of the school, the student and the staff member of concern;

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

Further guidance on the role of the Principal

A formal investigation (as opposed to information gathering to allow an assessment of the matter to be made) must not be undertaken at the school level without the Manager Professional Standards and Safeguarding Office approval as authorised by the Executive Director.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Principal will inform the Manager Professional Standards and Safeguarding Office as soon as possible.

The role of the Manager Professional Standards and Safeguarding Office

On receipt of a Level 2 Intervention Request, the Manager Professional Standards and Safeguarding Office (or delegate) will assess the matter and determine how it is to be progressed.

The Manager Professional Standards and Safeguarding Office (or delegate) will consider the details of the report and the rationale for the Level 2 Intervention Request and as necessary will seek clarification of any issues related to it by consulting with relevant persons such as the Principal, Director School Effectiveness or Student Protection Officer.

The Manager Professional Standards and Safeguarding will also consider any previous reports on file of inappropriate behaviour made against the staff member. The Manager Professional Standards and Safeguarding Office will take immediate steps to ensure that a risk assessment is carried out to determine if the staff member subject to the allegations should continue to be allowed to work in the school. As a result of the risk assessment, the staff member may be stood down from his/her duties or have his/her duties restricted.

If the Manager Professional Standards and Safeguarding Office forms the view that the matter should be handled as a Level 1 Intervention, the matter will be referred back to the Principal for school level management.

If the Manager Professional Standards and Safeguarding Office forms the view that the matter involves an allegation or reasonable suspicion of sexual abuse or likely sexual abuse of a student, the Manager Professional Standards and Safeguarding Office must immediately make a mandatory State Authority Report if the matter has not already been reported by the Principal.

If the student has suffered significant harm or is at an unacceptable risk of harm, the Manager Professional Standards and Safeguarding Office must also consider the appropriate response to be made under section 2.3 of this document which includes assessing the appropriateness of making a State Authority Report to the Queensland

Police Service or Child Safety Services if the matter has not already been reported by the Principal.

The Manager Professional Standards and Safeguarding Office will implement processes for risk management and support of the student and the staff member.

Following confirmation from the Queensland Police Service that it is appropriate for Catholic Education Services to commence its Level 2 processes, the Manager Professional Standards and Safeguarding Office (or delegate) will inform the parent or carer of the student towards whom the inappropriate behaviour is alleged to have occurred in writing, that an investigation into the matter has been authorised.

The name of a contact person who can provide information about the process being followed will also be provided to the parent or carer.

Where a report of inappropriate behaviour is made against a staff member who is a cleric or member of a religious

order, or who was a cleric or member of a religious order at the time of the alleged behaviour, the Manager Professional Standards and Safeguarding Office will ensure that the relevant church authority is informed.

If the student has suffered harm and where the staff member, employee or volunteer concerned is a cleric or member of a religious order, or was a cleric or member of a religious order at the time of the alleged behaviour, the Director of the Office of Professional Standards Qld (Towards Healing) will be informed as soon as possible by the Manager Professional Standards.

Investigation of Level 2 matters

If the Manager Professional Standards and Safeguarding Office forms the view that a Level 2 Intervention is appropriate, The Manager Professional Standards and Safeguarding Office will determine who should most appropriately investigate the allegation/s.

The Executive Director may authorise the Principal, a Catholic Education Services staff member or an external party to conduct the investigation.

Notifying the staff member

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

Considerations around standing down staff members

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

The staff member will normally continue on full pay during the stand down period unless disqualified.

or prevented from performing his/her duties by an external body. The Manager Professional Standards and Safeguarding Office (or delegate) will discuss with the person what statement, if any, will be made to staff and the school community concerning his/her absence from school. Any such statement will be subject to restrictions contained in legislation. Pastoral care and support

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

The investigation process

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

more than ten working days).

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

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

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

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

After the investigation, a written report outlining the process of investigation, the

evidence gathered, and the conclusions reached will be provided to the Manager Professional Standards and Safeguarding Office by the investigator. The report will indicate whether, in the investigator's opinion, the allegation(s) are substantiated on the balance of probabilities and, where required, whether Cairns Catholic Education Code of Conduct has been breached.

The Manager Professional Standards and Safeguarding Office will receive and keep the investigation report in a confidential file and make available to the Executive Director a copy of the report.

