



# Procedure

## Student protection

### Audience

All state schools

**Version effective:** 23/11/2020

**Version:** 9.7

### Purpose

This procedure outlines the responsibilities and processes for employees and visitors to state schools when dealing with student protection concerns, and responding when it is suspected that a student, or an unborn child, has been harmed or is at risk of harm.

The procedure also clarifies responsibilities necessary for compliance with the differing mandatory reporting obligations under the [Education \(General Provisions\) Act 2006 \(Qld\)](#) and the [Child Protection Act 1999 \(Qld\)](#).

### Overview

This procedure applies to all employees and visitors to state schools who have regular contact with students, including such activities as escorting students on camps, trips within or outside Australia, sporting activities and other extra-curricular activities.

Any person has the right to make a report directly to the [Department of Child Safety, Youth and Women](#) (Child Safety) or Queensland Police Service (QPS), or to make a report of suspected corrupt conduct directly to the Crime and Corruption Commission.

Any person who follows the reporting processes outlined in this procedure will be entitled to seek protection from liability in civil, criminal and administrative processes available under s.197A of the *Child Protection Act 1999* (Qld). Further, they will be entitled to the confidentiality protections afforded to notifiers under s.186 of the *Child Protection Act 1999* (Qld).

Any person who makes a voluntary report to Child Safety or QPS, outside the Student protection procedure reporting processes, will also be entitled to seek the protections afforded by ss. 197A and 186 provided they have complied with s.197A of the *Child Protection Act 1999* (Qld).

This procedure should be read in conjunction with the:

- [Student protection guidelines](#) (DoE employees only)
- [Code of Conduct for the Queensland public service](#)
- [Department of Education Standard of Practice](#).

Where an employing agency has a Memorandum of Understanding (MOU) or contractual arrangement with the department, these documents should also be considered.

Harm, including sexual misconduct, involving employees is managed in accordance with the [Allegations against employees in the area of student protection](#) procedure.

## Responsibilities

### All employees and visitors in state schools

All employees and visitors in a state school have a responsibility to respond when it is suspected that a student, or an unborn child, has been harmed or is at risk of harm.

This responsibility applies when a reasonable suspicion has been formed in the course of employment or duties as an employee or visitor.

Employees also have a responsibility to comply with mandatory reporting obligations.

### Mandatory reporting

The following are mandatory reporting obligations specified in legislation:

- Under s.365 & s.365A of the *Education (General Provisions) Act 2006* (Qld) a **school staff member must** immediately give a written report to the principal or principal's supervisor when they become aware or reasonably suspect the sexual abuse or likely sexual abuse of a student under 18 years. The principal or supervisor must immediately give a copy of the report to the QPS.
- Under s.13E of the *Child Protection Act 1999* (Qld) a **teacher, registered nurse or early childhood education and care professional must** give a written report when they reasonably suspect a child has suffered, is suffering or is at 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 harm.

Mandatory reporting applies when a reasonable suspicion of harm is formed in the course of the reporter's employment.

### Non-mandatory reporting

Under s.13A of the *Child Protection Act 1999* (Qld), any person may make a report when they reasonably suspect:

- a child may be in need of protection because the child has suffered, is suffering or is at risk of suffering significant harm and may not have a parent able and willing to protect the child from harm; or
- an unborn child may be in need of protection after he or she is born because the child will be at risk of suffering significant harm after birth and may not have a parent able and willing to protect the child from harm.

### Training

- Comply with student protection training requirements as outlined in the [Student protection guidelines](#) (DoE employees only).



## Principals

- Ensure that all employees and visitors are aware of student protection reporting obligations and processes by ensuring the completion of an appropriate level of student protection training (refer to the [Student protection guidelines](#) Part K (DoE employees only)).
- Keep a record of staff student protection training completion in the OneSchool staff accreditations module.
- Keep a record of visitor student protection training completion.
- Implement processes to monitor and support any student subjected to or at risk of harm from any source, as appropriate.
- Collaborate with other agencies where this is in the best interests of the student. This may include sharing information in accordance with the [Information sharing under the Child Protection Act 1999 \(Qld\)](#) procedure and the [Disclosing personal information to law enforcement agencies](#) procedure.
- Advise employees affected by their involvement in student protection matters that they can access the [Employee Assistance Program](#).
- Refer to the [Police and Child Safety Officer interviews and searches with students](#) guideline (DoE employees only) if an interview with the student is requested by QPS or Child Safety.

