



Child Safe Program (New Policy Format)

Procedures for Responding to and Reporting Harm or Allegations of Harm to Students (Summary)

Introduction

We use the terms “staff” and “staff member” to include all teaching and non-teaching staff, College Council members, Volunteers, Contractors and external providers.

This document summarises the legal and policy-based obligations that the College and its staff members have when responding to a child safety incident or concern.

What is a Child Safety Incident or Concern?

At The College, we use the phrase “child safety incident or concern” rather than the more limited concept of “harm”. A “child safety incident or concern” is an incident of or concern about:

- “harm” or risk of “harm”, as defined in the Child Protection Act 1999 (Qld) (Child Protection Act), to any child or young person, or to a student aged 18 or over
- a criminal offence against any child or young person, or against a student aged 18 or over, under the Criminal Code 1899 (Qld)
- a practice that attempts to change or suppress any child or young person’s, or a student aged 18 or over’s, sexual orientation or gender identity (conversion therapy), which is prohibited by the Public Health Act 2005 (Qld)
- conduct by Staff, Volunteers and Contractors that may be “reportable conduct” (described in our [Procedures for Managing Child Safety Incidents or Concerns Involving the College or its](#)

Staff Members (Summary), available on our public website)

- a breach of the **Child Protection Codes of Conduct**, including but not limited to inappropriate behaviour by a staff member towards a student.

Unfortunately, the nature of child safety incidents and concerns is complex. Harm to children, young people and students aged 18 or over may occur over time and potential indicators of abuse or harm are often difficult to detect. The perpetrator may be a parent, carer, other family member, staff member, another adult or even another child or young person.

The legal obligations for reporting allegations of harm can vary depending on the circumstances of the child safety incident or concern.

How to Report Child Safety Incidents or Concerns to the College

Students

Our Child Protection Officers are, officially, the people to whom students can report child safety incidents or concerns about themselves or about any other child, young person or student aged 18 or over. This includes, but is not limited to, incidents of or concerns about the conduct of another staff member that the student thinks is inappropriate.

However, there are no limits on how or to whom students at the College can disclose a child safety incident or concern or make a complaint about a staff member. We have multiple, child-focused pathways including a pathway for anonymous disclosure, to enable all students to raise child safety incidents or concerns. These are explained in the and Insert the name of and a link to your school's child-friendly complaints handling policy, which the College provides to all students.

Parents/carers, family members and other community members

Parents/carers, family members and other community members who have child safety concerns about a student at the College are asked to follow the procedures set out in our Child Protection Policy, available on our public website.

Staff Members

We require all staff members to report any and all child safety incidents or concerns involving our students and/or our staff members to the College. They do this by contacting a Child Protection Officer or – if the matter involves the conduct of a staff member – the Principal.

All staff members must also follow our policies and procedures for responding to child safety incidents or concerns, including by meeting their legal obligations to report to external agencies, such as the Principal, Deputy Principal or Lead Counsellor. A report will be made to the Department of Families, Seniors, Disability Services and Child Safety (Child Safety Services) (Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files.) or the Police. These legal obligations are explained below.

Our policies and procedures make clear that reporting internally to or consulting with a Child Protection Officer does not change any obligation under legislation to report to an external authority.

The College's Response to Internal Reports

The College will take appropriate, prompt action in response to all child safety incidents or concerns, including all allegations or disclosures of abuse or other harm, that are reported internally to the College, including by:

- itself reporting all matters that meet the required relevant thresholds externally to the relevant external agency, depending on the issues raised (these are explained below)
- fully cooperating with any resulting investigation by an external agency
- protecting any student connected to the incident or concern until it is resolved and providing ongoing support to those affected
- taking particular measures in response to child safety incidents or concerns about an Aboriginal or Torres Strait Islander student, a student from a culturally and linguistically diverse background, a student with disability and other vulnerable students
- securing and retaining records of the child safety incident or concern and the College's response to it.

The College also has particular legal obligations when a child safety incident or concern involves the conduct of a current or former staff member. The [Procedures for Managing Child Safety Incidents or Concerns Involving the College or its Staff Members \(Summary\)](#), available on our public website, explains the procedures that the College will follow in these cases. It does not matter who raised the matter (for example, a staff member, a student, a parent/carer, a family member or a community member) or how.

Obligations to Respond to Child Safety Incidents and Concerns and to Report to External Agencies

There are a number of legal and policy-based obligations that College and its Staff must follow when responding to child safety incidents or concerns. These are summarised below.

Duty to Protect and the Failure to Protect Offence

The Failure to Protect Offence

In Queensland, it is a crime if adult (a person aged 18 or over) who is associated with the College (this includes members of College Council and all staff members):

- knows that there is a significant risk that another adult who is associated with the College, will commit a child sexual offence against a student who is:
 - aged under 16; or
 - aged 16 or 17 and has an intellectual disability, mental illness or other impairment of the mind; and
- has the power or responsibility to reduce or remove the risk; and
- wilfully or negligently fails to reduce or remove the risk.

This crime is known as the “Failure to Protect” offence.

Duty to Protect

Staff members who have students under their care also have a duty, under the law, to protect them (no matter their age) from reasonably foreseeable risks of harm while they are at the College or College events, including risks of **all** types of abuse or other harm that may arise from **any** person.