The Manager Professional Standards and Safeguarding Office (or delegate) is responsible for informing the Principal and relevant Director School Effectiveness (if they are not the investigator) of the outcome of the investigation. The Manager Professional Standards and Safeguarding Office (or delegate) is responsible through the Principal or Director School Effectiveness for implementing appropriate support processes for students and staff to prevent further harm, enable students to feel emotionally and physically safe and repair relationships.

Determination of misconduct

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

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

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

No determination of misconduct

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

Finalisation of a Level 2 Intervention

The Manager Professional Standards and Safeguarding Office (or delegate) will advise the parent or carer of the student concerned in writing of the completion of the intervention unless there are extraordinary reasons why this

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

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

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

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

2.6.7 Allegations of inappropriate behaviour against a Principal

A staff member may form a reasonable suspicion that a Principal has behaved inappropriately towards a student. In these circumstances, the staff member must make a written report of the concern to the Manager Professional Standards and Safeguarding Office using the Record of Concern module of the SPCMS. The Manager Professional Standards and Safeguarding Office, with reference to sections 2.6.5.1 and 2.6.5.2, will determine the level of intervention required.

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

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

The Manager Professional Standards and Safeguarding Office will provide advice to the relevant Director School Effectiveness of any processes for dealing with allegations of inappropriate behaviour against a Principal as authorised by the Executive Director including:

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

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

After a matter relating to the behaviour of a staff member, employee or volunteer is reported to the Queensland Police Service and/or the Level 2 Intervention Request has been sent to the Manager Professional Standards, the Manager Professional Standards and Safeguarding Office (or delegate) will:

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

2.7.1 Outcomes of a Police investigation

2.7.1.1 No charge

The Queensland Police Service may not charge when there is insufficient evidence to support a charge following a police investigation. Where there is no charge, the matter is referred to the Manager Professional Standards and

Safeguarding Office who will authorise the commencement of a Level 2 Intervention process which may result in a matter being addressed through the Cairns Catholic Education *Employee Misconduct and Investigation Processes* and may result in disciplinary action.

2.7.1.2 Charge

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

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

No conviction

The failure of a court to record a conviction against the staff member, employee or volunteer against whom a charge has been laid or a decision by the Queensland Police Service not to prosecute, does not necessarily mean that the allegation was unwarranted and that the staff member, employee or volunteer has no case to answer. The fact that a staff member, employee or volunteer has been found 'not guilty' of an offence does not automatically mean that a matter has been closed. The standard of proof required for disciplinary action within the employer-employee relationship is 'on the balance of probabilities', rather than the criminal standard of 'beyond reasonable doubt'. When Cairns Catholic Education becomes aware that a staff member has not been found guilty of an offence with which they have been charged or that a conviction has not been recorded, a Level 2 Intervention process will be commenced. The Level 2 Intervention process may result in a matter being addressed through the Cairns Catholic Education *Employee Misconduct and Investigation Processes* and may result in disciplinary action.

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

Conviction

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

2.7.1.3 After a report is made

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

- Follow up by the Principal with Queensland Police Service and/or the Child Safety 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 well-being of students, particularly in relation to allegations of sexual abuse between students, and maintain as far as possible, supportive relationships with parents, carers and families;
- Ensure that all parties involved respect the [confidentiality](#) and privacy of students and families involved; and
- Where relevant, make any preparation for the interview of a student by Queensland Police Service and/or the Child Safety Services at school – see the [Guide Record of Interview with Children on Catholic School Premises](#) and [Record of Interview of Children on School Premises form](#)

2.7.1.4 Advising parents

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

If a student protection report submitted to Queensland Police Service and/or the Child Safety Services relates to suspected abuse or neglect by a member of the student's family, the Principal will only inform the parent(s) or carer(s) of the student protection concern once confirmed as appropriate with the Queensland Police Service or the Child Safety 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 Child Safety 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 parent(s) or carer(s). This is particularly significant in cases of student-to-student sexual behaviour where it is important for the student's well-being to enable the parent to support the student and take steps to protect them.

Definitions

Child

A child is a person under 18 years of age.

Child in Need of Protection

Child in Need of Protection is a child who-

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

Colleague

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

Director of the Governing Body

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

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

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*:

Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing. It is immaterial how the harm is caused.

Harm can be caused by—

- physical, psychological or emotional abuse or neglect; or
- sexual abuse or exploitation.

Harm can be caused by—

- a single act, omission or circumstance; or
- a series or combination of acts, omissions or circumstances.

