



Allegations against employees in the area of student protection procedure

Version: 2.5 | **Version effective:** 22/12/2021

Audience

Department-wide

Purpose

All students have a right to be free from harm, and the department of Education (the department) is dedicated to preventing incidents of harm to students and to acting quickly when an employee reasonably suspects harm or the risk of harm to a student has or may occur.

This procedure applies to suspected harm caused to students learning in a state educational facility, including failure to report sexual abuse and failure to protect students from sexual abuse, and is supported by the [Allegations against employees in the area of student protection – guidelines](#). Harm caused to students over the age of 18 years is managed in accordance with the Code of Conduct for the Queensland Public Service and the department's Standard of Practice, and/or the complainants, as adults, retain the right to make a complaint directly to the Queensland Police Service.

All other student harm matters not relating to employees will be managed in accordance with the [Student protection procedure](#).

This procedure covers the obligations of employees with regard to their employment. Should an employee become aware of likely or actual sexual abuse of a child in a private capacity, they should report directly to the Queensland Police Service.

Overview

The Department of Education is committed to providing a safe and supportive learning environment for students and requires its employees to model and encourage behaviour that upholds the welfare and best interests of students.

This procedure outlines the responsibilities and commitment of the department to provide a safe and supportive learning environment for all students. It covers the steps required to be undertaken when an employee causes harm or where there is a suspicion that an employee has caused, or is likely to cause, harm to a student.

Legislative frameworks may differ depending on the circumstances surrounding the incident of alleged harm; therefore it is crucial this procedure is followed carefully, particularly with respect to departmental employees reporting sexual abuse of a person under the age of 18 years at a state educational institution.

From 5 July 2021, there are additional responsibilities under sections 229BB, Failure to protect child from child sexual offence, and 229BC, Failure to report belief of child sexual offence committed in relation to child, of the [Criminal Code Act 1899 \(Qld\)](#). Under the new offences, for employees:

- 'failure to protect' is where a departmental employee knows there is a significant risk that another adult associated with the institution will commit a child sexual offence in relation to a child, however, that employee wilfully or negligently fails to reduce or remove the risk.
- 'failure to report' is where a departmental employee gains information that causes the employee to believe on reasonable grounds, or ought reasonably to cause the employee to believe, that a child sexual offence is being or has been committed against a child by another adult, however, that employee fails to report the alleged conduct to the appropriate authority, as soon as reasonably practicable after the belief is formed.

Whilst there are four categories of harm identified, this procedure responds only to the first category:

- student harm involving employees (including failure to report sexual abuse, and failure to protect a student from sexual abuse).

Other categories are managed in accordance with the [Student protection procedure](#)

- harm caused by another student
- harm caused by someone outside the department
- student self-harm.

Incidents of harm caused by an employee must be reported on the appropriate student protection form. In circumstances where the allegations relate to failure to report or failure to protect by an employee these should be reported as a Code of Conduct breach.

SP1 Referrals

Matters that are categorised as low-level type incidents that are not considered to be repetitive on the part of the employee are to be reported to the Intake and Assessment team for assessment and review using the [SP1 format: Report of student harm \(suitable for local resolution\)](#) iRefer. The Intake and Assessment team will provide advice when appropriate subsequent to the referral as to any patterns of behaviour that may be evident with a particular employee.

An SP1 notification is to be completed also in situations where an employee has interacted with a student resulting in low-level emotional or psychological harm. This can be a result of yelling or verbal abuse by the employee, or physical contact or assault of a student. It is acknowledged that SP1 incidents may give rise to an event of slight physical injury or discomfort to a student (i.e. minor scratching/bruising).

Incidents of harm caused by an employee, which are initially considered to be more serious than the incident criteria of an SP1, must be referred to the Intake and Assessment team on a:

- [SP2: Report of significant harm to a student as a result of actions by an employee](#) iRefer or
- [SP3: Report of suspected sexual abuse of a student by an employee](#) iRefer.

