



VILLANOVA COLLEGE



# STUDENT PROTECTION PROCESSES FOR QUEENSLAND CATHOLIC AUTHORITIES

Villanova College  
Updated 17 January 2023

# Contents

1.	Our Responsibilities .....	5
2.	Reporting Processes.....	5
2.1	Conferral with colleagues and accessing support.....	6
2.2	Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service .....	6
2.3	Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm .....	7
2.4	Requirement to Report a Child Sexual Offence .....	8
2.5	Responding to respond to harm or allegations of harm to students.....	9
2.5.1	Harm or risk of harm to a student caused by self-harm .....	9
2.5.2	Harm or risk of harm to a student caused by another student .....	10
2.5.3	Responding to student sexual behaviour.....	10
2.5.4	Harm or risk of harm to a student caused by a person not associated with the school or family .....	10
2.6	Responding to concerns that do not meet the threshold for reporting.....	11
2.6.1	Responding to allegations against staff members, including the Principal, and volunteers.....	11
2.6.2	Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer.....	11
2.6.3	Allegations of sexual abuse or likely sexual abuse against a Principal .....	13
2.6.4	Allegations of harm against a staff member or volunteer.....	15
2.6.5	Allegations of harm against the Principal .....	16
2.6.6	Allegations of inappropriate behavior against a staff member or volunteer.....	17
	Level 1 intervention – situations that constitute minor inappropriate behaviour.....	19
	Level 2 intervention – situations that constitute more complex or serious inappropriate behaviour .....	20
	Situations involving volunteers or staff members who are not employees of Villanova College .....	23
2.6.7	Allegations of inappropriate behaviour against the Principal .....	20
3.	After the Report is Made.....	21
4.	Advising Parents.....	21
5.	Definitions .....	22
6.	Legislative References.....	24
	Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse .....	27
	Flowchart 2: Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal .....	28
	Flowchart 3: Reporting Significant Harm to Child Safety .....	29

# Preface

These processes have been developed by the *Queensland Catholic Education Commission* (QCEC), in consultation with Catholic School Authorities, in order to assist Catholic School Authorities to meet legislative and procedural processes for responding to, and reporting, abuse, harm and behaviour of a staff member that a student considers is inappropriate.

**Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify Queensland Police Service and/or the Department of Child Safety, Youth and Women, particularly if he/she believes that it is essential to act to ensure a student's safety.**

## Effective Date

These processes are effective from 17 January 2023.

## Review Schedule

These processes shall be reviewed every two years, or when necessary, as required by changes to legislation, policy or procedure.

## The Governing Body

The Governing Body is Villanova College Limited.

The Directors of the Governing Body for the Board of Villanova College Limited are: Mr Peter Finnimore (Chair), Fr Francis Belcina OSA, Mrs Paula Hocter, Fr Peter Wieneke OSA, Ms Brittany Parker, Dr Liam Smith, Mr Chris Gyetvay and Dr Kathy Gibbs.

Email address for the Board Chair, Peter Finnimore: [Chairman@vnc.qld.edu.au](mailto:Chairman@vnc.qld.edu.au)

## Delegation

Pursuant to s 366B of the *Education (General Provisions) Act 2006*, the Board of Villanova College Limited has delegated to the person performing the duties of Board Chair the obligations under s366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of the Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

## Student Protection Contacts

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (Section 16(3)), Villanova College has at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate. The names of these are made known to staff, students and parents and are:

Principal:	Mr Paul Begg <a href="mailto:pbegg@vnc.qld.edu.au">pbegg@vnc.qld.edu.au</a>
Deputy Principal:	Mr Steven Bremner <a href="mailto:sbremner@vnc.qld.edu.au">sbremner@vnc.qld.edu.au</a>
Head of Senior School:	Mr Matthew Levander <a href="mailto:mlevander@vnc.qld.edu.au">mlevander@vnc.qld.edu.au</a>
Head of Middle School:	Mr Sean O'Neill <a href="mailto:soneill@vnc.qld.edu.au">soneill@vnc.qld.edu.au</a>

Head of Junior School:	Mr Stephen Rouhliadeff <a href="mailto:srouhliadeff@vnc.qld.edu.au">srouhliadeff@vnc.qld.edu.au</a>
College Psychologist:	Mr Tass Sakellariou <a href="mailto:tsakellariou@vnc.qld.edu.au">tsakellariou@vnc.qld.edu.au</a>
College Psychologist:	Dr Ashleigh Wright <a href="mailto:awright@vnc.qld.edu.au">awright@vnc.qld.edu.au</a>
College Counsellor:	Mr Adrian Hellwig <a href="mailto:ahellwig@vnc.qld.edu.au">ahellwig@vnc.qld.edu.au</a>
Teacher:	Mrs Hannah Elder <a href="mailto:helder@vnc.qld.edu.au">helder@vnc.qld.edu.au</a>

## Complaints Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (Section 16(5)), Villanova College has a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from Villanova College.

## Awareness and Implementation

If staff members, parents or students require further information in relation to any of the processes described in this document and/or other student protection compliance requirements, advice should be obtained from the Principal, or Student Protection Contacts.

Villanova College is responsible for ensuring that:

- this document is freely available to staff members, students and parents;
- staff members, students and parents are made aware of the student protection processes;
- staff are trained in implementing the processes; and
- the processes are being implemented within the College.

This is achieved by:

- The document being made available to staff members, student and parents – for example online via the school website, in hard copy at the school.
- Staff members are made aware of student protection processes at their staff induction session and at an all-staff student protection session at the commencement of each year.
- Ongoing awareness and training is provided via an online quiz.

**This document should be read in conjunction with the [Student Protection Guidelines for Queensland Catholic Schools](#).**

# 1. Our Responsibilities

Villanova College is committed to creating and maintaining safe environments for students. A critical area of importance is how to respond to, and report abuse, harm and the behaviour of a staff member that a student considers is inappropriate. This document sets out the responsibilities for staff members in schools where they have a concern for the protection of a student, including addressing processes required by law:

- processes for how Villanova College will respond to harm, or allegations of harm, to students;
- a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate;
- a process for how the information reported to the stated staff member must be dealt with by the stated staff member;
- a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366; and a suspicion of likely sexual abuse in compliance with the *Education (General Provisions) Act 2006*, section 366A; and
- a process for reporting a reportable suspicion under the *Child Protection Act 1999*, section 13E.

These processes apply to all staff members employed by Villanova College.

# 2. Reporting Processes

This section of the processes sets out a summary of the actions that must be taken if a staff member has concerns or suspicions, or makes allegations about [abuse](#) of, or [harm](#) to, a student or if there is a report of behaviour by a staff member that a student considers is [inappropriate](#). Further detail around these key child protection concepts are contained within the Student Protection Guidelines.

In general terms the process for responding to and reporting student protection concerns is as follows:

## Identify

Identify student protection concerns through recognising the [signs of abuse](#) and harm, and through [disclosures](#) or receipt of information;

## Confer

Seek guidance and support – if necessary, [confer](#) with the Principal, Deputy Principal or another Student Protection Contact, or use resources such as the [Child Protection Guide](#) to establish whether a [‘reasonable suspicion’](#) has been formed;

## Report

Where a [reasonable suspicion](#) of [abuse](#), [harm](#) or [inappropriate behaviour](#) is formed – report the concerns according to the specific processes outlined in this document;

## Support

Remain focused on the [support](#) needs of the student and liaise with the Principal around any planning or actions that are required.

## 2.1 Conferral with colleagues and accessing support

Engaging in appropriate consultation processes is an important element of responding to concerns around the safety and well-being of students, in order that any decision-making process is fully informed.

Staff members may confer (meaning formally consult and document any agreed actions as a record. Conferring is not reporting) with an appropriate colleague, for example the Principal, Deputy Principal or another Student Protection Contact, in order to establish whether the information to hand may constitute a reasonable suspicion of abuse, harm or inappropriate behaviour. This process is encouraged as a means of ensuring the best possible response to a student concern.

When deciding who to confer with from those identified above, it is important that staff members consider whether any of those nominated colleagues could be involved in any way in the circumstances which give rise to the concern, as this may impact on their ability to be impartial and/or independent (for example, if the colleague is or could be the subject of the concern). If there is the potential that a colleague (who would otherwise be appropriate to consult with) may be involved in any way in the circumstances giving rise to the concern that may impact on their ability to be impartial and/or independent, the staff member must not confer with that person. Staff members must never notify the source of the concern or a person potentially involved in the concern, that a student protection concern has been raised about them.

Confidentiality is an important element of conferral processes. Information sharing should be limited to appropriate colleagues (as detailed above) and to the extent necessary to respond to the safety and well-being of a student and to give effect to the processes outlined in this document. The Student Protection Guidelines contain further detail around [confidentiality and information sharing](#).

Again, the purpose of the conferral process is to assist a staff member in determining whether there is a reasonable suspicion of abuse, harm or inappropriate behaviour which gives rise to an obligation to report. A Principal, for example, may have additional information about a student or their family, or another staff member, not known by the staff member but which:

- Provides greater context to the concerns identified by the staff member;
- Changes the seriousness of the concerns, particularly as to whether the harm or risk of harm to a student is “significant”;
- Provides greater clarity around whether there is a parent able and willing to protect the student.

In addition to conferring with the Principal, Deputy Principal or another Student Protection Contact, a number of practical tools and resources exist to support staff members in their decision making, including the [Queensland Child Protection Guide](#) – an online decision support guide that has been developed to assist professionals to appropriately report or refer families to Department of Child Safety, Youth and Women (Child Safety) or other service providers in a timely manner.

Staff members should refer to their Code of Conduct to assist in understanding and responding to inappropriate behaviour by a staff member. The Queensland College of Teachers offers a range of professional standards resources that may also assist.

Staff members can also access via an online training module.