Inappropriate behaviour

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the Cairns Catholic Education *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 doctor;
- a registered nurse;
- a teacher;
- 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;
- 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—

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

Staff Member

A staff member is any person who is employed by Catholic Education Diocese of Cairns 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 a Catholic School in the Diocese of Cairns. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- a student under 18 years attending the school;
- a kindergarten age child registered in—
- a kindergarten learning program at the school; or
- a distance education kindergarten learning program at the school;
- a person with a disability who—
- under section 420(2), is being provided with special education at the school; and
- is not enrolled in the preparatory year at the school.

Student Protection Contact (SPC)

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

Student Protection Case Management System (SPCMS)

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

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	<p>Section 13 A states</p> <p><i>“(1) Any person may inform the chief executive if the person reasonably suspects— a child may be in need of protection; or an unborn child may be in need of protection after he or she is born.</i></p> <p><i>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</i></p>
Forming a reasonable suspicion of significant harm	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:</p> <p><i>(2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state— that are evident to the person; or that the person considers are likely to become evident in the future; and (b) in relation to any detrimental effects mentioned in paragraph (a)— their nature and severity; and the likelihood that they will continue; and (c) the child’s age.</i></p> <p><i>(3) The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.</i></p>
Reportable Suspicions	<p>Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department responsible for Child Safety, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a “reportable suspicion”).</p> <p>Section 13G(5) states that a person does not commit an offence under the <i>Child Protection Act 1999</i> or any other act for failing to make a mandatory report under section 13E.</p>
Conferral with colleagues	<p>13H of the <i>Child Protection Act 1999</i> - Conferrals with colleague and related information sharing, states that:</p> <p><i>A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes— 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; 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); for the relevant person to give a report under section 13G or keep a record about giving a report; for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.</i></p>
Interviews with Children at School	<p>Section 17 of the <i>Child Protection Act 1999</i> provides Department responsible for Child Safety and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.</p>

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

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

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

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

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

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

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

Criminal Code Act 1899

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

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

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

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

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 (QCT):

about particular allegations

- as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)

about the outcome of particular allegations

- as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)