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/allegations-against-employees-in-the-area-of-student-protection-procedure> to ensure you have the most current version of this document.

SP2 Referral

An SP2 notification is required in instances where the employee conduct or incident is considered more significant than that of an SP1 type matter. Reportable incidents in this category would range from more significant emotional, psychological harm and/or contact and/or physical assault resulting in some injury to a student. SP2 type matters may also include a repetition of SP1 type matters, if known by the referrer, and other instances of repetitious use of belligerent language towards or discussions with students for no apparent justifiable or educational purpose.

On a case by case basis, the Intake and Assessment team will determine at the time of assessment if a pattern or behaviour or course of conduct is evident concerning an employee. In addition, the assessment will determine if any inappropriate discussions between an employee and student could amount to **grooming** type behaviours.

SP3 Referral

An SP3 notification is required when a complaint or report relates to suspected sexual abuse or, based on the information available, it is likely that a student could be sexually abused by an employee. This type of notification would include proper consideration of employee behaviours and/or conduct as it relates to grooming indicators.

In instances where the suspicion or observations of an employee's interactions with a student/s meets or aligns to some or all of the grooming indicators, a low-level threshold is to be maintained by employees for referring matters to a school principal for consideration, or the principal's supervisor in the case where the principal is the person under suspicion for the alleged incident. Referral of this type of conduct may amount to suspected sexual abuse as defined under s364 of the [Education \(General Provisions\) Act 2006 \(Qld\)](#) and as such, is reportable under s365 and/or s365A of the Act.

Should you need advice on how to identify this type of conduct by an employee toward a student you are encouraged to contact the Intake and Assessment team on telephone 1800 INTAKE (1800 468 253) or intake@qed.qld.gov.au.

From 5 July 2021, it is an offence under sections 229BB and 229BC of the *Criminal Code Act 1899*:

- to fail to protect a child from significant risk of a child sexual offence; and
- to fail to report to police a belief of child sexual offence being committed against a child.

Failure to adhere to the reporting obligations of the *Education (General Provisions) Act 2006*, the *Child Protection Act 1999*, and/or the *Criminal Code Act 1899*, and failure to protect, may result in a Code of Conduct breach.

Reporting of suspected sexual abuse or likely sexual abuse by an employee is mandatory, and in line with employee obligations under the Code of Conduct for the Queensland Public Service to report suspected wrongdoing, and comply with the laws of Queensland. Employees should make a written report to the principal or the principal's supervisor in the case of where the principal is suspected.

Principals or the principal's supervisor must make a written report to the Queensland Police Service and send a copy to the Intake and Assessment team via an Electronic Lodgement ([iRefer](#)) (DoE employees only) format available on the Integrity and Employee Relations OnePortal page.

This procedure should be read in conjunction with the [Code of Conduct for the Queensland Public Service](#) and the [Facts sheets](#) (DoE employees only) relating to the reporting of sexual abuse and the department's [Standard of Practice](#) which applies to all departmental employees.

Uncontrolled copy. Refer to the Department of Education Policy and Procedure Register at <https://ppr.qed.qld.gov.au/pp/allegations-against-employees-in-the-area-of-student-protection-procedure> to ensure you have the most current version of this document.

Responsibilities

All school-based employees:

- Immediately report to the relevant **principal/manager/supervisor**, in writing for allegations relating to sexual abuse or likely sexual abuse by an employee, and keep appropriate records of any allegation or information about an employee suspected of causing harm to a student.
- Report to relevant director of a region/institute/statutory authority any allegation or suspicion of misconduct by principal/manager/supervisor, in writing for allegations relating to sexual abuse or likely sexual abuse by an employee.
- Monitor and support a student subjected to harm.