## Process

### Responding to suspected child abuse and neglect

#### Principals

##### Investigation

1. Employees are not authorised to investigate (refer to definition) any aspect of a student protection concern before or after making a report. However, employees may make enquiries and/or ask questions to the extent necessary to form a reasonable suspicion, and therefore meet the threshold to report to Child Safety and/or QPS, or to determine an appropriate course of action.

##### Reporting

2. Use one or more of the following when considering whether suspicions of harm reach the threshold for reporting to QPS and/or Child Safety:
  - the online [Child Protection Guide](#)
  - the [Student protection guidelines](#) (DoE employees only)
  - professional judgement
  - conferral with relevant colleagues within the school
  - consultation with the relevant [regional Student Protection Principal Advisor](#) (DoE employees only)
  - consultation with the relevant Child Safety Regional Intake Service (RIS)
  - consultation with the relevant Family and Child Connect service.
3. Provide a report via the OneSchool Student Protection Reporting module to QPS and/or Child Safety, as a matter of urgency upon forming a reasonable suspicion, or receiving any information indicating a reasonable suspicion that:



- a student has been sexually abused or is likely to be sexually abused; or
- a child or unborn child has suffered, is suffering or is at unacceptable risk of suffering significant harm as a result of physical, sexual or emotional abuse or neglect, and may not have a parent able and willing to protect the child from harm.

**NOTE:** If a school staff member provides a report to the principal and it is determined they are fulfilling a mandatory reporting obligation, principals **must** immediately progress the report to QPS and/or Child Safety.

Under s.13G of the *Child Protection Act 1999* (Qld), if a teacher, registered nurse or early childhood education and care professional comes to know or reasonably supposes, that Child Safety is aware of a matter, they are not required to give a report.

The *Education (General Provisions) Act 2006* (Qld) requires that school staff members must give a written report of reasonable suspicions of sexual abuse or likely sexual abuse, **regardless of whether QPS are already aware of the matter.**

If for any reason a principal is not able to progress a report via the OneSchool Student Protection Reporting module, they are able to meet mandatory reporting obligations by reporting directly to Child Safety using the [online report form](#), or to the QPS by calling Policelink on 131 444 and, where possible, emailing details of the report to [oneschoolprogram@police.qld.gov.au](mailto:oneschoolprogram@police.qld.gov.au). In addition, a report should be submitted through the OneSchool Student Protection Reporting module as soon as possible.

If asked by Child Safety and/or QPS to provide clarifying or additional information relating to a student protection report, principals may provide information verbally and should keep a record of the conversation.

### Managing records

4. Store all documents related to student protection concerns in a secure location or in OneSchool.

### Supporting students

5. Contact the DoE [Suspected Child Abuse and Neglect \(SCAN\)](#) (DoE employees only) team core member representative when considering referral of a student or family to a SCAN team (see the [Information Sharing Under the Child Protection Act 1999 \(Qld\)](#) procedure and the [SCAN Team System Manual](#) (DoE employees only)).
6. Consider a referral to Family and Child Connect, Intensive Family Support or other relevant support service when there are concerns for the wellbeing of a student that do not meet the threshold for a report to QPS or Child Safety and it is believed that the child and family would benefit from support services. Information must be shared in accordance with the [Information sharing under the Child Protection Act 1999 \(Qld\)](#) procedure.

### School-based employees

#### Investigation

1. Employees are not authorised to investigate (refer to definition) any aspect of a student protection concern before or after making a report. However, employees may make enquiries and/or ask questions to the extent necessary to form a reasonable suspicion, and therefore meet the threshold to report to Child Safety and/or QPS, or to determine an appropriate course of action.



## Reporting

2. In all instances where an employee has suspicions of harm or risk of harm to a student or unborn child, confer with colleagues, including the principal, as appropriate to determine whether the suspicion is reportable to QPS and/or Child Safety.

When suspicions relate to the principal, conferral should occur with the regional director referring to the [Allegations against employees in the area of student protection](#) procedure for guidance on processes to report concerns.