It is important for staff members to understand that while they may confer, conferring does not replace the staff member’s obligation to report as detailed in these Student Protection Processes.

## 2.2 Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service

In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*, if a [staff member](#)

becomes aware or reasonably suspects in the course of the staff member's employment at the College that a student has been [sexually abused](#) or is [likely to be sexually abused](#) by another person, the staff member must immediately provide a written report using the [student protection report](#) form to the Principal or Chair of Villanova College Board. The Principal or Chair of Villanova College Board or delegate is required by law to immediately forward a copy of the student protection reporting form to the Queensland Police Service. See [Flowchart 1](#).

Where the first person is the Principal of the College, the Principal must immediately make a written report of the concerns directly to the Queensland Police Service and to the Chair of Villanova College Board or delegate using the [student protection reporting form](#). See [Flowchart 2](#).

Where the reasonable suspicion of [sexual abuse](#) or [likely sexual abuse](#) is against the **Principal**, the student protection reporting form must be submitted by the first person to the Chair of Villanova College Board or delegate, who must immediately forward a copy of the student protection reporting form to the Queensland Police Service.

The Principal or Chair of Villanova College Board, as a matter of urgency, advise the first person that the report has been forwarded to Police. This advice should be in writing where possible.

**NOTE 1: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed, a report to the Queensland Police Service is to be made even if there is a [parent able and willing](#) to protect the child from harm.**

Whilst the legislation relating to the mandatory reporting of sexual abuse and likely sexual abuse as outlined above relates only to students under 18 years of age, these processes extend the meaning to include students who are 18 years of age or above.

In addition, whilst the legislation limits the mandatory reporting of sexual abuse or likely sexual abuse of a student to reasonable suspicions formed in the course of the staff member's employment at the school, it is the policy of Villanova College that all reasonable suspicions of sexual abuse or likely sexual abuse of students, regardless of when they are formed, are reported to Queensland Police in accordance with these processes.

**NOTE 2: Staff members have a legal obligation to report under sections 366 and 366A of the *Education (General Provisions) Act 2006* ('the Act') which cannot be delegated or transferred. Failure by a staff member to comply with this legal obligation, as required in this document, may breach the Code of Conduct and may result in disciplinary action against the staff member. In addition, a staff member who fails to make a report in accordance with the obligation may also breach the Act and may be charged with this failure. A conviction of such an offence could result in a financial penalty in addition to investigation by the staff member's professional body.**

## **2.3 Reporting significant harm or risk of significant harm to a student where there may not be a parent able and willing to protect the student from harm**

### **Mandatory reporting responsibilities for approved teachers**

Approved teachers have a **mandatory reporting** obligation under section 13E of the *Child Protection Act 1999* to make a report to the Department of Child Safety, Youth and Women when a teacher forms a 'reportable suspicion' about a child.

A reportable suspicion is a [reasonable suspicion](#):

- that a child has suffered, is suffering, or is at an [unacceptable risk](#) of suffering, [significant harm](#) caused by [physical abuse](#) or [sexual abuse](#); and
- there may not be a [parent able and willing to protect](#) the child from the harm.

A teacher fulfils this mandatory reporting obligation by:

- Making a written report using the [student protection reporting form](#) to the Principal of the reportable suspicion (or if the allegation is against the Principal to the Chair of Villanova College Board or delegate) and as a matter of urgency, receiving written confirmation from the Principal or the Chair of Villanova College Board or delegate of the date and time that the report was submitted to the Department of Child Safety, Youth and Women; or
- Making a report directly to the Department of Child Safety, Youth and Women via the [online reporting form](#).

When the Principal or the Chair of Villanova College Board or delegate receives a report, where a teacher has formed a 'reportable suspicion', they **must**, as a matter of urgency, forward the report to the Department of Child Safety, Youth and Women.

Where a Principal themselves forms a 'reportable suspicion', they must make a report directly to the Department of Child Safety, Youth and Women.

Teachers are encouraged to make mandatory reports to the Department of Child Safety, Youth and Women through the Principal (as described above). However, if a teacher forms a 'reportable suspicion' about a student, the teacher **must** satisfy themselves, as a matter of urgency, that the Principal has provided a report to the Department of Child Safety, Youth and Women.

If the teacher does not reasonably suppose that the Principal has provided the report to the Department of Child Safety, Youth and Women, the teacher **must, as a matter of urgency**, make the report directly to the Department of Child Safety, Youth and Women. Teachers are encouraged to confer with the Principal or Student Protection Contacts for support in making the mandatory report themselves.

Again, the *Child Protection Act 1999* limits the mandatory reporting of reportable suspicions to those formed in the course of the teacher's engagement at the College. However, it is the policy of Villanova College that all reasonable suspicions that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm and may not have a parent able and willing to protect them from the harm, regardless of when they are formed, are reported to the Department of Child Safety, Youth and Women in accordance with these processes.

Where a [staff member](#) reasonably suspects a student has suffered, is suffering or is at [unacceptable risk](#) of suffering [significant harm](#), due to [sexual](#), [physical](#), [emotional/psychological abuse](#) or [neglect](#) and may not have a [parent able and willing](#) to protect the student from the harm, then the staff member must make a written report of the concerns to the Principal using the student protection reporting form, who in turn must immediately forward the student protection reporting form to the Department of Child Safety, Youth and Women - Regional Intake Service. See [Flowchart 3](#).

Where the allegation is against the **Principal**, the staff member must submit the student protection reporting form to the Chair of Villanova College Board or delegate, who in turn must immediately forward the student protection reporting form to the Department of Child Safety, Youth and Women - Regional Intake Service.

The Principal or the Chair of Villanova College Board or delegate must, as a matter of urgency, advise the staff member that the report has been forwarded to the Department of Child Safety, Youth and Women. This advice should be in writing where possible.

Where a Principal themselves reasonably suspects a student has suffered, is suffering or is at unacceptable risk of suffering significant harm, due to sexual, physical, emotional/psychological abuse or neglect and may not have a parent able and willing to protect the student from the harm, they must make a report directly to the Department of Child Safety, Youth and Women.

**NOTE 3:**

**Teachers have a legal obligation to report under section 13E of the *Child Protection Act 1999*. This obligation cannot be delegated or transferred to another person. As stated, by policy this obligation is extended to all staff members (not just teachers). Failure by staff to comply with the obligation to report, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member.**

## **2.4 Requirement to Report a Child Sexual Offence**

In addition to the requirement to report sexual abuse or likely sexual abuse, section 229BC of the *Criminal Code Act 1899* mandates the reporting to the Queensland Police Service of information relating to a child sexual offence. This is a general requirement applying to all adults (18 years or over) when information causes, or ought reasonably to cause, the adult to believe that a child sexual offence is being or has been committed

against a child by another adult (for more details see Legislative References).

A report does not have to be made under the *Criminal Code Act 1899* if a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting significant harm or risk of significant harm). Therefore, a report will only need to be made under the *Criminal Code Act 1899* if a matter that would constitute a child sexual offence by an adult has not already been reported under the above two Acts.

**NOTE 4:**

**Staff members have a legal obligation to report under section 229BC of the *Criminal Code Act 1899*. This obligation cannot be delegated or transferred. Failure to comply with this legal obligation, as required in this document, may breach the Code of Conduct and disciplinary action may be taken against the staff member. Failure to report may also constitute a breach of the *Criminal Code* for which a staff member may be charged and subjected to a fine or imprisonment if convicted.**

**IMPORTANT NOTE: Failure to protect from a child sexual offence**

In addition to the requirement to report a child sexual offence, under section 229BB of the *Criminal Code Act 1899* it is a criminal offence for an adult to fail to protect a child from a child sexual offence.

A failure to protect offence will be committed if an adult in a school:

- a) knows there is a significant risk that another adult associated with the school will commit a child sexual offence against a child; and
- b) they have the power or responsibility to reduce or remove the risk; and
- c) they wilfully or negligently fail to reduce or remove the risk.

## **2.5 Requirement to respond to harm or allegations of harm to students**

In accordance with section 16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have written processes to respond to harm or allegations of harm to a student. Therefore, in addition to the requirements outlined in sections 2.2 and 2.3 above, staff members must respond to any reasonable suspicion in accordance with the required processes that a child has suffered, is suffering or is at unacceptable risk of suffering, significant harm caused by emotional abuse, neglect, self-harm, or harm caused by others - for example, by other students or by other persons in the community.

### **2.5.1 Harm or risk of harm to a student caused by self-harm**

Where a staff member forms a reasonable suspicion that a student has self-harmed or is at risk of self-harm, the first priority is the immediate safety of the student and determining whether the self-injury or risk of self-injury is significant, for example an injury requiring medical attention. The priority in cases of significant self-harm is therefore meeting the immediate medical and psychological needs of the student, which may require the administration of first aid and/or immediate contact with emergency services or mental health services.

The staff member then raises the concern of self-harm with the Principal, and contact should be made with the student's parent/care-provider, unless doing so places the student at further risk of harm.

Where the staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of self-harming behaviour AND may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care), then a written report must be made in accordance with the reporting processes detailed in [section 2.3](#) as a concern of neglect.

### **2.5.2 Harm or risk of harm to a student caused by another student**

Where a staff member forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by another student, the first priority is the immediate safety of the student, which will include determining whether the effect on the student is significant, for example, an injury requiring medical attention.

Where there is a significant injury or immediate risk of significant injury to a student, the priority is meeting the medical and safety needs of the student, which may require the administration of first aid, immediate contact with emergency services and contacting the student's parent(s) or care-provider(s).

Behaviour between students is managed in accordance with the Villanova College written processes for the conduct of students, or relevant behaviour support guidelines. In cases where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, parents and care-providers should be made aware of the option to pursue action through the Queensland Police Service. Villanova College will cooperate with any resulting investigation.

Allegations of bullying behaviours, including online behaviours, are managed in accordance with Villanova College bullying policies and procedures.