All non-school-based employees

- Where a school location is known, immediately report to the relevant principal/manager/supervisor, in writing for allegations relating to sexual abuse or likely sexual abuse by an employee, and keep appropriate records of any allegation or information about an employee suspected of causing harm to a student.
- Where a school location is known, report to relevant director of a region/institute/statutory authority any allegation or suspicion of misconduct by principal/manager/supervisor, in writing for allegations relating to sexual abuse or likely sexual abuse by an employee.
- Where a school location is not known, refer to Queensland Police Service and the Intake and Assessment team any matter of student harm defined as sexual abuse (definition) using the electronic lodgement service iRefer by selecting [SP3: Report of suspected sexual abuse of a child by an employee](#), without unreasonable delay. The referrer is not to inform the employee who is the subject of the allegation, unless otherwise directed or approved by the Intake and Assessment team.

Principals/Managers/Supervisors:

- Refer the details, management, findings and outcomes of any SP1 type incident to the Intake and Assessment team using the electronic lodgement service iRefer by selecting [SP1: Report of student harm \(suitable for local resolution\)](#).
- Refer particulars of any allegations of alleged harm as defined in this procedure the Intake and Assessment team using the electronic lodgement service iRefer by selecting [SP2: Report of significant harm to a student as a result of actions by an employee](#). The referrer is not to inform the employee who is the subject of the allegation, unless otherwise directed or approved by the Intake and Assessment team.
- Refer to Queensland Police Service and the Intake and Assessment team of any reasonable suspicion of student harm as defined as sexual abuse (definition) using the electronic lodgement service iRefer by selecting [SP3: Report of suspected sexual abuse of a student by an employee](#). The referrer is not to inform the employee who is the subject of the allegation, unless otherwise directed or approved by the Intake and Assessment team.
- Refer to the Intake and Assessment team any allegation of a failure by an employee to protect a student from sexual abuse and/or failure to report suspected sexual abuse or likely sexual abuse of a student using the electronic lodgement service iRefer by selecting COC Breach. The referrer is not to inform the employee who is the subject of the allegation, unless otherwise directed or approved by the Intake and Assessment team.

- Manage any ongoing risk to students presented by the employee remaining in the workplace, in consultation with Intake and Assessment, without compromising any police or departmental investigation.
- Ensure employees undertake online student protection training when they commence work in a state school or other state educational institution and undertake annual student protection training updates.

Regional/Institute/Statutory Authority Directors:

- Refer using the electronic lodgement service iRefer, allegations that raise a reasonable suspicion of harm to a student made against a principal, manager or supervisor to the Intake and Assessment team and not inform the principal, manager or supervisor, who is the subject of the allegation, unless otherwise directed by the Intake and Assessment team.
- Refer to the Intake and Assessment team any allegation of a failure by a Principal/Manager/Supervisor to protect a student from sexual abuse and/or failure to report suspected sexual abuse or likely sexual abuse of a student using the electronic lodgement service iRefer by selecting COC Breach. The referrer is not to inform the employee who is the subject of the allegation, unless otherwise directed or approved by the Intake and Assessment team.
- Manage any ongoing risk to students presented by the principal, manager or supervisor, remaining in the workplace, in consultation with Intake and Assessment, without compromising any police or departmental investigation.

Director, Integrity and Assessment:

- Monitor, review and provide advice on legislative, policy and procedural obligations relevant to student protection matters where employees are involved
- Provide advice to employees regarding student protection matters
- Oversee matters referred to the Manager, Intake and Assessment
- Provide objective and impartial advice to the delegated decision-maker for the purpose of making risk management decisions
- Oversee the development and delivery of staff training packages on student protection which concern employee involvement
- As the Crime and Corruption Commission (CCC) Liaison Officer, report suspected official misconduct to the CCC and criminal matters to the Queensland Police Service (QPS) as necessary.