In addition to conferral with the principal, employees may use one or more of the following when considering whether suspicions of harm reach the threshold for reporting to QPS and/or Child Safety:

- the [Student protection guidelines](#) (DoE employees only)
  - the online [Child Protection Guide](#)
  - professional judgement
  - conferral with other relevant colleagues such as the deputy principal, guidance officer or school-based youth health nurse.
3. Provide a report to the principal via the OneSchool Student Protection Reporting module as a matter of urgency upon forming a reasonable suspicion, or receiving any information indicating a reasonable suspicion that:
    - a student has been sexually abused or is likely to be sexually abused; or
    - a child or unborn child has suffered, is suffering or is at unacceptable risk of suffering significant harm as a result of physical, sexual or emotional abuse or neglect, and may not have a parent able and willing to protect the child from harm.

**NOTE:** When a mandatory reporting obligation applies, the provision of a written report is the personal responsibility of the mandatory reporter. Mandatory reporters must ensure that reportable suspicions submitted to the principal through the OneSchool Student Protection Reporting module are given to authorities as a matter of urgency.

Under s.13G of the *Child Protection Act 1999* (Qld), if a teacher, registered nurse or early childhood education and care professional comes to know or reasonably supposes, that Child Safety is aware of a matter, they are not required to give a report.

The *Education (General Provisions) Act 2006* (Qld) requires that school staff members must immediately give a written report of reasonable suspicions of sexual abuse or likely sexual abuse, **regardless of whether QPS are already aware of the matter.**

If for any reason a school staff member is not able to progress a report via the OneSchool Student Protection Reporting module, they are able to meet their mandatory reporting obligations by reporting directly to Child Safety using the [online report form](#), or to the QPS by calling Policelink on 131 444 and, where possible, emailing details of the report to [oneschoolprogram@police.qld.gov.au](mailto:oneschoolprogram@police.qld.gov.au). In addition, a report should be submitted through the OneSchool Student Protection Reporting module as soon as possible.



### Managing records

4. Document suspicions and/or incidents of harm and provide all records to the principal for storage in a secure location or in OneSchool.

### Supporting students

5. Monitor and support any student subjected to or at risk of harm from any source, as appropriate.
6. Delegated officers under section 159MA-MD or 159N of the *Child Protection Act 1999* (Qld) may share information with other agencies where this is in the best interests of the student. For further information refer to the [Information sharing under the Child Protection Act 1999 \(Qld\)](#) procedure.

### Employees located in central and regional offices who have regular contact with students

#### Discuss suspicions

1. Discuss all suspicions of harm or risk of harm to a student, or risk of harm to an unborn child, with the relevant principal.

When the suspicions relate to the principal, discuss the concerns with the regional director referring to the [Allegations against employees in the area of student protection](#) procedure for guidance on processes to report concerns.

#### Managing records

2. Document suspicions and/or incidents of harm and provide all records to the principal for storage in a secure location or in OneSchool.

### Non-departmental employees and visitors

#### Discuss suspicions

1. Discuss all suspicions of harm or risk of harm to a student, or risk of harm to an unborn child, with the principal.

When the suspicions relate to the principal, discuss the concerns with the regional director referring to the [Allegations against employees in the area of student protection](#) procedure for guidance on processes to report concerns.

2. Where the employing agency has a MOU or contractual arrangement with the department, report all suspicions of student harm or risk of harm, or an unborn child at risk of harm, in accordance with the MOU, keep appropriate records, and abide by confidentiality requirements.

#### Managing records

3. Document suspicions and/or incidents of harm and provide all records to the principal for storage in a secure location or in OneSchool.





## Student sexual behaviour and sexual relationships

When an employee becomes aware of or reasonably suspects student sexual behaviour or sexual relationships refer to the [Student protection guidelines](#) Part F (DoE employees only) for guidance on appropriate actions and reporting.

## Harm caused by another student

When it is suspected a student has been harmed or placed at risk of harm through the actions of another student refer to the [Student protection guidelines](#) Part F (DoE employees only) and the school's [Student Code of Conduct](#) for guidance on appropriate actions and reporting.

## Student self-harm

When it is suspected a student has self-harmed or may be at risk of self-harm refer to the [Student protection guidelines](#) Part F (DoE employees only) and consider appropriate responses to support the student including information on [student mental health and wellbeing](#).