Where a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of student to student behaviours AND may not have a parent able and willing to protect the student from harm, (for example an inability to provide supervision for the student), then a written report must be made in accordance with the reporting processes detailed in [section 2.3](#).

### **2.5.3 Responding to student sexual behaviour**

Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development. Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). [Resources](#) such as those published by the Department of Child Safety, Youth and Women can assist in identifying age-inappropriate sexual behaviour.

Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. In these circumstances, a report to the Queensland Police Service is required as outlined in [section 2.2](#) and an assessment of the requirement to report made under [section 2.3](#) is also required.

### **2.5.4 Harm or risk of harm to a student caused by a person not associated with the school or family**

There may be some circumstances where a staff member becomes aware of a concern that a student has

been harmed, or is at risk of harm, by a person not associated with the school or family. As with the broader responses to harm, consideration must first be given to whether the harm or risk of harm is significant and whether there is a parent able and willing to protect the student from harm.

In circumstances where there is a parent able and willing to protect the student from harm, then the parents must be notified of the concerns as soon as possible. Where there is not a parent able and willing to protect the student and there is a reasonable suspicion of significant harm or risk of harm, then the reporting process detailed in [section 2.3](#) must be followed.

Where the risk is immediate, for example the abduction of a student walking to school, then the Queensland Police Service must be contacted immediately.

## **2.6 Responding to concerns that do not meet the threshold for reporting**

A staff member may identify concerns regarding a student that ultimately do not form a reasonable suspicion of sexual abuse, likely sexual abuse or significant harm, however, indicate that without support or intervention a student and/or their family are at risk of entering the child protection system.

These concerns should be raised with the Principal, who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the School Counsellor, or to community-based options such as Family and Child Connect.

The Student Protection Guidelines provide detail around the options that are available to [support students and families](#).

### **2.6.1 Responding to allegations against staff members, including the Principal, and volunteers**

In accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*, a school must have a process for the reporting of staff behaviour that a student considers to be [inappropriate](#).

Additionally, a school must have a process to respond to the reported staff inappropriate behaviour.

Therefore, if a staff member becomes aware of staff behaviour that a student considers to be inappropriate, the staff member must report this behaviour in accordance with the designated process without delay.

A staff member's failure to report may constitute a breach of the Code of Conduct and disciplinary action may be taken against the staff member.

### **2.6.2 Allegations of sexual abuse or likely sexual abuse against a staff member or volunteer**

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by a staff member or volunteer.

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed.

#### **1. School Responsibilities**

Following the provision of a mandatory report to Queensland Police Service, an investigation into the suspected sexual abuse must not be conducted by or on behalf of the College pending the result of Queensland Police Service inquiries. However, the Principal (or delegate) will take immediate steps to ensure that a risk assessment is undertaken to determine whether the staff member or volunteer subject to the allegations should continue to be allowed to work in the College. As a result of the risk

assessment, and following consultation with Queensland Police Service, the staff member or volunteer may be stood aside (down) from his/her duties, or have his/her duties restricted. If the staff member is not an employee of Villanova College, the appropriate steps in this regard will be taken by the Principal (or delegate) in association with that person's employer.

After discussions with Queensland Police Service and upon their advice, the Principal (or delegate) will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter that a report has been made in relation to suspected sexual abuse of the student by a staff member or volunteer.

If the report of suspected sexual abuse/likely sexual abuse by a staff member or volunteer relates to the behaviour of a member of the student's family, the Principal will not inform the parent(s) or carer(s) of the student concerned without prior consultation with the Queensland Police Service. The Principal (or delegate) will only inform the parent(s) or carer(s) of the student if on the advice of the Queensland Police Service he/she believes that this will not jeopardise an official investigation.

The Principal (or delegate) will keep a copy of the mandatory report in a separate confidential file and may establish liaison with the Queensland Police Service to assist in the management of the issue.

On receiving a copy of a mandatory report in which the suspected sexual abuse/likely sexual abuse is by a registered teacher, the Principal (or delegate) will without delay make a written notification of this to the Queensland College of Teachers.

If the mandatory report concerns the behaviour of a staff member or volunteer who is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Principal will inform the Director of Professional Standards, Queensland, as soon as possible.

## **2. Notifying the staff member or volunteer**

The Principal will seek advice from the Queensland Police Service as to when the staff member or volunteer should be informed of the allegation. As soon as it is deemed appropriate to inform the staff member or volunteer, a meeting will be held between the staff member or volunteer and the Principal. The staff member or volunteer will be advised that he/she can have a support person at this meeting. At the meeting, the staff member or volunteer will be informed that a suspicion of sexual abuse/likely sexual abuse has been reported about him/her and that this information has been handed to the Queensland Police Service. The staff member will be advised that he/she may access confidential counselling services available to Villanova College staff members. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. If the staff member is not an employee of Villanova College, the appropriate steps in this regard will be taken in association with that person's employer.

## **3. Standing aside (down) from duties**

If, as the result of a risk assessment, it is decided by the Principal that the staff member or volunteer should be stood aside (down) from his/her duties, or have them restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The staff member or volunteer concerned will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the staff member or volunteer in writing following the meeting at which this information has been communicated verbally. The staff member will be reminded that they may access confidential counselling services available to Villanova College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

A staff member will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external authority. The Principal will discuss with the person what statement, if any, will be made to staff concerning his/her absence from the College. The contents of any such statement may be limited by legislation.

If the employee is not a staff member or volunteer of Villanova College, the appropriate steps will be taken in association with that person's employer in this regard.

#### **4. Pastoral care and support**

Pastoral care and support will be offered to the student and his/her family, to the staff member or volunteer against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount and advice will be sought from the Student Protection Officer about appropriate support for the student and her family.

### **2.6.3 Allegations of sexual abuse or likely sexual abuse against a Principal**

A staff member may form a reasonable suspicion that a student has been sexually abused or is likely to be sexually abused by the College Principal.

In these circumstances, the reporting processes detailed in [section 2.2](#) must be followed and the report from the staff member must be made to the Chair of Villanova College Board or delegate, not the Principal.

Villanova College's processes for dealing with allegations against the Principal include:

#### **2.6.3.1 College responsibilities**

Following the provision of a mandatory report to Queensland Police Service, an investigation into the suspected sexual abuse must not be conducted by or on behalf of the College pending the result of Queensland Police Service inquiries. However, the Board Chair or delegate will take immediate steps to ensure that a risk assessment is undertaken to determine whether the Principal should continue to be allowed to work in the College. As a result of the risk assessment, and following consultation with Queensland Police Service, the Principal may be stood aside (down) from his/her duties, or have his/her duties restricted.

After discussions with Queensland Police Service and upon their advice, the Chair or delegate will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter that a report has been made in relation to suspected sexual abuse of the student by the Principal.

The Chair or delegate will keep a copy of the mandatory report in a separate confidential file and may establish liaison with the Queensland Police Service to assist in the management of the issue.

On receiving a copy of a mandatory report in which the suspected sexual abuse/likely sexual abuse is by the Principal, the Board Chair or delegate will, without delay, make a written notification of this to the Queensland College of Teachers.

If the Principal is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Board Chair or delegate will inform the Director of Professional Standards, Queensland, as soon as possible.

#### **2.6.3.2 Notifying the Principal**

The Board Chair or delegate will seek advice from the Queensland Police Service as to when the Principal should be informed of the allegation. As soon as it is deemed appropriate to inform the Principal, a meeting will be held between the Principal and the Board Chair or delegate. The Principal will be advised that he/she can have a support person at this meeting. At the meeting, the Principal will be informed that a suspicion of sexual abuse/likely sexual abuse has been reported about him/her and that this information has been handed to the Queensland Police Service. The Principal will be advised that he/she may access confidential counselling services available to Villanova College staff members. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing.

### **2.6.3.3 Standing aside (down) from duties**

If as the result of a risk assessment it is decided by the Board Chair or delegate that the Principal should be stood aside (down) from his/her duties, or have them restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The Principal will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the Principal in writing following the meeting at which this information has been communicated verbally. The Principal will be reminded that he/she may access confidential counselling services available to Villanova College staff. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The Principal will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external authority. The Board Chair or delegate will discuss with the Principal, what statement, if any, will be made to staff concerning his/her absence from the College. The contents of any such statement may be limited by legislation.

### **2.6.3.4 Pastoral care and support**

Pastoral care and support will be offered to the student and their family, to the Principal (against whom the allegation has been made), and any others involved. The welfare and best interests of any students involved will be paramount and advice will be sought from the Student Protection Officer about appropriate support for the student and their family.

#### **IMPORTANT NOTE: Sexual activity between staff members and students**

**The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as sexual abuse.**

#### **2.6.4 Allegations of harm against a staff member or volunteer**

A staff member may form a reasonable suspicion that a staff member or volunteer has harmed a student. In these circumstances, follow process detailed in the following process.

Action to be taken if the suspected harm or likely harm to a student relates to the behaviour of a staff member or volunteer:

##### **2.6.4.1 Villanova College Staff member or Volunteer**

Following submission to the Police of a compulsory report alleging that harm to a student has been caused or is likely in the future as a result of the behaviour of a staff member or volunteer, an investigation into the matter must not be conducted by or on behalf of Villanova College pending the result of Queensland Police Service inquiries. However, the Principal will take immediate steps to ensure that a risk assessment is carried out to determine if the staff member or volunteer subject to the allegations should continue to be allowed to work in the College. As a result of the risk assessment, the staff member or volunteer may be stood aside (down) from his/her duties, or have his/her duties restricted. If the employee is not a staff member of Villanova College, the appropriate steps in this regard will be taken by the Principal (or delegate) in association with that person's employer.

