



# Procedure

## Student protection

### Audience

All state schools

Implementation Date: 30/06/2017

Version: 9.0

### 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

The 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 Communities, Child Safety and Disability Services](#) (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 *Student protection* procedure reporting processes will be entitled to seek the 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](#) (DET employees only)
- [Code of Conduct for the Queensland Public Service](#)



- [DET Standard of Practice](#).

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

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

## 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. 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.
- 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.

#### 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](#) (DET employees only).

#### Principal

- 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 (DET employees only)).

- Keep a record of staff completion of student protection training and subsequent training updates.
- Implement processes to monitor and support any student subjected to or at risk of harm from any source, as appropriate.
- Implement processes to enable collaboration with other agencies where this is in the best interests of the student and in accordance with s.426 of the *Education (General Provisions) Act 2006* (Qld). This may include sharing information in accordance with the procedure [Information sharing under the Child Protection Act 1999 \(Qld\)](#).
- 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 with students, and police searches at state educational institutions](#) procedure if an interview with the student is requested by QPS or Child Safety.

### Training

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

### Process

## Responding to suspected child abuse and neglect

### Principals

#### Reporting

1. 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](#)
  - professional judgement
  - conferral with relevant colleagues within the school
  - consultation with the relevant [regional Student Protection Principal Advisor](#) (DET employees only)
  - consultation with the Child Safety Regional Intake Service (RIS)
  - consultation with the Family and Child Connect service.
2. 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 student or unborn child may be in need of protection as a result of physical, sexual, emotional abuse or neglect (i.e. has suffered, is suffering or is at unacceptable risk of suffering significant harm, and may not have a parent able and willing to protect the child from harm).

**NOTE:** Following conferral with a colleague who has submitted a report, if it is determined the colleague is fulfilling a mandatory reporting obligation principals **must** immediately progress the report (on behalf of the teacher, registered nurse or early childhood education and care professional) to QPS and/or Child Safety.

3. Where the principal forms a reportable suspicion (as described above), the principal must immediately forward a report to QPS and/or Child Safety.

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

**NOTE:** 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. In addition, a report should be submitted through the OneSchool *Student Protection Reporting module* as soon as possible.

### Managing records

4. Store documented suspicions and/or incidents of harm, copies of student protection reports, or related information in a secure location or in OneSchool.

### Supporting students

5. Contact the local [Suspected Child Abuse and Neglect \(SCAN\)](#) (DET employees only) team representative (Senior Guidance Officer) when a student warrants referral to an Information Coordination Meeting (ICM) or SCAN team meeting (See [ICM and SCAN Team System Manual](#)).
6. Consider a referral to a Family and Child Connect service, Intensive Family Support Service or other relevant community agency 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 supportive services.

Sharing information must be in accordance with the [Information sharing under the Child Protection Act 1999 \(Qld\)](#) procedure.

**NOTE:** While the law permits sharing of personal information without consent of the persons concerned for the purpose of the referrals mentioned above, it is the department's view that the above referrals should be pursued only on a consent basis unless there are exceptional circumstances that justify sharing without consent. Staff should be cognisant of the potential negative reactions of the persons concerned of sharing their personal information without consent, even where staff consider the sharing beneficial or protective in nature.

It is also important to note that sharing relevant information with a service provider about a pregnant woman and her unborn child for the purpose of facilitating the provision of support should only occur if the pregnant woman has given her consent for the information to be shared.

## School-based employees

### Investigation

1. Employees are not required to investigate (refer to definition) any aspect of a student protection concern before making a report. However, employees may seek information to the extent necessary to clarify whether the matter reaches the threshold for a report to Child Safety 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, conferral with colleagues, including the principal, is 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 procedure [Allegations against employees in the area of student protection](#) 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 online [Child Protection Guide](#)
  - professional judgement
  - conferral with other relevant staff such as the deputy principal, guidance officer or school-based youth health nurse.
3. To comply with mandatory reporting obligations, or when requested by the principal, commence a report via the OneSchool *Student Protection Reporting module* as a matter of urgency.

**NOTE:** Where a mandatory reporting obligation to Child Safety applies under s.13E of the *Child Protection Act 1999* (Qld), the provision of a report is your personal responsibility. Accordingly, when using the OneSchool module you must ensure that the reportable suspicions submitted by you have been given to authorities, as a matter of urgency, unless you become aware, or reasonably suppose, that the matter has already been brought to the attention of authorities.

**NOTE:** If for any reason a teacher, registered nurse or early childhood education and care professional 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. 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. Where authorised, collaborate with other agencies where this is in the best interests of the student and in accordance with school processes and s.426 of the *Education (General Provisions) Act 2006* (Qld). This may include sharing information in accordance with the procedure [Information sharing under the Child Protection Act 1999 \(Qld\)](#).

## 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 procedure [Allegations against employees in the area of student protection](#) 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 procedure [Allegations against employees in the area of student protection](#) for guidance on processes to report concerns.

2. Where the employing agency has a Memorandum of Understanding (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.

## Unlawful sexual relationships between children under 16 years of age

When a school staff member becomes aware or reasonably suspects sexual conduct involving a student under the age of 16 years they should refer to the [Student protection guidelines](#) Part F (DET 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 (DET employees only) and the school's [Responsible behaviour plan](#) 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 (DET employees only) and consider appropriate responses to support the student including information on [student mental health and wellbeing](#).