## Sexting and child exploitation material

When an employee becomes aware of or reasonably suspects student conduct involving sexting and possible child exploitation material, refer to the [Student protection guidelines](#) Part F (DoE employees only) for guidance on appropriate actions and reporting.

## Definitions

<b>Approved early childhood education and care programs in state schools</b>	Approved early childhood education and care programs in state schools include <a href="#">State Delivered Kindergarten</a> programs.
<b>Child/ren</b>	A person under 18 years of age.
<b>Colleague</b>	A colleague, as defined in s.13H of the <a href="#">Child Protection Act 1999 (Qld)</a> , is a person working in or for the same entity as the person.
<b>Conferral</b>	As explained in s.13H of the <a href="#">Child Protection Act 1999 (Qld)</a> , conferral refers to a relevant person giving information to a colleague, or a colleague giving information to a relevant person.
<b>Corrupt conduct</b>	<p>Corrupt conduct, as defined in ss. 14-15 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a>, is conduct that:</p> <ul style="list-style-type: none"> <li>adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of a unit of public administration or a person holding an appointment</li> <li>results, or could result, directly or indirectly, in the performance of functions or the exercise of powers in a way that is not honest or is not impartial, or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly, or involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment</li> </ul>

	<ul style="list-style-type: none"> <li>is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person, and</li> <li>would, if proved, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.</li> </ul>
<b>Early childhood education and care professional</b>	For the purposes of the Student protection procedure, this term refers to principals, teachers and teacher aides employed in approved early childhood education and care programs in state schools.
<b>Employee</b>	<p>An employee, as defined in s.364 of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a>, means a person engaged to carry out work at a school for financial reward. This includes:</p> <ul style="list-style-type: none"> <li>school-based employees such as principals, teachers, specialist and support staff including guidance officers, members of the administration team, paid employees of the P&amp;C, and Youth Support Coordinators</li> <li>employees located in central and regional offices who have regular contact with students in state schools</li> <li>non-departmental employees such as employees of other departments or services, short-term contractors working on the school site that have regular contact with students, Youth Support Coordinators, and chaplains.</li> </ul>
<b>Harm</b>	Harm, as defined in s.9 of the <a href="#">Child Protection Act 1999 (Qld)</a> , 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 and may include physical, psychological or emotional abuse, neglect and 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.
<b>Immediately</b>	The <a href="#">Education (General Provisions) Act 2006 (Qld)</a> requires school staff members to immediately submit a written report regarding sexual abuse to the principal, and for the principal to immediately forward reports concerning sexual abuse to the police. In this context, 'immediately' means the report should be progressed without unreasonable delay, once a reasonable suspicion of sexual abuse or likely sexual abuse has been formed.
<b>Investigate</b>	To investigate includes: carrying out a systematic or formal inquiry into a student protection matter, including interviewing people, examining the facts of a student protection report, or making a determination about whether a child is in need of protection.
<b>Parent</b>	Refer to s.10 of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a> for the meaning of parent.
<b>Parent able and willing to protect the child from harm</b>	The parent has both the ability and the willingness to ensure the safety, wellbeing and best interests of the child. The parent's ability and willingness may be evident in their statements and direct or indirect actions. (Refer to the <a href="#">Student protection guidelines</a> Part C (DoE employees only)).