The parent(s) or carer(s) of the student about whom a report has been made in relation to suspected or likely harm by a staff member or volunteer (unless the suspected or likely harm relates to the behaviour of a family member) will be informed by the Principal (or delegate) as soon as practicable that a compulsory report has been provided to Queensland Police Service, stressing the confidentiality of the matter.

After discussions with Queensland Police Service and upon their advice, the Principal will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter, that a report has been made in relation to suspected harm/likely harm of the student by a staff member or volunteer.

On receiving a copy of a compulsory report in which the suspected or likely harm arises from the behaviour of a registered teacher, the Principal will, without delay, make a written notification of this to the Queensland College of Teachers.

The Principal will keep a copy of the compulsory report in a separate confidential file and may establish liaison with the Queensland Police Service to assist in the management of the issue.

If the compulsory report concerns the behaviour of a staff member or volunteer who is a cleric or religious, or who was a cleric or religious at the time of the alleged behaviour, the Principal (or delegate) will inform the Director of Professional Standards, Queensland, as soon as possible.

##### **2.6.4.2 Notifying the staff member or volunteer**

The Principal will seek advice from the Queensland Police Service as to if and when the staff member or volunteer should be informed of the allegation. As soon as it is deemed appropriate to inform the staff member or volunteer, a meeting will be held between the staff member or volunteer and the Principal. The staff member or volunteer will be advised that he/she can have a support person at this meeting. At the meeting, the staff member or volunteer will be informed that a report of suspected harm or likely harm has been made about him/her and that this information has been handed to the Queensland Police Service. The staff member or volunteer being the subject of the report, he/she will be reminded that he/she may access the confidential counselling services available to Villanova College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing. If the employee is not a staff member of Villanova College, the appropriate steps will be taken in association with that person's employer in this regard.

### **2.6.4.3 Standing aside (down) from duties**

If as the result of a risk assessment it is decided by the Principal that the staff member or volunteer should be stood aside (down) from his/her duties, or have them restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The staff member or volunteer concerned will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the staff member or volunteer in writing following the meeting at which this information has been communicated verbally. The staff member or volunteer being the subject of the report, he/she will be reminded that he/she may access the confidential counselling services available to Villanova College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

A staff member will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external body. The Principal will discuss with the person what statement, if any, will be made to staff concerning his/her absence from the College. The contents of any such statement may be limited by legislation.

If the staff member is not a staff member of Villanova College, the appropriate steps in this regard will be taken in association with that person's employer.

### **2.6.4.4 Pastoral care and support**

Pastoral care and support will be offered to the student and their family, staff member or volunteer against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount.

### **2.6.5 Allegations of harm against the Principal**

A staff member may form a reasonable suspicion that a Principal has harmed a student. In these circumstances, follow process detailed in the following process.

Action to be taken if the suspected harm or likely harm to a student relates to the behaviour of the Principal:

#### **2.6.5.1 Principal**

Following submission to the Queensland Police Service of a compulsory report alleging that harm to a student has been caused or is likely in the future as a result of the behaviour of the Principal, an investigation into the matter must not be conducted by or on behalf of Villanova College pending the result of Queensland Police Service inquiries. However, the Board Chair or delegate will take immediate steps to ensure that a risk assessment is carried out to determine if the Principal should continue to be allowed to work in the College. As a result of the risk assessment, the Principal may be stood aside (down) from his/her duties, or have his/her duties restricted.

After discussions with Queensland Police Service and upon their advice, the Board Chair or delegate will inform the parent(s) or carer(s) of the student involved, stressing the confidentiality of the matter, that a report has been made in relation to suspected harm/likely harm of the student by the Principal.

On receiving a copy of the compulsory report in which the suspected or likely harm arises from the behaviour of the Principal, the Board Chair will, without delay, make a written notification of this to the Queensland College of Teachers.

The Board Chair or delegate will keep a copy of the compulsory report in a separate confidential file and may establish liaison with the Queensland Police Service to assist in the management of the issue.

If the compulsory report concerns the behaviour of the Principal who is a cleric or religious, or who was a

cleric or religious at the time of the alleged behaviour, the Chair or delegate will inform the Director of Professional Standards, Queensland, as soon as possible.

#### **2.6.5.2 Notifying the Principal**

The Board Chair or delegate will seek advice from the Queensland Police Service as to if and when the Principal should be informed of the allegation. As soon as it is deemed appropriate to inform the Principal, a meeting will be held between the Principal and the Board Chair or delegate. The Principal will be advised that he/she can have a support person at this meeting. At the meeting, the Principal will be informed that a report of suspected harm or likely harm has been made about him/her and that this information has been handed to the Police. The Principal, being the subject of the report, will be reminded that he/she may access the confidential counselling services available to Villanova College. He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support. The information communicated verbally at the meeting will also be provided in writing.

#### **2.6.5.3 Standing aside (down) from duties**

If, as the result of a risk assessment, it is decided by the Board Chair or delegate that the Principal should be stood aside (down) from his/her duties, or have them restricted, the Queensland Police Service should be consulted to ensure that the timing and circumstances of this does not unnecessarily interfere with their inquiries.

The Principal will be informed of the decision to stand him/her aside (down) or restrict his/her duties. The basis for this decision will be provided to the Principal in writing following the meeting at which this information has been communicated verbally. The Principal, being the subject of the report, will be reminded that he/she may access the confidential counselling services available to Villanova College.

He/she will also be given the details of a nominated person to contact who will be available to provide information regarding the processes being undertaken and to facilitate the accessing of other support.

The Principal will normally continue on full pay during the stand aside (down) period unless disqualified or prevented from performing his/her duties by an external body. The Board Chair or delegate will discuss with the Principal what statement, if any, will be made to staff concerning his/her absence from the College. The contents of any such statement may be limited by legislation.

#### **2.6.5.4 Pastoral care and support**

Pastoral care and support will be offered to the student and their family and the Principal against whom the allegation has been made, and any others involved. The welfare and best interests of any students involved will be paramount.

### **2.6.6 Allegations of inappropriate behaviour against a staff member or volunteer**

A staff member may form a reasonable suspicion that a staff member or volunteer has behaved inappropriately towards a student. In these circumstances, follow process detailed in the following processes:

#### **2.6.6.1 Reporting of inappropriate behaviour**

The reporting of inappropriate behaviour by a staff member towards a student is a requirement of Villanova College. This requirement is in accordance with Villanova College responsibilities under the provisions of the *Education (Accreditation of Non-State Schools) Act 2017 and Regulation 2017*. A staff member may be subject to disciplinary sanction from the employer should he/she fail to act.

A staff member who reasonably suspects inappropriate behaviour by another staff member or volunteer towards a student is required to report this matter to the Principal or Student Protection Contact.

If a staff member or volunteer suspects inappropriate behaviour towards a student by a person other than another staff member or volunteer, he/she is responsible for acting upon this in accordance with College policies and guidelines.

#### **2.6.6.2 Situations involving inappropriate behaviour by a staff member or volunteer**

Inappropriate behaviour includes, but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under Villanova College Code of Conduct.

If a student, parent or other person makes a complaint in relation to a staff member's behaviour towards a student that the student or parent or other person considers to be inappropriate, this must be responded to in accordance with the processes detailed within this document.

Such an allegation might constitute inappropriate behaviour of a physical, sexual, emotional or psychological nature.

#### **2.6.6.3 Inappropriate behaviour – reporting responsibilities**

##### **i) Staff member or volunteer**

A staff member or volunteer who:

- observes or reasonably suspects inappropriate behaviour by a staff member towards a student, which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm; or
- becomes aware of a complaint or allegation in relation to behaviour by a staff member towards a student that a student (or a student's parent) considers to be inappropriate, but which does NOT involve sexual abuse, harm/likely harm must make a written report to the College Principal or Student Protection Contact at the School and keep appropriate records.
- The fact that a complaint or allegation is not presented formally or in writing is not a valid reason to fail to follow the processes outlined below.

##### **ii) Student Protection Contact**

If reported to a Student Protection Contact other than the Principal, the Student Protection Contact must provide a copy of the report to the Principal as soon as practicable and keep appropriate records, unless the allegation of inappropriate behaviour is made against the Principal, in which case the Student Protection Contact must provide a copy of the report to the Board Chair or delegate.

##### **iii) Principal**

If a Principal:

- observes or reasonably suspects inappropriate behaviour by a staff member or volunteer towards a student, which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm; or
- becomes aware of a complaint or allegation in relation to an staff member's or volunteer's alleged behaviour towards a student that a student (or a student's parent) considers to be inappropriate but which does NOT involve sexual abuse/likely sexual abuse, harm/likely harm the Principal must take action in relation to the matter and document it in accordance with the following requirements for a Level 1 or Level 2 intervention.
- the fact that a complaint or allegation is not presented formally or provided in writing is not a valid reason to fail to follow the processes outlined below.

#### iv) **Intervention and reporting levels**

There are two intervention levels that may be used when responding to alleged inappropriate behaviour by a staff member or volunteer towards a student:

- a) Level 1 - Allegations of minor inappropriate behaviour
- b) Level 2 - Allegations of more complex or serious inappropriate behaviour

The Principal (or Board delegate where the allegation is against the Principal) will determine as quickly as possible the level of response required (Level 1 or Level 2 as below) and the appropriate procedures to be followed.

#### **Level 1 intervention – situations that constitute minor inappropriate behaviour**

Level 1 interventions relate to allegations of minor inappropriate behaviour by a staff member, or towards a student. A typical incident covered by a Level 1 intervention could include a one-off allegation of inappropriate behaviour by a staff member where there is no physical injury and there is no suggestion of sexual misconduct or criminal behaviour. A Level 1 intervention must **not** be undertaken if there is an allegation or reasonable suspicion of sexual abuse/likely sexual abuse of a student or an allegation or reasonable suspicion of harm/likely harm.