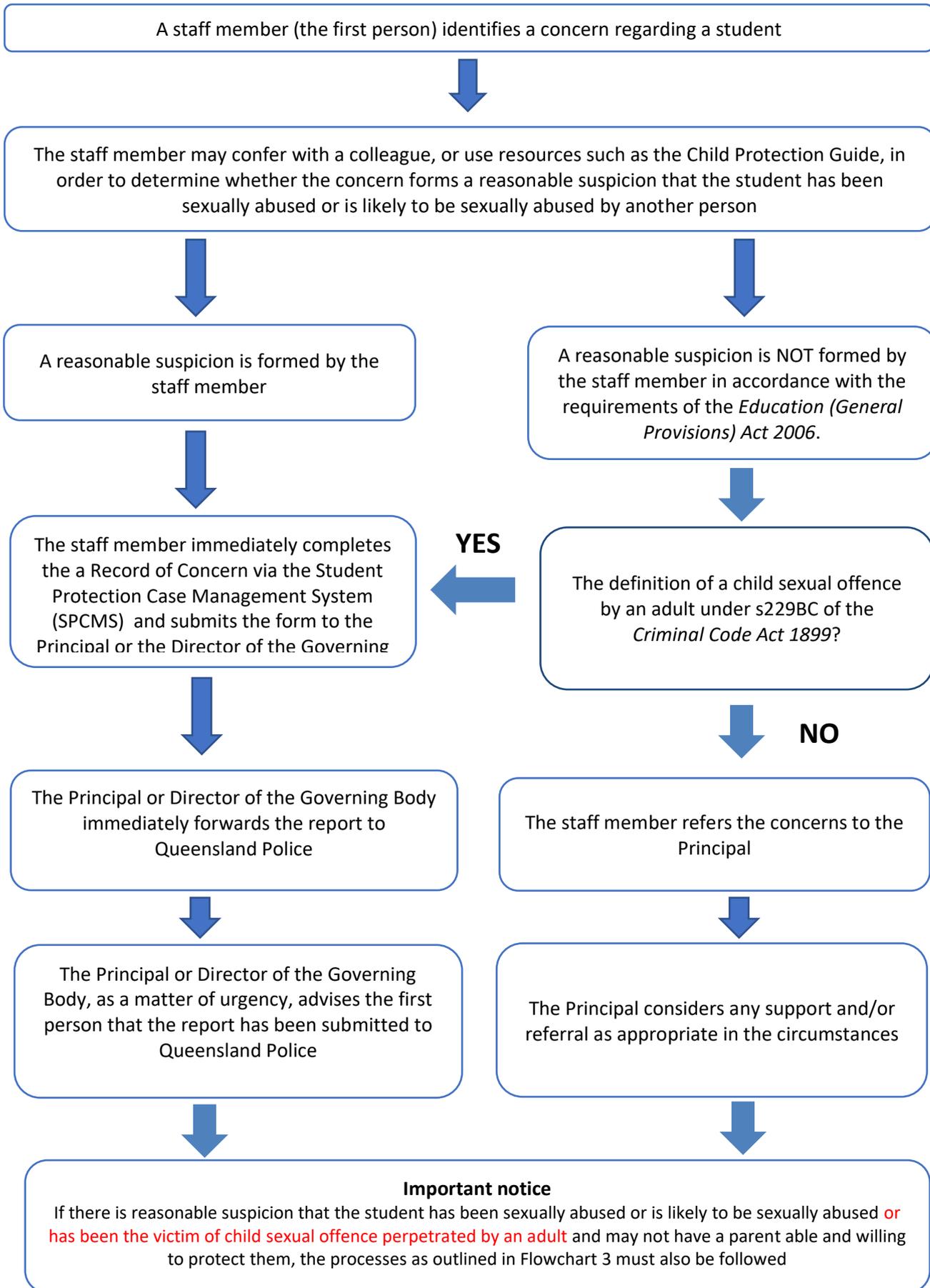
about certain dismissals

an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call the teacher's competence to be employed as a teacher into question (section 78).