Manager, Intake and Assessment:

- Receive and manage all SP1, SP2, SP3 and COC Breach type referrals and complaints from principals, managers and supervisors in line with established departmental protocols
- Receive and manage all referrals of alleged breaches of this procedure, (non-referral of student protection matters), as underpinned by the department's [Standard of Practice](#) and [Code of Conduct for the Queensland Public Service](#)
- In line with established protocols for the assessment and appropriate dissemination of SP1, SP2, SP3 and COC Breach matters, ensure student protection referrals are processed as required either internally and/or referred, as legally or operationally necessary, to the Queensland College of Teachers (QCT), CCC, QPS and the department's Investigations, Performance and Conduct unit for consideration

- Provide advice and guidance to employees, parents/carers, principals, managers, supervisors, regional directors and TAFE directors on appropriate responses to student protection incidents. Such advice will include the identification of proposed actions with regards to assessing and implementing relevant risk management strategies to prevent or minimise the recurrence of any further harm, loss or detriment to the department, and not impede any QPS or departmental investigation
- Liaise with all stakeholders as necessary throughout and upon completion of the referral and complaint management process
- Provide input in the ongoing risk identification and minimisation of issues affecting all stakeholders and involved parties
- Manage and maintain SP1, SP2, SP3 and associated complaint matters using the department's incident management system
- Provide objective and impartial advice to the delegated decision-maker for the purpose of making risk management decisions
- Provide data on trends and issues to assist the effective utilisation of resources.

Director, Investigations, Performance and Conduct

- Manage investigations against employees relating to student protection matters
- Liaise with all stakeholders as necessary throughout and upon completion of the referral and complaint management process
- Provide input in the ongoing risk identification and minimisation of issues affecting all stakeholders and involved parties
- Provide objective and impartial advice to the delegated decision-maker for the purpose of making risk management decisions
- Manage and maintain SP1, SP2, SP3 and associated complaint matters using the department's incident management system.

Delegated decision-maker

- Make risk management decisions based on authorised delegations under the department's HR Delegations Manual, and in line with legislative, policy and procedural obligations relevant to student protection matters where employees are involved.

Process

The process is outlined in the role responsibilities of each individual employee group specified in the 'Responsibilities' section of this procedure.

Detailed information concerning the established protocols for the [intake and assessment](#) (DoE employees only) of referrals and complaints to the Intake and Assessment unit is located on the [Integrity and Employee Relations OnePortal page](#) (DoE employees only).

Definitions

The following definitions are applied to this procedure and the allegations against employees in the area of student protection [guidelines](#).

Term	Definition
Adult	A person of or above 18 years of age
Adult associated with an institution	<p>An adult is associated with an institution (s.229BB(3) of the Criminal Code Act 1899) if the adult:</p> <ul style="list-style-type: none"> owns, or is involved in the management or control of, the institution; or is employed or engaged by the institution; or works as a volunteer for the institution; or engages in an activity in relation to the institution for which a working with child authority under the Working with Children (Risk Management and Screening) Act 2000 is required; or engages in the delivery of a service to a child who is under the care, supervision or control of the institution.
Bullying	<p>Refers to repeated, unreasonable behaviour directed towards a student or a group of students that creates a risk to health and safety.</p> <p>'Repeated behaviour' refers to the persistent nature of the behaviour and can refer to a range of behaviours over time.</p> <p>'Unreasonable behaviour' means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.</p>
Child/Children	A person under 18 years of age (s.8 of the Child Protection Act 1999).
Child sexual offence	An offence of a sexual nature committed by an adult in relation to a child. Includes offences against a provision in Chapter 22 or 32 of the Criminal Code.
Employee	<p>A person engaged by the department to carry out work for financial reward. For the purposes of this policy, includes:</p> <ul style="list-style-type: none"> staff members who normally perform their daily duties within one or more state schools or State Delivered Kindergartens, whether on a temporary, permanent or casual basis employees located in central and regional offices who have contact with children or students
Grooming	Grooming is the act of deliberately establishing an emotional connection to lower a child's inhibitions. The act of grooming is to prepare, as for a specific