Level 1 incidents relate to allegations that, if substantiated, may constitute a minor breach of the Code of Conduct. When allegations relate to repeated or multiple possible minor breaches, they may need to be seen differently as explained in Level 2 intervention.

Examples of minor inappropriate behaviour requiring Level 1 interventions include but are not restricted to:

- using unprofessional language or otherwise inappropriate comments to or in the presence of a student;
- making disrespectful personal comments about a student and/or a student's family to or in the presence of a student;
- shaming, humiliating or embarrassing a student;
- pushing or grabbing a student (no injury) \*;
- disclosing inappropriate personal information to a student;
- inappropriate questioning of a student about personal and private matters;
- unreasonable, unfair and/or unjust disciplinary measures;
- failing to follow a school's behaviour support policy and procedures;
- the imposition of manifestly unreasonable expectations;
- exerting power over a student through the use of fear, threats, or unwarranted moral pressure.

*\* Even minor assaults can be criminal offences. The management of these matters will depend on factors such as the seriousness and circumstances of the allegation, the wishes of the parties involved, whether the Police have become involved, and whether the staff member has a previous history of similar conduct. If it is reasonably suspected that harm has been caused or if it is likely harm may occur in the future the Principal **must** report such a matter to the Queensland Police Service as a compulsory report.*

## **Level 2 intervention – situations that constitute more complex or serious inappropriate behaviour**

Level 2 interventions relate to allegations of repeated, more complex or serious inappropriate behaviour by a staff member or volunteer towards a student. Such behaviour, if substantiated, would constitute professional misconduct and would justify a formal disciplinary sanction against the staff member or volunteer. A Level 2 intervention must not be undertaken if there is an allegation of reasonable suspicion of sexual abuse of a student, or an allegation or reasonable suspicion of harm / likely harm to a student.

Examples of more complex or serious inappropriate behaviour requiring Level 2 interventions include but are not restricted to:

- repeated behaviour of a kind that has previously been dealt with by a Level 1 intervention(s);
- multiple instances of behaviour, reported at or about the same time, of a type that would normally be dealt with by a Level 1 intervention, but which taken together could justify a formal disciplinary sanction;
- inappropriate physical contact causing minor injury \*;
- harsh verbal (including digitally transmitted) abuse or belittling of a student that may include derogatory language and demeaning names;
- significant or repeated victimisation;
- exposing or subjecting a student to threats and/or intimidation;
- exposing a student to material that is offensive or inappropriate to her age/maturity;
- verbal (including digitally transmitted) or non-verbal communication that significantly breaches professional boundaries.

*\* Even minor assaults can be criminal offences. The management and investigation of these matters will depend on factors like the seriousness of any injury, the wishes of the parties involved, whether the Police have become involved, and whether the staff member, has a previous history of similar conduct. If it is reasonably suspected that harm /likely harm has been caused the Principal **must** report such a matter to the Police as a Compulsory Report.*

### **Situations involving volunteers or staff members who are not employees of Villanova College**

If the person against whom an allegation of inappropriate behaviour has been made is a staff member who is not an employee of Villanova College, the Principal will take appropriate steps, with the relevant employer if necessary, to deal with the matter in a manner that is consistent with the procedures outlined in this document.

All staff members are encouraged to report any concerns of inappropriate behaviour towards a student to the Principal or to the Board Chair, or delegate if the concerns are about the Principal.

#### **2.6.7 Allegations of inappropriate behaviour against the Principal**

A staff member may form a reasonable suspicion that the Principal has behaved inappropriately towards a student. In these circumstances, follow the above process as outlined for allegations of inappropriate behaviour against a staff member or volunteer (2.6.5), however, this process would be carried out by the Board Chair or delegate.

### 3. After the Report is Made

Once a report is made under these processes, consideration must be given to any ongoing or resulting action that is required. This includes:

- Follow up by the Principal with Queensland Police Service and/or the Department of Child Safety, Youth and Women to confirm both receipt of the report, and any action that these agencies may take;
- Implementing any risk management and pastoral [support processes](#) to address the safety and well-being of students, particularly in relation to allegations of sexual abuse between students, and maintain as far as possible, supportive relationships with parents, carers and families;
- Ensure that all parties involved respect the [confidentiality](#) and privacy of students and families involved; and
- Where relevant, make any preparation for the interview of a student by Queensland Police Service and/or the Department of Child Safety, Youth and Women at school – see the [QCEC guideline](#) and [sample record of interview form](#).

### 4. Advising Parents

When a student protection report to the Queensland Police Service and/or the Department of Child Safety, Youth and Women is required, it is important that parents are not contacted before the student protection report is made.

If a student protection report submitted to Queensland Police Service and/or the Department of Child Safety, Youth and Women relates to suspected abuse or neglect by a member of the student's family, the Principal will only inform the parent(s) or carer(s) of the student protection concern once confirmed as appropriate with the Queensland Police Service or the Department of Child Safety, Youth and Women. This is to ensure that any potential child protection or criminal investigation is not compromised.

In order to assist at the school level in the management of any situation and to ensure the immediate safety of any students involved, the school should request from the Queensland Police Service and/or Department of Child Safety, Youth and Women feedback on the possible timing of their intervention and obtain some guidance about when the school may discuss the matter with the student's parent(s) or carer(s). This is particularly significant in cases of student to student sexual behaviour where it is important for the student's well-being to enable the parent to support the student and take steps to protect them.

## 5. Definitions

### **Child**

A child is a person under 18 years of age

### **A child in need of protection**

Is a child who-

- (a) has suffered significant harm, is suffering significant harm, or is at unacceptable risk of suffering significant harm; and
- (b) does not have a parent able and willing to protect the child from the harm.

### **Colleague**

As defined by section 13H of the *Child Protection Act 1999*, colleague, of a relevant person, means a person working in or for the same entity as the relevant person

### **Director of the Governing Body**

As defined by section 364 of the *Education (General Provisions) Act 2006*: *director*, of a non-State school's governing body, means a director of the governing body within the meaning of the *Education (Accreditation of Non-State Schools) Act 2017*, section 9.

### **First Person**

The "first person" is a staff member who reasonably suspects, in the course of the staff member's employment at the school, that a student under 18 years attending the school has been sexually abused by another person or is likely to be sexually abused by another person

### **Harm**

As defined by section 9 of the *Child Protection Act 1999*:

- (1) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological or emotional wellbeing.
- (2) It is immaterial how the harm is caused.
- (3) Harm can be caused by—
  - (a) physical, psychological or emotional abuse or neglect; or
  - (b) sexual abuse or exploitation.
- (4) Harm can be caused by—
  - (a) a single act, omission or circumstance; or
  - (b) a series or combination of acts, omissions or circumstances.

### **Inappropriate behaviour**

Inappropriate behaviour includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the Villanova College *Staff Code of Conduct*. Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour and must be responded to in accordance with the processes contained within this document.

### **Reasonable suspicion**

A *reasonable suspicion* is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances.

### **Reportable suspicion**

As defined by section 13E of the *Child Protection Act 1999* means a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable 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 the harm.

### **Relevant person (*Child Protection Act 1999*)**

A relevant person for the purposes of mandatory reporting under section 13E of the *Child Protection Act 1999* is any of the following —

- (a) a doctor;
- (b) a registered nurse;
- (c) a teacher;
- (d) a police officer who, under a direction given by the commissioner of the police service under the *Police Service Administration Act 1990*, is responsible for reporting under this section;
- (e) a person engaged to perform a child advocate function under the *Public Guardian Act 2014*.

### **Sexual abuse**

As defined by section 364 of the *Education (General Provisions) Act 2006*:

*sexual abuse*, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances—

- (a) the other person bribes, coerces, exploits, threatens or is violent toward the relevant person;
- (b) the relevant person has less power than the other person;
- (c) there is a significant disparity between the relevant person and the other person in intellectual capacity or maturity.

### **Staff Member**

A staff member is any person who is employed by Villanova College Limited on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order.

### **Student**

A student is any person enrolled as such at Villanova College Limited. This includes a “relevant person” for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

- (a) a student under 18 years attending the school;
- (b) a kindergarten age child registered in a kindergarten program at the school;
- (c) a person with a disability who—
  - (i) under section 420(2), is being provided with special education at the school; and
  - (ii) is not enrolled in the preparatory year at the school.

### **Student Protection Contact (SPC)**

A Student Protection Contact (SPC) is one of at least two persons who are nominated in each school in compliance with *the Education (Accreditation of Non-State Schools) Regulation 2017* (Section 16, (3)) to whom a student can report behaviour by a staff member that the student considers inappropriate.

### **Teacher**

means an approved teacher under the *Education (Queensland College of Teachers) Act 2005* employed at a school.

## 6. Legislative References

### Child Protection Act 1999

Reporting of a child in need of protection	<p>Section 13 A states</p> <p><i>“(1) Any person may inform the chief executive if the person reasonably suspects—</i></p> <p><i>(a) a child may be in need of protection; or</i></p> <p><i>(b) an unborn child may be in need of protection after he or she is born.</i></p> <p><i>(2) The information given may include anything the person considers relevant to the person’s suspicion.”</i></p>
Forming a reasonable suspicion of significant harm	<p>Section 13C of the <i>Child Protection Act 1999</i> offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:</p> <p><i>(2) (a) whether there are detrimental effects on the child’s body or the child’s psychological or emotional state—</i></p> <p><i>(i) that are evident to the person; or</i></p> <p><i>(ii) that the person considers are likely to become evident in the future; and</i></p> <p><i>(b) in relation to any detrimental effects mentioned in paragraph (a)—</i></p> <p><i>(i) their nature and severity; and</i></p> <p><i>(ii) the likelihood that they will continue; and</i></p> <p><i>(c) the child’s age.</i></p> <p><i>(3) The person’s consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training or experience that the person may have.</i></p>
Reportable Suspicions	<p>Section 13E of the <i>Child Protection Act 1999</i> includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department of Child Safety, Youth and Women, that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a “reportable suspicion”).</p> <p>Section 13G(5) states that a person does not commit an offence under the <i>Child Protection Act 1999</i> or any other act for failing to make a mandatory report under section 13E.</p>
Conferral with colleagues	<p>13H of the <i>Child Protection Act 1999</i> - Conferrals with colleague and related information sharing, states that:</p> <p><i>(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—</i></p> <p><i>(a) for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;</i></p>

	<p>(b) in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);</p> <p>(c) for the relevant person to give a report under section 13G or keep a record about giving a report;</p> <p>(d) for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.</p>
Interviews with Children at School	Section 17 of the <i>Child Protection Act 1999</i> provides Department of Child Safety, Youth and Women and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

### **Education (Accreditation of Non-State Schools) Act 2017 and Education (Accreditation of Non-State Schools) Regulation 2017**

The *Education (Accreditation of Non-State Schools) Act 2017* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria.