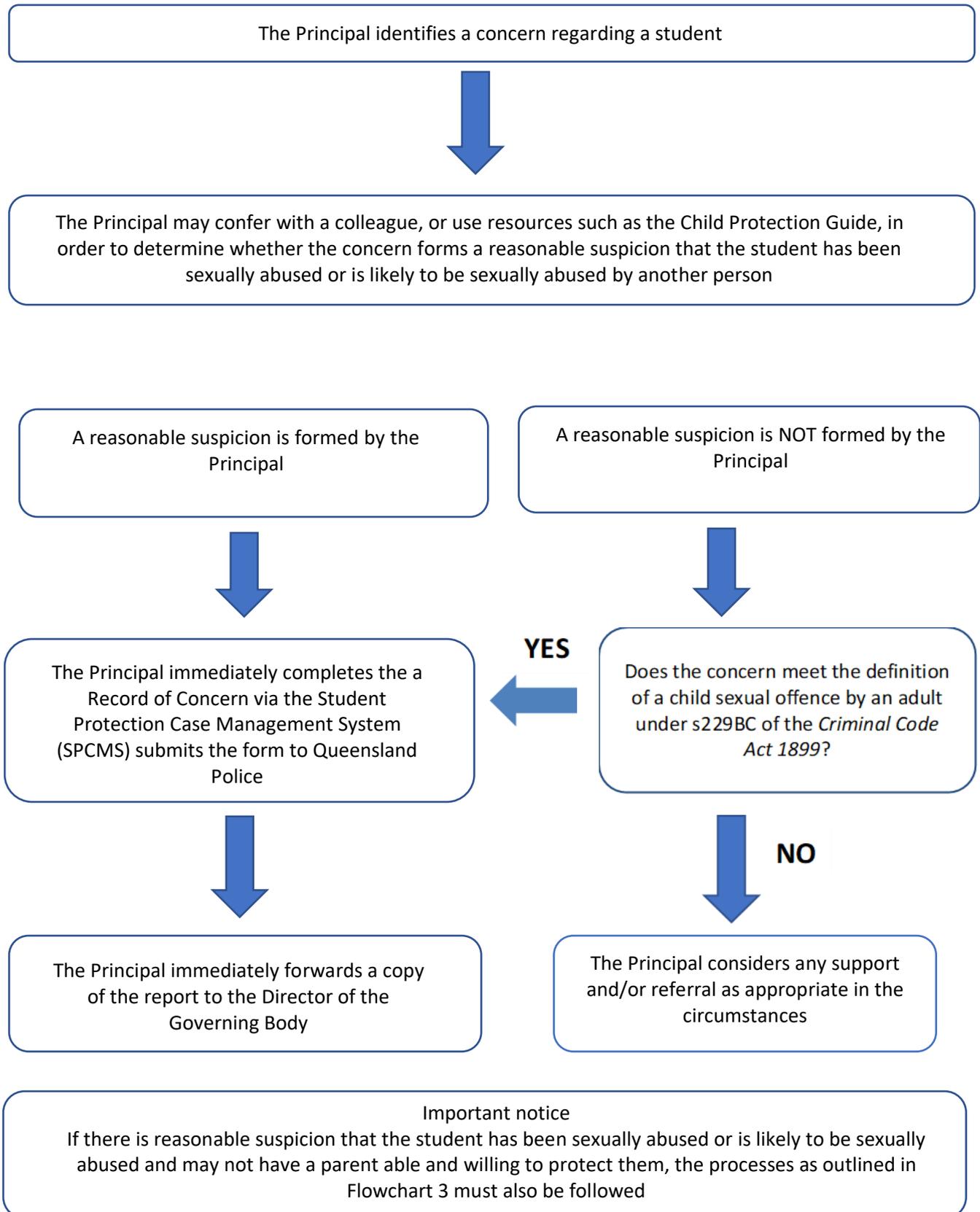
Evidence Act 1977

Section 93A provides the legislative authority for the Queensland Police Service and the Department of Children, Youth Justice and Multicultural Affairs 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.

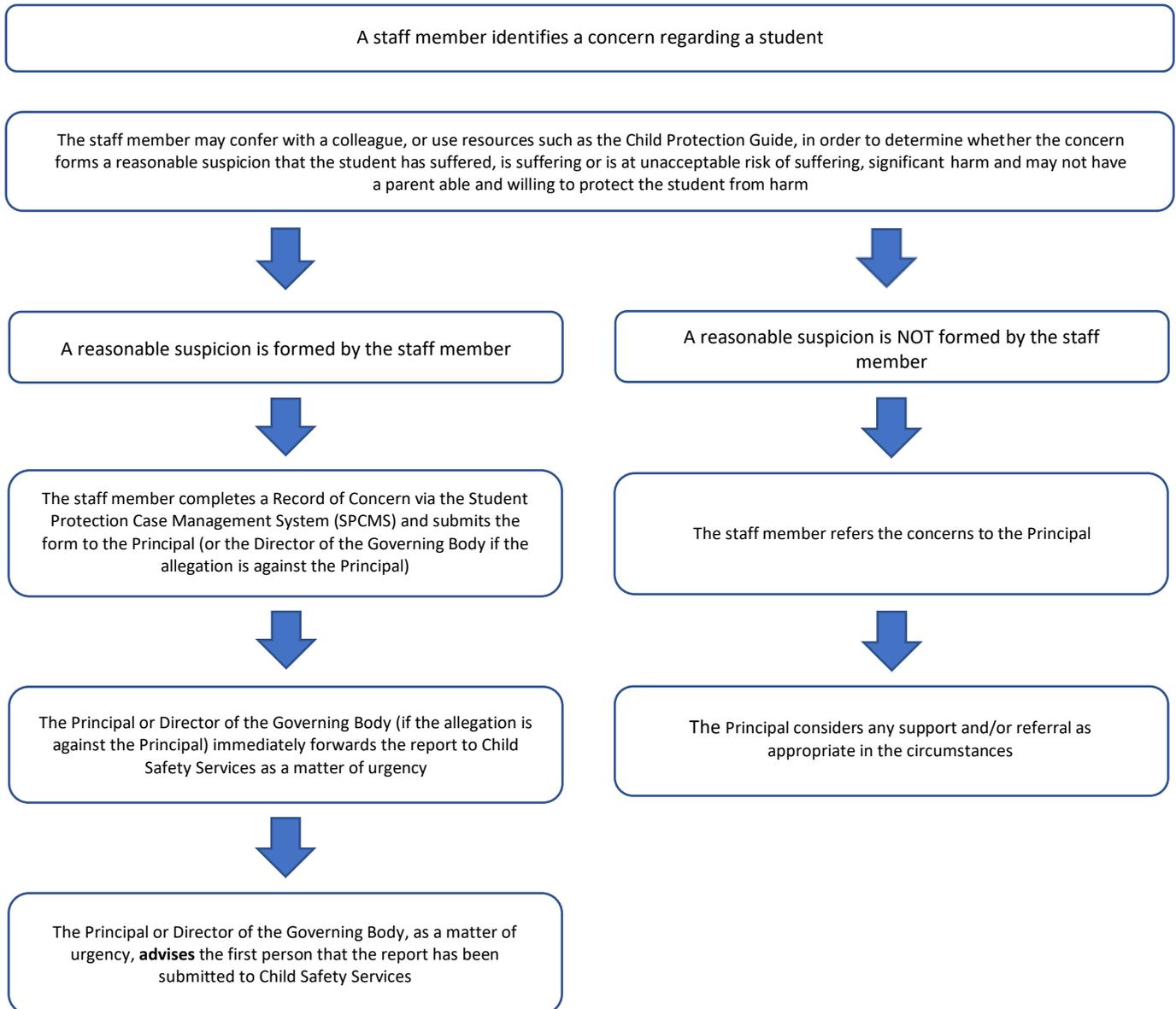
Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse



Flowchart 2: Report Sexual Abuse and Likely Sexual Abuse where the first person is the Principal



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

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/ChildSafety>

STUDENT PROTECTION GUIDELINES

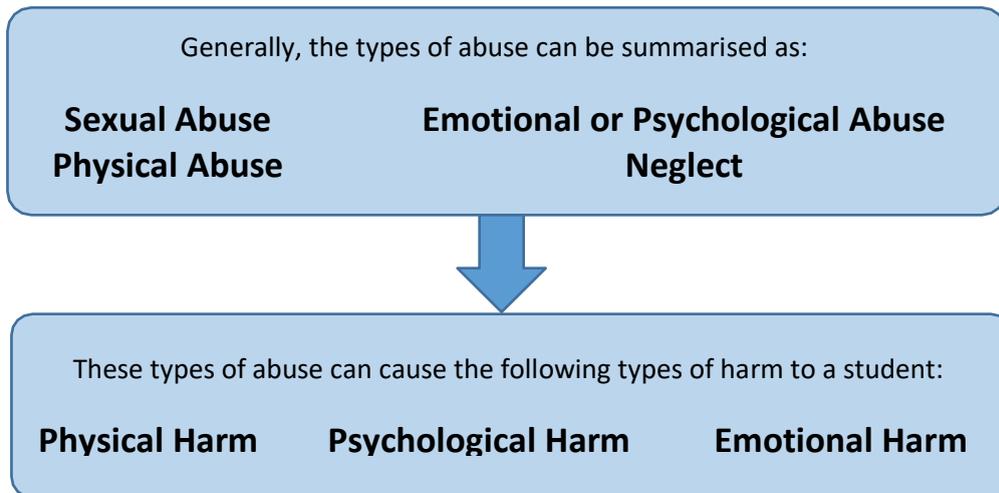
Preface

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. 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

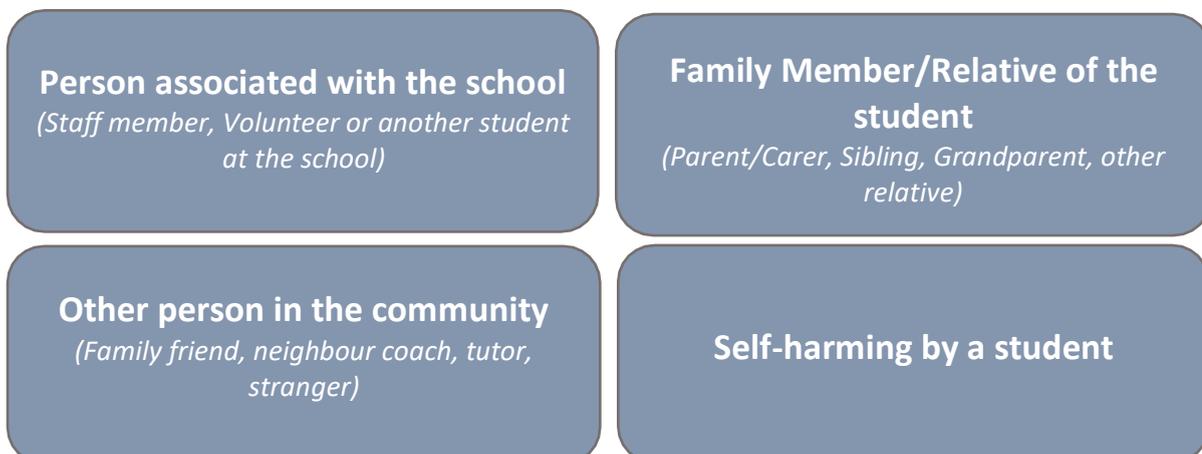
All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. This part explains the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take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



1.1 Sources of abuse and harm

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



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;
- 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.

