



Child and student protection policy

Version: 1.2 | Version effective: 13/10/2021

Audience

Employees and visitors to state schools and State Delivered Kindergartens

Purpose

This policy outlines the Department of Education's (the department's) approach to keeping children and students safe by protecting them from harm or risk of harm in Queensland state schools and State Delivered Kindergartens.

Policy statement

The department identifies the protection and safety of children as an area of highest priority and is committed to ensuring the safety and wellbeing of children and students at state schools and State Delivered Kindergartens.

This policy relates to the protection of children and students from harm or risk of harm caused by others.

Child and student safety is a critical foundation for learning and wellbeing. Employees and visitors who work closely with children and families play an important role in detecting suspected harm or risk of harm, and must respond appropriately to ensure children and students are protected. This includes meeting applicable mandatory reporting obligations under the [Child Protection Act 1999 \(Qld\)](#), [Education \(General Provisions\) Act 2006 \(Qld\)](#) and [Criminal Code Act 1899 \(Qld\)](#) (Criminal Code).

All employees and visitors have a responsibility to create and maintain a child safe environment and must meet the requirements of the working with children authority verification and employment screening checks.

The department protects sensitive information related to children and students and works closely with other government agencies to ensure a child's protection and wellbeing, and enable a coordinated service response that meets the needs of children and their families.

Principles

| Principle | What this means for the department |
|--|---|
| Collaboration | <ul style="list-style-type: none"> • Children and students are treated with respect, are protected from harm or risk of harm, and have a voice in decisions which affect them • Where the interests of a child and their family differs, the child's safety, wellbeing and best interests are paramount |
| Responsibility and accountability | <ul style="list-style-type: none"> • Employees and visitors are aware of and equipped with the knowledge and skills to keep children and students safe through ongoing education • Employees working with children understand their mandatory reporting obligations • Employees are aware of their obligations to prevent and respond to harm and risk of harm to children and students • Employees are aware of appropriate interactions with students |
| Prevention | <ul style="list-style-type: none"> • Employees and visitors are equipped to respond to child abuse and neglect when they become aware, or suspect, a student or child has been harmed or is at risk of harm • Employees and visitors who work with children and students have been deemed suitable to work with children and complete mandatory student protection training (DoE employees only) • Information about children and students is only shared in accordance with legislative provisions to facilitate a coordinated service response |
| Response | <ul style="list-style-type: none"> • Employees meet applicable mandatory reporting obligations under the Child Protection Act 1999 (Qld), Education (General Provisions) Act 2006 (Qld) and Criminal Code • Employees are equipped to assist families to access support when they need it • Employees actively protect children and students where risk of harm is identified |
| Improvement | <ul style="list-style-type: none"> • The effectiveness and efficiency of child and student protection processes are monitored • The Student Protection Unit oversees the implementation of improvements in key control areas such as policy and procedure, training and guidance materials |

| Principle | What this means for the department |
|-----------|--|
| | <ul style="list-style-type: none"> The department's Child/Student Protection and Safety Committee provides oversight, direction and continuous review and improvement of child/student protection activities in state schools and State Delivered Kindergartens |

Requirements

1. Legislative obligations

The department places the highest priority on child and student protection and safety, and must comply with its legislative obligations and additional mandatory requirements as set out in policies and procedures. The department's [Legislative compliance policy, framework](#) and [obligations schedule](#) support this policy, outlining compliance focus areas, general obligations, and key controls and reporting non-compliance.

The [Civil Liability Act 2003 \(Qld\)](#) requires the department to take all reasonable steps to prevent the abuse of a child by a person associated with the department while the child is under the care, supervision, control or authority of the department. The [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#) requires the Director-General, principals and regional/central office managers to ensure necessary working with children authority and employment screening requirements are met before a person works with children.

In Queensland state schools and State Delivered Kindergartens, employees in certain roles have mandatory reporting obligations under the [Child Protection Act 1999 \(Qld\)](#) and the [Education \(General Provisions\) Act 2006 \(Qld\)](#). The [Criminal Code](#) also outlines requirements for the reporting of child sexual abuse. The [Education \(Queensland College of Teachers\) Act 2005 \(Qld\)](#) and [Criminal Code](#) include additional legislative obligations for principals and the department if allegations of harm relate to employees or other adults associated with a state school or State Delivered Kindergarten.

The [Child Protection Act 1999 \(Qld\)](#) requires the department, in certain circumstances, to comply with information sharing requests for child protection matters and to conduct an internal review.

Officers who are delegated and/or authorised to share information about a child and/or their family must only do so when authorised by law.

2. Departmental requirements

While legislative requirements identify specific obligations for certain roles, the department requires all employees and visitors to state schools and State Delivered Kindergartens to comply with additional requirements to ensure the protection of children and students.