The *Education (Accreditation of Non-State Schools) Regulation 2017* prescribes the accreditation criteria relevant for a non-state school’s accreditation as mentioned in section 11 of the Act.

Sections 16(1) to 16(7) of the Regulation deal with the accreditation requirements relating to the conduct of staff and students and response to harm.

### **Education (General Provisions) Act 2006 and Education (General Provisions) Regulation 2017**

The *Education (General Provisions) Act 2006* contains mandatory reporting requirements for all non-state school staff who become aware of or who reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person (sections 366 and 366A).

These requirements are designed to capture sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the *Education (General Provisions) Act 2006* and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the *Education (General Provisions) Act 2006*.

Staff making a report pursuant to the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g. from defamation or breach of confidence. However, staff making a knowingly false, malicious or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

### **Criminal Code Act 1899**

Section 229BC of *Criminal Code Act 1899* establishes a general requirement that applies to all adults (18 years or over) in Queensland to report to the Queensland Police Service any information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a child sexual offence is being or has been committed against a child by another adult.

At the relevant time of the offending behaviour, the child victim must be under 16 years of age or a person with an impairment of the mind. A ‘child sexual offence’ means an offence of a sexual nature [whether or not it meets the definition of sexual abuse under the *Education (General Provisions) Act 2006*] committed in relation

to a child, including for example, an offence against a provision of chapter 22 and 32 of the *Criminal Code Act 1899*.

Failure to make a report, without a reasonable excuse, is a criminal offence. A reasonable excuse not to make a report under the *Criminal Code Act 1899*, includes that a report has already been made under:

- a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)
- b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

### **Education (Queensland College of Teachers) Act 2005**

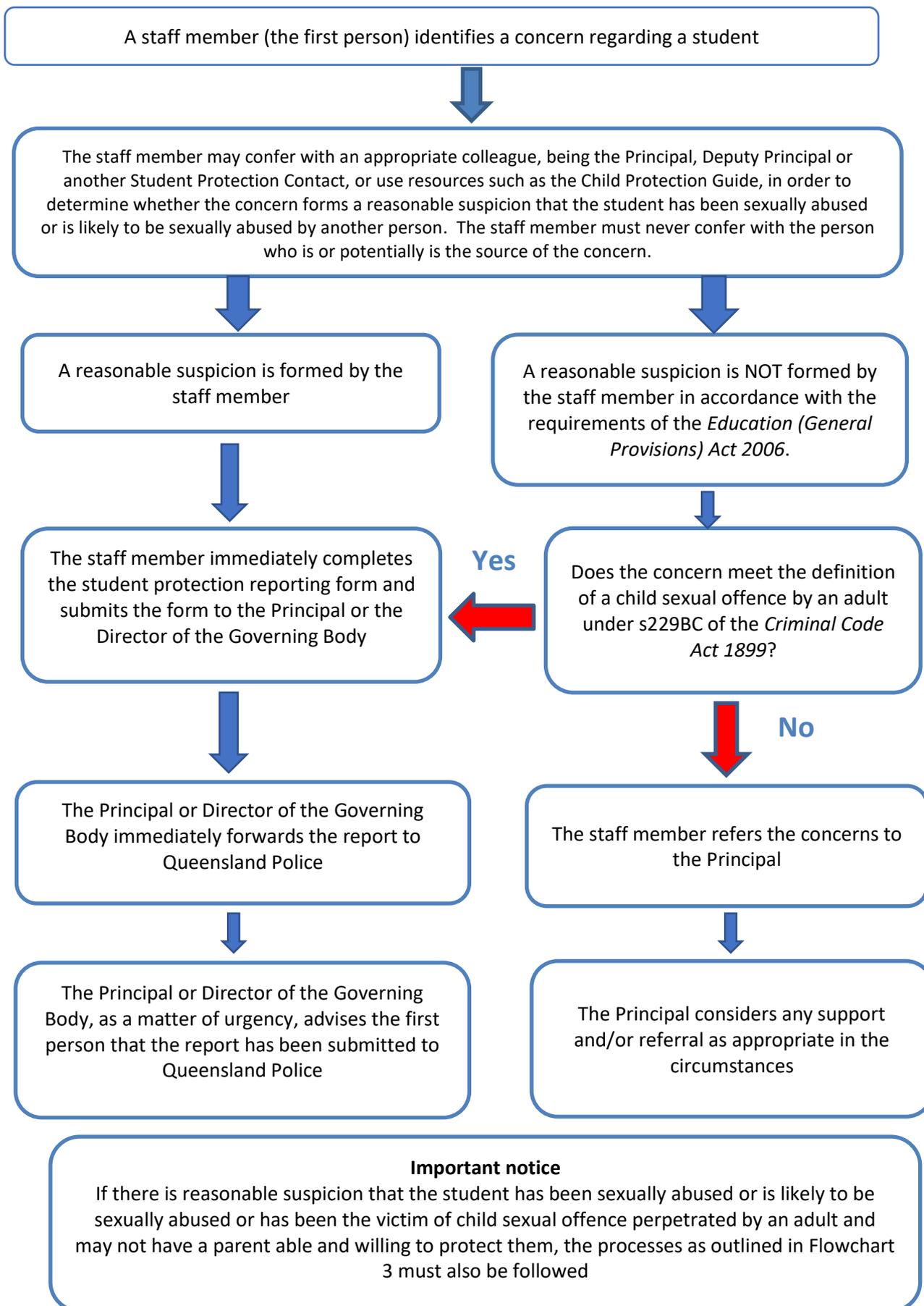
The *Education (Queensland College of Teachers) Act 2005* requires an employing authority to notify the Queensland College of Teachers (QCT):

- about particular allegations
  - as soon as practicable, after starting to deal with an allegation of harm or likely harm to a child due to the teacher's conduct (section 76)
- about the outcome of particular allegations
  - as soon as practicable, after dealing with the allegation, the employing authority must also inform QCT of the outcome (section 77)
- about certain dismissals
  - an employing authority must notify QCT within 14 days if the authority has dismissed a teacher in circumstances that call a teacher's competence to be employed as a teacher into question (section 78).

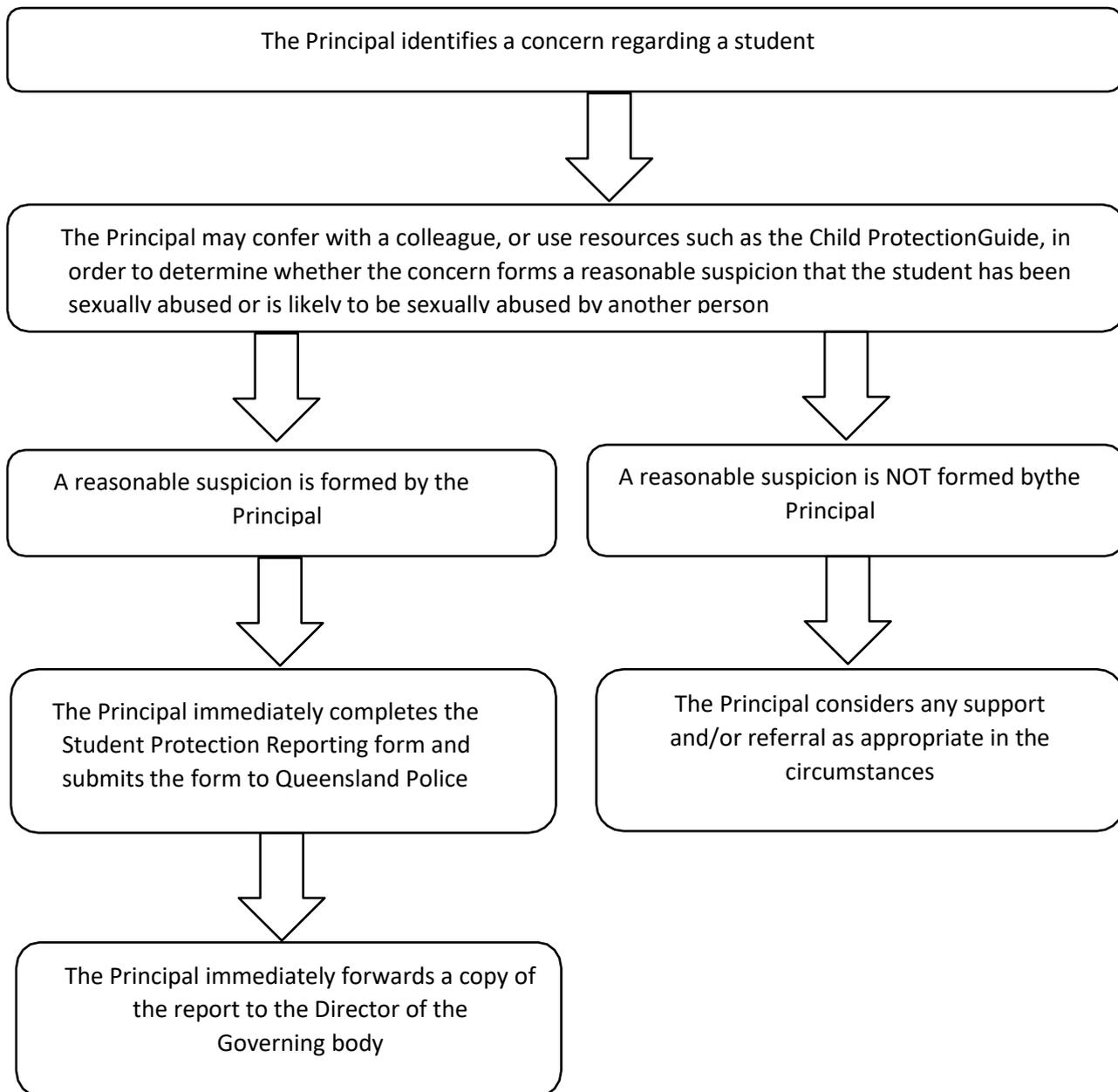
### **Evidence Act 1977**

Section 93A provides the legislative authority for the Queensland Police Service and the Department of Child Safety, Youth and Women to conduct an interview and obtain a recorded statement from a child under 16 years, or a person who was 16 or 17 years when the statement was made and who, at the time of the proceeding, is a special witness, or an intellectually impaired person who has personal knowledge of the matters dealt with by the statement.