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

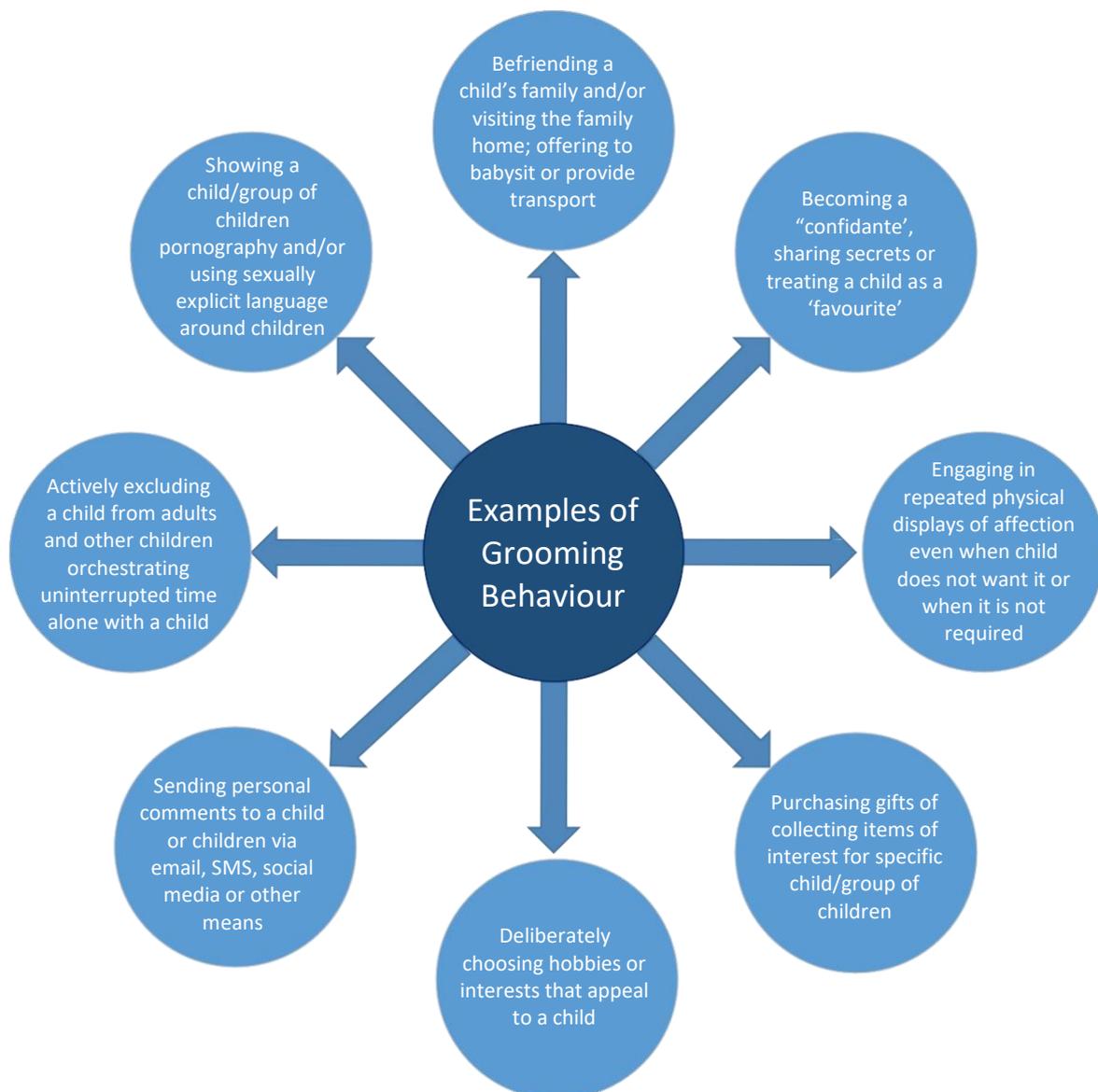
What is Grooming?