Term	Definition
	<p>position or purpose: groom a child for advancement or preparation for other activities. An adult may groom a child for purposes of gratification later in life when the child becomes of age or earlier when, and if, an opportunity arises. Some indicators of grooming behaviour by an employee may include:</p> <p>Over-familiarity</p> <ul style="list-style-type: none"> • Student/s are permitted to call an employee by their first name • Students are seen to be in close proximity to an employee • The frequency of contact between an employee and a student is seen to be unusual • An employee takes or offers to transport students in their car • An employee offers to transport a student or students home of an afternoon or bring them to school <p>Special consideration</p> <ul style="list-style-type: none"> • Special treatment is given to the student such as selection to do privileged tasks in school • Differential standard of treatment from other students in areas of punishment and or duties • Gives menial tasks or jobs to do such as cleaning, tidying, sorting, photocopying, etc. <p>Touching or caressing</p> <ul style="list-style-type: none"> • Non-sexual touching can be rubbing shoulders, massages, brushing past, holding hands, playing with hair, checking fingernails, preening, etc. • Sexual touching can be all of the above and touching of breasts, buttocks and the genitals or genital area. This touching can be obvious or inadvertent grazes or accidental brushing or bumping <p>Establish relationships</p> <ul style="list-style-type: none"> • Employee establishes a social bond with the student's family or family members • An unusual interest in a student's siblings or the activities of siblings • Grandparents and other family members, carers or guardians or any other person can also be targeted to establish a bond <p>Unnecessary out of school hours contact</p> <ul style="list-style-type: none"> • Attendance or interest in sporting events external to school sports activities

Term	Definition
	<ul style="list-style-type: none"> • Meets with the student or family at clubs or other social events such as shows, expos, concerts, etc. • Develops a similar interest in the same hobbies that the student is involved in • Organises sleepovers where the student is involved • Involves other family members in most activities to limit suspicion that then enables access to the student at other times when the opportunity arises <p>Contact</p> <ul style="list-style-type: none"> • Visits the family home at night to tutor or just to talk • Repeated phone calls out of hours • Text messaging that has no legitimate educational focus • Conversing, offering to meet and/or sending images via email • MSN or similar - assuming a profile or establishing a cluster where students have to be invited in by the employee • Conversing on and or joining as friends on social media sites such as Facebook <p>Supplying of gifts and treats</p> <ul style="list-style-type: none"> • Expensive or inexpensive presents are provided as rewards • Engaging in co-purchasing items that they both can share • Supplying of comfort food on a regular basis • Easy access to lollies or sweets as treats for good behaviour • Lends the student money on the false pretence that they expect the student to pay it back sometime <p>In summary</p> <p>Some of the behaviours likely to be seen when a student is being groomed by an employee include:</p> <ul style="list-style-type: none"> • Secrecy (probably the most important indicator) • Sharing of gifts/bribes – purchasing things the student wants • Anything that will make the student feel special • Isolating the student from family, friends and other support networks – creating ‘us’ (abuser and student) versus others style of relationship

Term	Definition
	<ul style="list-style-type: none"> • Inappropriate sharing of personal information about the abuser to the student and inappropriate 'equality' in the relationship • Offenders often groom the family and environment of the student • Gradual desensitisation of the student to touch and gradual sexualisation of the relationship <p>These behaviours may not always be reportable conduct where they occur in isolation. However, a repetition of behaviour or patterns or several of these behaviours together could indicate that the conduct may amount to grooming and therefore would be reportable conduct.</p> <p>Mentoring, coaching or tutoring programs in schools often involve individual attention being given to students from employees. Appropriate conduct within these programs that is consistent with departmental policies should not be confused with grooming behaviour.</p>
Harm	<p>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. (s.9 of the CPA).</p>
Immediately	<p>The EGPA requires school staff members to immediately submit a written report regarding sexual abuse to the principal, and for the principal to immediately forward reports regarding sexual abuse to the QPS. In this context, 'immediately' means the report must be progressed without unreasonable delay, once a reasonable suspicion of sexual abuse or likely sexual abuse has been formed.</p>
Misconduct	<p>As defined in the Public Service Act 2008 (Qld) section 187 (4) (a) (b), misconduct means:</p> <ul style="list-style-type: none"> • inappropriate or improper conduct in an official capacity; or • inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.
Official misconduct	<p>As defined in the Crime and Corruption Act 2001 (Qld) (s. 14-15) official misconduct is conduct that could, if proved, be:</p> <ul style="list-style-type: none"> • a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is a holder of an appointment and; • is a breach of trust by virtue of their position.