## Definitions

<b>Child/ren</b>	A person under 18 years of age.
<b>Child in need of protection</b>	A child in need of protection, as defined in s.10 of the <a href="#">Child Protection Act 1999 (Qld)</a> , is a child who: <ul style="list-style-type: none"> <li>• has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm and</li> <li>• may not have a parent able and willing to protect the child from the harm.</li> </ul>
<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 with colleague</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>	Corrupt conduct, as defined in ss. 14-15 of the <a href="#">Crime and Corruption Act 2001 (Qld)</a> , is conduct that: <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> <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>Approved early childhood education and care programs in state schools</b>	Approved early childhood education and care programs in state schools are <a href="#">pre-Prep programs in Indigenous communities</a> and <a href="#">remote kindergarten</a> programs.
<b>Employee</b>	An employee, as defined in s.364 of the <i>Education (General Provisions) Act 2006 (Qld)</i> , means a person engaged to carry out work at a school for financial reward. This includes: <ul style="list-style-type: none"> <li>• school-based employees such as <ul style="list-style-type: none"> <li>○ principals; teachers; specialist and support staff including guidance officers; members of the administration team; paid employees of the P&amp;C; Youth Support Coordinators</li> <li>○ employees located in central and regional offices who have regular contact with students in a state school.</li> </ul> </li> <li>• non-departmental employees such as <ul style="list-style-type: none"> <li>○ employees of other departments or services and short-term contractors working on the school site that have regular contact with students; Youth Support Coordinators; and Chaplains.</li> </ul> </li> </ul>
<b>Harm</b>	Harm, as defined in s.9 of the <i>Child Protection Act 1999 (Qld)</i> , 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>Investigate</b>	To investigate includes: carrying out a systematic or formal inquiry into a student protection matter, including interviewing relevant persons; 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 <i>Education (General Provisions) Act 2006 (Qld)</i> for the meaning of parent.
<b>Parent able and willing to protect the child from harm</b>	A person may reasonably suspect that a parent is able and willing to protect their child from harm when the person believes 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) (DET 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 information</b>	<p>As defined in s.159C of the <a href="#">Child Protection Act 1999 (Qld)</a>, includes information about a child, the child's family, someone else, a pregnant woman or an unborn child which will assist the chief executive of the Department of Communities, Child Safety and Disability Services or a service provider, as defined in s.159D of the <a href="#">Child Protection Act 1999 (Qld)</a>, to make plans or decisions relating to, or provide services to, a relevant child or child's family.</p>
<b>Relevant person</b>	<p>Under s.13E of the <a href="#">Child Protection Act 1999 (Qld)</a>, mandatory reporting by persons engaged in particular work (a relevant person) applies to a person who is any of the following:</p> <ol style="list-style-type: none"> <li>a doctor</li> <li>a registered nurse</li> <li>a teacher</li> <li>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>a person engaged to perform a child advocate function under the <a href="#">Public Guardian Act 2014 (Qld)</a></li> <li>an early childhood education and care professional.</li> </ol>
<b>Reportable suspicion</b>	<p>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>
<b>SCAN (Suspected Child Abuse and Neglect) team system</b>	<p>The purpose of the SCAN team system is to enable a coordinated, multi-agency response to children where statutory intervention is required to assess and meet their protection needs. This is achieved by:</p> <ul style="list-style-type: none"> <li>• timely information sharing between SCAN team core members;</li> <li>• planning and coordination of actions to assess and respond to the protection needs of children; and</li> <li>• holistic and culturally responsive assessment of children's protection needs.</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>Sexual conduct</b>	Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.
<b>State educational institution</b>	A state educational institution is an institution established under the <a href="#">Education (General Provisions) Act 2006 (Qld)</a> .
<b>Student</b>	<p>A student is any person, regardless of age, who attends a state educational institution, established under ss. 13, 14 or 15 of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a>.</p> <p>For the purposes of this procedure only, the definition of 'student' includes:</p> <ul style="list-style-type: none"> <li>• a pre-preparatory age child being provided with a pre-preparatory learning program at a prescribed state school (see s.419A of the <i>Education (General Provisions) Act 2006 (Qld)</i>);</li> <li>• a child registered in a distance education pre-preparatory learning program provided by a state school (see s.419F of the <i>Education (General Provisions) Act 2006 (Qld)</i>); and</li> <li>• a child with a disability, who is below compulsory school age, registered in an Early Childhood Development Program (see s.420 of the <i>Education (General Provisions) Act 2006 (Qld)</i>).</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](#)
- [DET Standard of Practice](#)

## Related procedures

- [Allegations against employees in the area of student protection](#)
- [Information sharing under the \*Child Protection Act 1999 \(Qld\)\*](#)
- [Police and Child Safety Officer interviews with students, and police searches at state educational institutions](#)
- [Supporting students' mental health and wellbeing](#)

## Guidelines

- [Student protection guidelines](#) (DET employees only)
- [OneSchool Student Protection Reporting guide](#) (DET employees only)
- [Queensland Child Protection Guide](#)

## Supporting information/websites

- [Interview by Department of Communities, Child Safety and Disability Services and/or Queensland Police Service on school site with a student who may be in need of protection](#)
- [Student protection fact sheet](#) (DET 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.*

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| 3.0 | Student protection |
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