<b>Principal</b>	Refers to the principal or officer in charge of a state educational institution.
<b>Reasonable suspicion</b>	<p>A reasonable suspicion is a suspicion formed on grounds that are reasonable in the circumstances. The <a href="#">Child Protection Act 1999 (Qld)</a> (s.13C) also states that:</p> <ul style="list-style-type: none"> <li>• a reasonable suspicion may have been 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</li> <li>• matters that may be considered when forming a reasonable suspicion, include: detrimental effects on the child's body or psychological or emotional state that are evident or likely to become evident in the future, the nature and severity of the detrimental effects and the likelihood they will continue, and the child's age.</li> </ul>
<b>Relevant person</b>	<p>Under s.13E of the <a href="#">Child Protection Act 1999 (Qld)</a>, mandatory reporting applies to a relevant person, who is any of the following:</p> <ol style="list-style-type: none"> <li>a) a doctor</li> <li>b) a registered nurse</li> <li>c) a teacher</li> <li>d) a police officer who, under a direction given by the commissioner of the police service under the <a href="#">Police Service Administration Act 1990 (Qld)</a>, is responsible for reporting under this section</li> <li>e) a person engaged to perform a child advocate function under the <a href="#">Public Guardian Act 2014 (Qld)</a></li> <li>f) an early childhood education and care professional.</li> </ol>
<b>Reportable suspicion</b>	<p>Under s.13E of the <a href="#">Child Protection Act 1999 (Qld)</a>, a reportable suspicion about a child is a reasonable suspicion that the child:</p> <ul style="list-style-type: none"> <li>• has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse, and</li> <li>• may not have a parent able and willing to protect the child from the harm.</li> </ul> <p>Under s.365 and s.365A of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a>, a reportable suspicion is a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by another person.</p>
<b>SCAN (Suspected Child Abuse and Neglect) team system</b>	<p>The SCAN team system enables a coordinated, multi-agency response to the protection needs of children through information sharing and joint planning and assessment by team members. The core members of the SCAN team system include:</p> <ul style="list-style-type: none"> <li>• the Department of Child Safety, Youth and Women</li> <li>• Queensland Health</li> <li>• the Department of Education, and</li> <li>• the Queensland Police Service.</li> </ul>

	<ul style="list-style-type: none"> <li>Other stakeholders may be invited to participate in a SCAN team discussion about a particular child.</li> </ul>
<b>School staff member</b>	A school staff member is an individual who is employed by the department and normally performs their daily duties within a school or schools, whether on a temporary, permanent or contract basis.
<b>Self-harm</b>	Harm that requires immediate medical or psychological intervention. Self-harm includes self-inflicted injuries, or other self-inflicted physical or psychological damage.
<b>State educational institution</b>	A state educational institution is an institution established under Chapter 2 of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a> .
<b>Student</b>	For the purposes of this procedure only, the definition of 'student' includes: <ul style="list-style-type: none"> <li>a child enrolled at a state educational institution, or</li> <li>any other child, regardless of whether they are enrolled at a school, provided suspicions of harm are raised by employees or visitors to a state school in the course of their employment or duties.</li> </ul>
<b>Teacher</b>	For the purposes of this procedure, a teacher means an approved teacher under the <a href="#">Education (Queensland College of Teachers) Act 2005 (Qld)</a> who is employed at a school.
<b>Visitor</b>	A visitor is any person who visits the school on a one-off or regular basis to provide services to the school. This includes any volunteers assisting in the school tuckshop, classrooms or on school excursions or presenters of one-off programs.

## Legislation

- [Education \(General Provisions\) Act 2006 \(Qld\)](#) Sections 10, 13-15, 364-365A, 419A, 419F, 426.
- [Child Protection Act 1999 \(Qld\)](#) Sections 4-5E, 8-11, 13A-13E, 13G-13I, 159A-159N, 159Q-159R, 186-188, 197A, and Schedule 3
- [Crime and Corruption Act 2001 \(Qld\)](#) Sections 14-15

## Delegations/Authorisations

- Nil

## Related policies

- [Code of Conduct for the Queensland Public Service](#)
- [DoE's Standard of Practice](#)

## Related procedures

- [Allegations against employees in the area of student protection](#)
- [Information sharing under the Child Protection Act 1999 \(Qld\)](#)

- [Disclosing personal information to law enforcement agencies](#)
- [Supporting students' mental health and wellbeing](#)

## Guidelines

- [Student protection guidelines](#) (DoE employees only)
- [OneSchool student protection reporting help materials](#) (DoE employees only)
- [Police and Child Safety Officer interviews and searches with students](#) (DoE employees only)
- [Queensland Child Protection Guide](#)

## Supporting information/websites

- [Student protection fact sheet for employees](#) (DoE employees only)
- [Child Safety resources](#)

## Contact

For further information, please contact your [regional](#) Principal Advisor – Student Protection.

## Review date

30/06/2019

## Superseded versions

*Previous seven years shown. Minor version updates not included.*

- 6.0 Student protection
- 7.0 Student protection
- 8.0 Student protection
- 9.0 Student protection

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