# Flowchart 1: Reporting Sexual Abuse & Likely Sexual Abuse



## Flowchart 2: Reporting Sexual Abuse & Likely Sexual Abuse where the first person is the Principal



### Important notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused and may not have a parent able and willing to protect them, the processes as outlined in Flowchart 3 must also be followed.

# Flowchart 3: Reporting Significant Harm to Child Safety Services

A staff member identifies a concern regarding a student



The staff member may confer with a colleague, being the Principal, Deputy Principal or another Student Protection Contact, or use resources such as the Child Protection Guide, in order to determine whether the concern forms a reasonable suspicion that the student 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 student from harm. The staff member must never confer with the person who is or potentially is the source of the concern.



A reasonable suspicion is formed by the staff member



A reasonable suspicion is NOT formed by the staff member



The staff member completes the student protection reporting form and submits the form to the Principal (or the Director of the Villanova College Board if the allegation is against the Principal)



The staff member refers the concerns to the Principal



The Principal or Director of the Governing Body immediately forwards the report to the Department of Child Safety, Youth and Women



The Principal considers any support and/or referral as appropriate in the circumstances



The Principal or Director of the Governing Body, as a matter of urgency, advises the first person that the report has been submitted to the Department of Child Safety, Youth and Women

### Important notice

If there is a reasonable suspicion that the student has been sexually abused or is likely to be sexually abused by another person, then the processes as outlined in Flowchart 1 must also be followed, or Flowchart 2 if the first person is the Principal

### Mandatory Responsibilities for Teachers

If the staff member is a teacher, and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the teacher is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department of Child Safety, Youth and Women, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If a teacher forms a reportable suspicion and is not able to progress a report through the process detailed in the Flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Department of Child Safety, Youth and Women via the online reporting form:

<https://secure.communities.qld.gov.au/cbir/ChildSafety>



VILLANOVA COLLEGE



# STUDENT PROTECTION GUIDELINES FOR QUEENSLAND CATHOLIC AUTHORITIES

Villanova College  
Updated 12 September 2022

# Contents

1.	Understanding abuse and harm.....	3
1.1.	Sources of abuse and harm .....	3
2.	Types of Abuse .....	4
2.1.	Sexual Abuse and Likely Sexual Abuse .....	4
2.2.	Physical Abuse .....	7
2.3	Emotional/Psychological Abuse .....	8
2.4	Neglect.....	8
3.	Significant Harm .....	9
3.1	What is "unacceptable risk" of harm?.....	9
3.2	Relationship between abuse and harm.....	9
4.	Recognising Abuse and Harm.....	9
4.1.	Recognising the signs of abuse and harm.....	9
4.2.	Identifying the signs of Abuse and Harm.....	10
5.	Forming a reasonable suspicion.....	11
5.1.	Responding to a disclosure.....	12
6.	Considering whether there is a parent able and willing to protect a student .....	13
7.	Confidentiality, Record Keeping and Information Sharing.....	14
8.	Support and Referral Services.....	15
9.	Understanding behaviour by a staff member a student considers to be inappropriate .....	16
10.	Historical Allegations.....	18

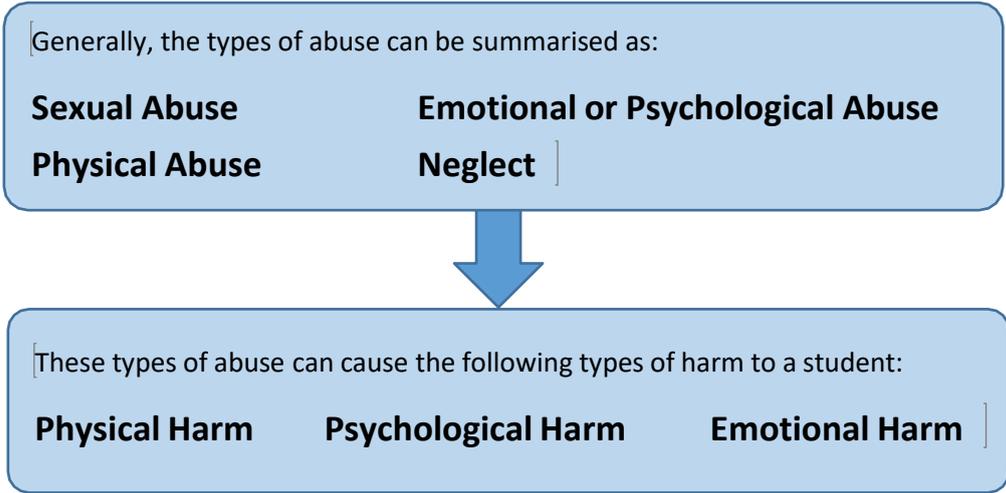
# Preface

These guidelines have been developed by the Queensland Catholic Education Commission (QCEC) in conjunction with Catholic School Authorities in order to provide information to support the implementation of the *Student Protection Processes for Queensland Catholic Schools*. These guidelines may be subject to change in line with child protection practice developments, and may be subject to customisation to reflect the resources and systems in place for a particular Catholic School Authority.

## Understanding abuse and harm

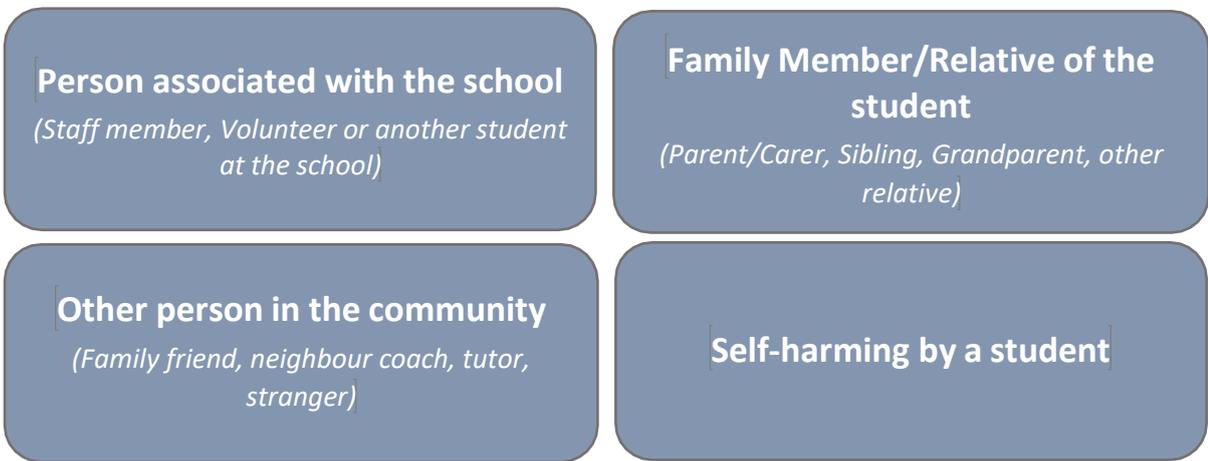
All children have the right to be safe in environments free from abuse and harm. Where this is not the case, adults have a responsibility to act. This part explains the key concepts that underpin the processes for ensuring the safety of students, in order to inform the actions staff members must take if they form a reasonable suspicion of abuse, harm or staff inappropriate behaviour towards a student.

As a first step, it is important that staff members have an understanding of what is meant by the terms 'abuse' and 'harm'.



### 1.1. Sources of abuse and harm

Students can be abused, or experience harm from a number of sources. These include:



# Types of Abuse

## 2.1 Sexual Abuse and Likely Sexual Abuse

Sexual abuse of a student occurs where a person engages in sexual behaviour with a student, and:

- the other person bribes, coerces, exploits, threatens or is violent toward the relevant person; and/or
- the student has less power than the other person; and/or
- there is a significant disparity between the student and the other person in intellectual capacity or maturity.<sup>1</sup>

Characteristics of a power imbalance include: significant differences in age, developmental ability, authority, influence or some kind of control over the student.

Likely sexual abuse is where it is more probable than not that a student will be sexually abused in the future. One situation where a reasonable suspicion of likely sexual abuse could be formed is where '[grooming](#)' behaviours towards a student are identified.

### **IMPORTANT NOTE: Sexual Activity between staff members and students**

**The involvement of any staff member or volunteer within a school in sexual activity with, or sexual exploitation of, a student attending that school is always to be regarded as sexual abuse.**

## What does sexual abuse involve?

Sexual abuse involves an imbalance of power between a student and the other person. The imbalance of power allows force, trickery, emotional bribery, blackmail or emotional pressures to be used against the student to involve him/her in sexual activity or to sexually exploit him/her. Secrecy, the misuse of power and distortion of adult-child relationships may also be involved.