By following the [Code of Conduct for the Queensland Public Service](#), the department's [Standard of Practice](#), policies and procedures, employees and visitors will meet both their legislative obligations and any additional departmental requirements.

The following key child and student protection procedures outline the requirements for employees and visitors:

- [Allegations against employees in the area of student protection procedure](#)
- [Criminal history check procedure](#)

- [Disclosing personal information to law enforcement agencies procedure](#)
- [Information sharing under the Child Protection Act 1999 \(Qld\) procedure](#)
- [Restrictive practices procedure](#)
- [Roll marking in state schools procedure](#) (same day student absence notification)
- [Student protection procedure](#)
- [Working with children authority procedure.](#)

3. Child/Student Protection and Safety Committee

The Child/Student Protection and Safety Committee provides oversight, direction and continuous review and improvement of child and student protection and safety activities and performance across the department to support the safety and wellbeing of children in state schools and State Delivered Kindergartens. The Committee:

- monitors, reviews and improves the child/student protection and safety enterprise risk assessment, mitigating controls and actions, risk threat indicators and control effectiveness measures, and risk assessments of related child/student safety risks;
- provides oversight of the Child Death Review activities;
- monitors reporting and implementation of review recommendations; and
- escalates important child/student protection and safety issues to the department's Executive Management Board.

Definitions

| Term | Definition |
|---|--|
| Accredited Employing Authorities | An external organisation accredited by the department to provide services to state schools, for example, student welfare worker and chaplain services. |
| Children | A person under 18 years of age. (s.8 of the Child Protection Act 1999 (Qld)) |
| Employee | A person engaged by the department to carry out work for financial reward. For the purposes of this policy, includes: <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 • non-departmental employees such as employees of other departments or Accredited Employing Authorities. |
| Harm | 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 |

| Term | Definition |
|-------------------------------------|---|
| | 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 Child Protection Act 1999 (Qld)) |
| State school | For the purposes of this policy, means a state educational institution. That is, an institution established under Chapter 2 of the Education (General Provisions) Act 2006 (Qld) : <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). |
| State Delivered Kindergarten | State Delivered Kindergartens are approved early childhood education and care programs in state schools. They are comprised of two former departmentally delivered kindergarten programs known as remote kindergarten and kindergarten in Aboriginal and Torres Strait Islander communities (formerly known as pre-Prep). |
| Student | Any person who is enrolled at or attends a state school and for the purposes of this policy, includes a kindergarten age child registered in a State Delivered Kindergarten. |
| Visitor | Any person, other than an employee, who, on a one-off or regular basis: <ul style="list-style-type: none"> • visits a state school or State Delivered Kindergarten; or • has contact with students or children off-site or online; in order to provide services to a state school or State Delivered Kindergarten. This includes volunteers and external contractors such as tradespeople, guest speakers, pre-service teachers and people assisting in the tuckshop, on excursions or at sporting activities. |

Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#)
- [Education \(Queensland College of Teachers\) Act 2005 \(Qld\)](#)
- [Child Protection Act 1999 \(Qld\)](#)

- [Child Protection Regulation 2011 \(Qld\)](#)
- [Civil Liability Act 2003 \(Qld\)](#)
- [Criminal Code Act 1899 \(Qld\)](#)
- [Human Rights Act 2019 \(Qld\)](#)
- [Information Privacy Act 2009 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
- [Public Service Act 2008 \(Qld\)](#)

Delegations/Authorisations

- [Director-General's delegations under the Education \(General Provision\) Act 2006 \(Qld\)](#)
- [Director-General's delegations under the Child Protection Act 1999 \(Qld\)](#) ss 245H-I, 245K, 245N-P (Agency Review)
- [Director-General's delegations under the Information Privacy Act 2009 \(Qld\)](#)
- [Human Resources Delegation Manual – Employment Screening under the Public Service Act 2008](#)

Policies and procedures in this group

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

- Nil

Other resources

- [Restrictive practices procedure](#)
- [Roll marking in state schools procedure](#)
- [Criminal history check procedure](#)
- [Code of Conduct for the Queensland Public Service](#)
- [Standard of Practice for the Department of Education](#)
- [Legislative compliance policy](#)
- [Legislative compliance framework](#)
- [Legislative obligations schedule](#)

- [Allegations against employees in the area of student protection – guidelines](#)
- [Aware. Protective. Safe. Strategy](#)
- [Internal reviews under the *Child Protection Act 1999*](#) (DoE employees only)
- [National principles for child safe organisations](#)
- [Same day student absence notification](#) (DoE employees only)
- [Student protection guidelines](#) (DoE employees only)
- [Working with children authority guidelines](#)
- [Police and Child Safety Officer interviews and searches with students](#) (DoE employees only)

Contact

For further information, please contact:

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Superseded versions

Previous seven years shown. Minor version updates not included.

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