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 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

Suspicion 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 Children, Youth Justice and Multicultural Affairs can assist in identifying age-inappropriate sexual behaviour, and [section 3](#) details further signs of sexual abuse.

Physical Abuse



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

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 and
- the ability and willingness of another adult to act protectively to prevent the physical abuse.

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

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

Emotional/Psychological Abuse



Emotional or psychological abuse is the persistent emotional ill-treatment of a 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.

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 Children, Youth Justice and Multicultural Affairs](#) website.

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".

What is "unacceptable risk" of harm?

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

Relationship between abuse and harm

In essence, abuse is the action towards a 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.

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



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

3. Recognising Abuse and Harm

3.1 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.

3.2 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;
- hyper vigilance;
- regression to age-inappropriate behaviours;
- developmental delays;
- child is over-protective of a parent;
- excessively controlling or aggressive/violent behaviour;
- abuse of siblings/parent.

Emotional/psychological

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

Sexual

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

More information around recognising the signs of abuse can be found on the [Department of Children, Youth Justice and Multicultural Affairs Website](#).

4. 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.

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

- it is not the role of the staff member 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 processes](#) described in the Student Protection Guidelines;
- 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 processes](#) described in the Student Protection Processes.



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

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

4.1 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 Queensland Police Service and qualified officers of the Department of Children, Youth Justice and Multicultural Affairs 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.

5. 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 Children, Youth Justice and Multicultural Affairs intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported Department of Children, Youth Justice and Multicultural Affairs.

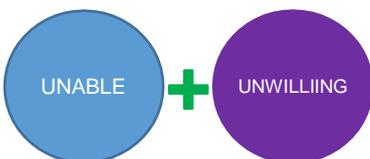
A parent must be able AND willing to protect the child from significant harm.



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 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.

6. 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 Children, Youth Justice and Multicultural Affairs 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 Children, Youth Justice and Multicultural Affairs 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 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.

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

Family and Child Connect

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

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 Children, Youth Justice and Multicultural Affairs](#) website. Information sharing provisions for Principals are detailed in [section 6](#).

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.

8. 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 Diocese of Cairns Catholic Education Code of Conduct.

Inappropriate behaviour by a staff member towards a student can be 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.

8.1 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
<ul style="list-style-type: none"> • pushing • pulling • grabbing • hitting • poking shoving • shaking • throwing • kicking • pinching • punching • using physical force to ensure a child cooperates • holding or restraining a child (unless in imminent danger 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 	<p>Making inappropriate comments about a student and/or a student’s family by:</p> <ul style="list-style-type: none"> • shaming, • embarrassing, humiliating • using sarcasm • making derogatory remarks belittling • teasing • unprofessional criticism <p>Exerting power over a student through the use of:</p> <ul style="list-style-type: none"> • intimidating behaviour • fear • threats • moral pressure <p>Shouting at a student</p>	<p>Having inappropriate interactions with a student through:</p> <ul style="list-style-type: none"> • 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 <p>Using unprofessional language:</p> <ul style="list-style-type: none"> • swearing at or in the presence of a student • making otherwise inappropriate comments to or in the presence of a student <p>Failing to follow a school’s behaviour support policy and procedures:</p> <ul style="list-style-type: none"> • unreasonable, unfair and/or unjust disciplinary measures • the imposition of manifestly unreasonable expectations or excessive demands on a student • using inappropriate locations or social isolation outside of the school’s behaviour support guidelines as punishment <p>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)</p> <p>Photographing a student other than for an appropriate professional reason Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs)</p> <p>Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student</p>

9. Historical Allegations

When a staff member receives information that a **former student**, when attending a Cairns Catholic School, had been sexually abused, or had suffered significant harm, by a **current staff member** at the school, then the relevant processes as detailed in the Student Protection Reporting Processes must be followed.

When a staff member receives information that a **former student**, when attending a Cairns Catholic School, had been sexually abused, or had suffered significant harm, by a **former staff member**, then a Historical Abuse Report (HAR) must be completed and forwarded to the Manager Professional Standards and Safeguarding Office via the Principal. The report will be submitted to the QLD Police Service in addition to other relevant applicable bodies as detailed in the Student Protection Processes.

If information is received by Cairns Catholic Education in which a historical allegation of sexual abuse or significant harm to a person who was a **child** at the time of the harm (i.e. not a student but a family member) is disclosed in relation to a **current staff** member, the Student Protection Reporting Processes will be followed as they apply to a student.