Term	Definition
Principal/Manager/Supervisor	Refers to the principal or manager working in a state educational institution or a business unit in the department.
Reasonable suspicion	<p>A suspicion formed on grounds that are reasonable in the circumstances. The CPA (s.13C) also states that:</p> <ul style="list-style-type: none"> • matters that may be considered when forming a reasonable suspicion include: <ul style="list-style-type: none"> ○ whether there are detrimental effects on the child's body or psychological or emotional state that are evident or likely to become evident in the future; and ○ the nature and severity of the detrimental effects and the likelihood they will continue; and ○ the child's age. • a reasonable suspicion may be informed by observation of the child, other knowledge of the child or any other relevant knowledge, training or experience the person forming the suspicion may have.
Sexual abuse	<p>For the purposes of this procedure, sexual abuse:</p> <ul style="list-style-type: none"> • means sexual behaviour involving a student or child and another person in the following circumstances: <ul style="list-style-type: none"> ○ the other person bribes, coerces, exploits, threatens or is violent toward the student or child; ○ the student or child has less power than the other person; or ○ there is a significant disparity between the student or child and the other person in intellectual capacity or maturity; and • includes a child sexual offence.
State Educational Institution	<p>An institution established under Chapter 2 of the EGPA:</p> <ul style="list-style-type: none"> • at which the State provides primary, secondary or special education (s.13); or • at which the State provides educational instruction to persons enrolled at state schools as an adjunct to the educational programs provided to the persons at the state schools, including, for example, environmental education centres and outdoor education centres (s.14); or • which are centres for the support and development of teachers and officers of the department, student hostels or student residential colleges (s.15).

Term	Definition
State school	For the purposes of this procedure, means a state educational institution.
Student	A student is defined as a person who is enrolled in a state educational institution, including a kindergarten age child registered in a State Delivered Kindergarten, and who is under the age of 18 years. This definition is extended to include students who are enrolled in a state education institution, are identified as having a disability, are over the age of 18 years of age, and where a carer or adult guardian has been appointed as the student's interim decision maker.
Suspicion	A suspicion that a student or child has been harmed or is at risk of harm may be based on a variety of sources, including disclosures, observations, student behaviours or contact with parents and siblings.
Visitor	Any person who visits a state educational institution on a one-off or regular basis to provide services. This includes volunteers assisting in the classroom, on excursion, or as a presenter of one-off program.

Legislation

- [Child Protection Act 1999 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(Queensland College of Teachers\) Act 2005 \(Qld\)](#)

Delegations/Authorisations

- Nil

Policies and procedures in this group

- [Child and student protection policy](#)
- [Disclosing personal information to law enforcement agencies procedure](#)
- [Information sharing under the Child Protection Act 1999 \(Qld\) procedure](#)
- [Student protection procedure](#)
- [Working with children authority procedure](#)

Supporting information for this procedure

- [Allegations against employees in the area of student protection - guidelines](#)

- [Student protection forms - allegations against employees in the area of student protection](#)

Other resources

- [Code of Conduct for the Queensland Public Service](#)
- [Standard of Practice](#)
- [Student protection fact sheet](#) (DoE employees only)

Contact

For further information, please contact:

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Superseded versions

Previous seven years shown. Minor version updates not included.

2.0 Allegations against employees in the area of student protection procedure

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