The College itself has:

- a similar legal duty to protect all students (no matter their age) from reasonably foreseeable risks of harm
- an additional legal duty to take reasonable steps to prevent **any** person associated with the College from perpetrating the sexual or serious physical abuse of a student aged under 18.

How Staff and the College Meet These Obligations

To help staff members and the College meet these obligations, the College requires that:

- College Council members
- the Principal and Executive Leadership Team members

- Child Protection Officers; and
- staff members who have students under their care or who supervises other Staff

who know that **any** person associated with the College (including another staff member, a student who is in a position of care, supervision or authority over other students, a parent/carer or other family member of a student) poses:

- a significant risk of committing a sexual offence against a student of any age; or
- a reasonably foreseeable risk of causing any kind of harm to a student of any age

must take any actions to reduce or remove that risk that are within their power or responsibilities to take.

In addition, they **must** report the matter to the Principal (or to the College Council Chairperson. if the adult who poses the risk is the Principal).

They **must** also follow their legal obligations to make appropriate external reports as listed below.

Mandatory Reporting to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files.

Certain people are required, by law, to report certain kinds of harm to children and young people (called a “reportable suspicion”) to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files.. These people are called “Mandatory Reporters”.

At the College, all teachers and registered nurses are Mandatory Reporters.

Mandatory Reporters **must** report to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files. if – in the course of their professional work – they form a reasonable suspicion that a child (a person aged under 18):

- has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- may not have a parent able and willing to protect them from the harm.

Non-Mandatory Reporting to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files.

Under the law, **anyone** can report to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files. if they have a reasonable suspicion that a child may be, or if no preventative support is given is likely to become, “in need of protection”.

A child may be “in need of protection” if they:

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

Mandatory Reporting (of Sexual Abuse of Students) to Police

Queensland law requires that all staff members and Contractors at the College **must** report the previous or likely future sexual abuse of:

- a student aged under 18
- a kindergarten age child registered in a kindergarten learning program at the College (if any); or
- a person with disability (of any age) receiving special education at the College (other than in the preparatory year)

to the College.

The College **must** then to report this to the Police.

It **must** also report this to College Council.

Mandatory Reporting (of Sexual Offences) to Police (the Failure to Report Offence)

In Queensland, it is a crime if an adult (a person aged 18 or over):

- gains information that causes them to believe on reasonable grounds, or ought to cause them to reasonably believe, that:
 - a child sexual offence is being or has been committed against a child (a person aged under 18) by another adult; and

- at the relevant time, the child:
 - is, or was, aged under 16; or
 - has, or had, an impairment of the mind; and
- fails to disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought to reasonably to have been, formed.

This criminal offence is known as the “Failure to Report” offence. We call the legal obligation created by it “Mandatory Reporting (of Sexual Offences) to Police”.

The Failure to Report offence means that **any** adult who reasonably believes that a child sexual offence is being or has been committed:

- by **any** adult against:
 - a student aged under 16 or aged under 18 and with an intellectual disability, brain injury or other impairment of the mind; or
 - **any** child aged under 16 or with an intellectual disability, brain injury or other impairment of the mind, while on College premises, at a College event, or in a College environment; or
- by an adult who is associated with the College (including a staff member, Visitor, student aged 18 or over or a parent/carer or other family member of a student against **any** child aged under 16 or aged under 18 and with an intellectual disability, brain injury or other impairment of the mind

must immediately report their concerns to the Police, except in certain circumstances.

Non-Mandatory Reporting to Police

Although not required by law to do so, the College requires that all staff members **must** report the following situations to the Police:

- concerns for a student’s immediate safety
- concerns that a student aged under 18 has been the victim of a criminal offence other than a sexual offence by an adult, but where a Mandatory or Non-Mandatory Report to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files. will not be made (for example, a report to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files. would generally not be made where the student’s parent is

willing and able to protect them). These kinds of incidents could include possible criminal offences committed by students against other students

- concerns that a student aged 18 or over is being abused or harmed, but only if the student consents to the report or, if they do not consent, to lessen or prevent a serious or imminent threat to an individual's life, health, safety or welfare
- concerns that a student aged 18 or over is engaging in illegal activity that is extreme in nature or poses a high risk to the student.^

^If the student is aged under 18, this is instead reported to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files..

Reportable Conduct

Our [Procedures for Managing Child Safety Incidents or Concerns Involving the College or its Staff Members \(Summary\)](#), available on our public website, explain how the College investigates and manages reportable conduct, including when these matters are reported to Child Safety Service. The College's reporting form is located [here](#). This form is to be completed and submitted to the Principal. The Governance Manager will submit the report to Child Safety and store the report in confidential files. and/or the Police.

Reporting Teacher Misconduct to the Queensland College of Teachers (QCT)

The College **must** notify the QCT as soon as practicable after:

- starting to deal with an allegation of harm or likely harm to a child due to a teacher's conduct; and
- stopping dealing with the allegation (and, when doing so, it must tell the QCT of the outcome of its dealing with the allegation).

The College must also notify the QCT if it dismisses a teacher in circumstances that call into question the teacher's competence to be employed to teach.