Sexual abuse involving physical contact with a student could include:

- touching, kissing, holding or fondling a student's body in a sexual manner;
- touching, kissing or fondling a student's genital area;
- engaging in or attempting to engage in vaginal or anal intercourse with a student;
- penetrating or attempting to penetrate a student's vagina or anus with a finger or other object;
- engaging or attempting to engage in oral sex with a student; or
- engaging or attempting to engage in masturbation with a student.

It does not matter whether the student is clothed or unclothed whilst sexual abuse involving physical contact takes place. Engagement of a student in sexual acts by duress or through inducements of any kind is considered sexual abuse.

---

<sup>1</sup> See Section 364 of the *Education (General Provisions) Act 2006*

Sexual abuse/likely sexual abuse of a student may not necessarily involve physical contact. It could, for example, involve behaviour that occurs in the student's direct presence or that occurs indirectly including through electronic communications. Examples include:

- exposing a sexual body part to a student;
- requesting a student to expose a sexual body part;
- making obscene or sexually explicit remarks to a student;
- sending obscene or sexually explicit material to a student;
- blatant or persistent intrusion into a student's physical privacy;
- voyeurism - covertly observing intimate behaviour that is normally private;
- exposing a student to pornographic films, photographs, magazines or other material;
- having a student pose or perform in a sexually explicit manner;
- exposing a student to a sexual act;
- forcing a student to witness a sexual act; or
- communicating with a student in a sexually intrusive way.

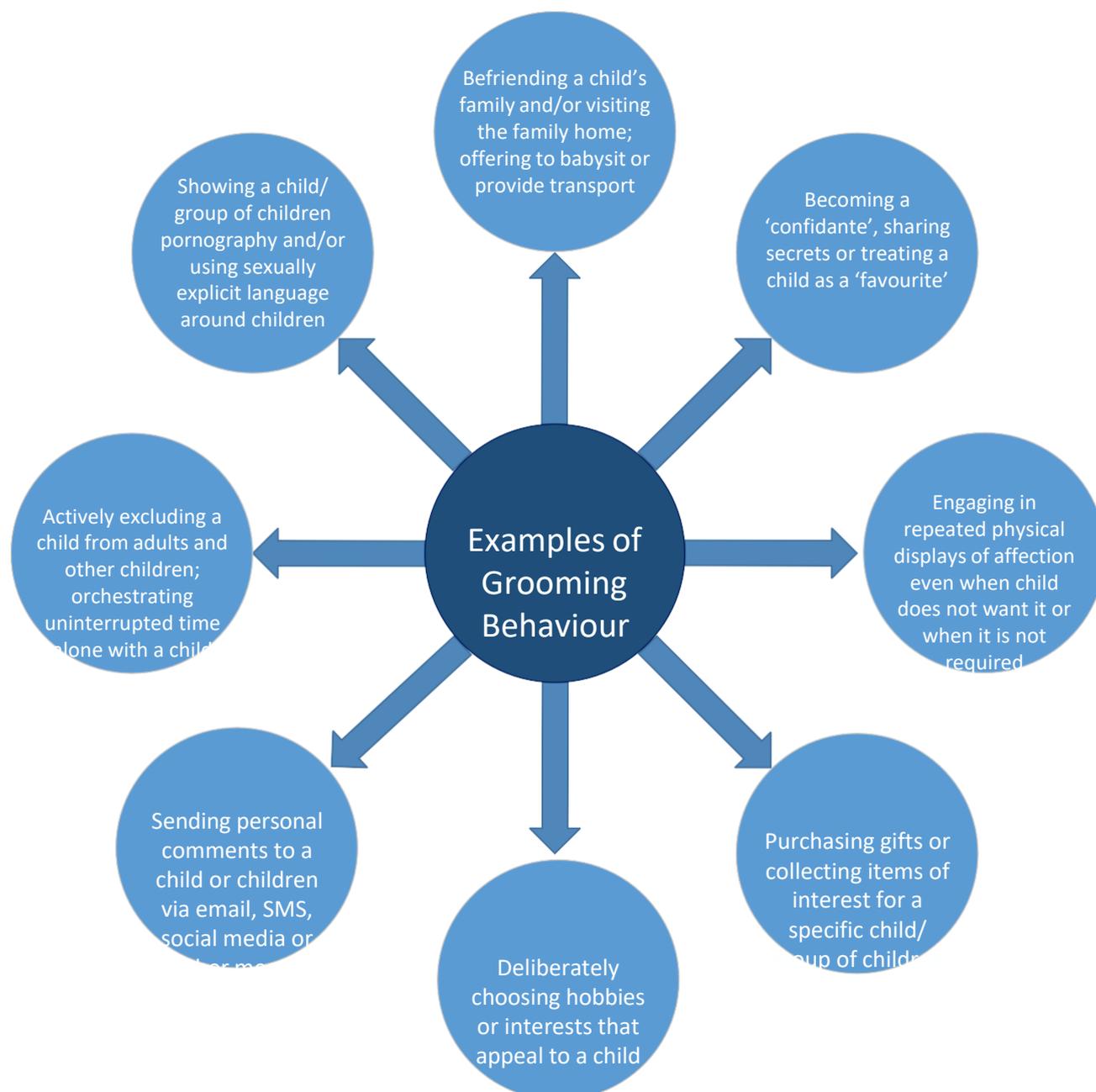
## What is Grooming?

Sexual offending against a child is rarely a random act by a stranger. It is commonly based on a relationship with the child that has been formed over time. The abuse is commonly well thought out and planned in advance. Offenders may often take time to 'groom' their victim, often over a lengthy period. They will also often 'groom' the child's parents, care-providers or others who might otherwise protect them from the abuse. This occurs so that the child and his/her parents or care-providers will trust the offender and not suspect any intended wrongdoing.

The establishment of a relationship of trust which is then misused is often very confusing and damaging to the child, who may not even immediately recognise what is happening to them as abuse. Grooming behaviour is unlikely to be recognised when observed as a one-off event, but a pattern of grooming of the intended victim and/or the intended victim's parents or care-providers is likely to be recognised. Grooming will tend to develop in intensity over time. It will also tend to include elements of secrecy and concealment. It is important to be aware of the types of behaviours that can be used in the process of grooming a child or young person, while remembering that some of the behaviours might equally reflect normal interactions based on genuine motives of care and concern. This is the reason that, for staff members, the observance of clear professional boundaries and transparency in the declaration of potential conflicts of interest is a vital part of the protection of children and of the professional integrity of staff members themselves.

Recognition of the grooming process that is used as a preparation for the sexual abuse of a child is an indicator of likely sexual abuse.

Some examples of 'grooming' behaviour could include:



## Activity between peers

- **Sexual activity between students**

It is important to note that activity between peers may also be considered abusive, especially if the relationship is coercive or the behaviour forceful, degrading or threatening. Sexual activity between young people under 16 years of age is not automatically considered to be sexual abuse, even though technically it is unlawful in Queensland. The dynamics and characteristics of the sexual activity is a key consideration. For example, if a young person under the age of 16 years engages in sexual activity with a peer and there is no imbalance of power, coercion or manipulation involved, this may not be considered sexual abuse. On the other hand, if there is a power imbalance, coercion or manipulation in the sexual activity between a young person 16 years and older and another person, this may be considered sexual abuse.

- **Student sexual behaviour**

Suspicion that a student has been sexually abused may also be formed in some cases where a student exhibits concerning sexual behaviour. [Resources](#) such as those published by the Department of Child Safety, Youth and Women can assist in identifying age inappropriate sexual behaviour, and [section 4.2](#) details further signs of sexual abuse.

## 2.2 Physical Abuse



*Physical abuse refers to non-accidental use of physical force against a child by another person that results in significant harm to the child.*

### What does physical abuse involve ?

Examples of physical abuse include but are not limited to hitting, shaking, throwing, burning, biting, poisoning and female genital mutilation. The definition of physically abusive behaviour extends to the fabrication, exaggeration and inducing of illness symptoms in a child.

A person does not have to intend to physically harm a child to have physically abused them (for example, physical punishment that results in bruising or fractures would generally be considered physical abuse). Physical abuse does not always leave visible marks or injuries. Physical abuse can result in significant physical harm (for example, fractures, burns or bruises) and/or emotional/psychological harm (for example, hyper vigilance, depression or persistent state of fear and anxiety) to a child.

When considering if a child is at unacceptable risk of suffering harm caused by physical abuse by a person, a range of factors are considered. Examples include:

- the person's propensity towards violence,
- the degree of control a person has over their own behaviour or the behaviour of others,
- the physical force used and
- the ability and willingness of another adult to act protectively to prevent the physical abuse.

Examples of situations which give rise to an unacceptable risk of physical abuse include, though are not limited to:

- domestic violence involving the throwing of objects; or
- situations in which a baby is shaken but not obviously injured.

## 2.3 Emotional/Psychological Abuse



*Emotional or psychological abuse is the persistent emotional ill-treatment of a child which causes severe and persistent adverse effects on a child's emotional development.*

### What does emotional or psychological abuse involve ?

Examples of emotional abuse include but are not limited to constant criticism, public humiliation, belittling, constant yelling, withholding praise and affection, excessive teasing, scape-goating, rejection, hostility, exposure of a child to domestic and family violence and conveying that a child is worthless or unloved, inadequate or valued only insofar as the child meets the needs of another person.

Emotional or psychological abuse may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of reasonable exploration and learning or preventing the child from participating in normal social interaction. Emotional abuse can result in significant harm to a child, for example, it can result in significant emotional / psychological harm such as depression, attachment disorders, chronic feeling of fear/anxiety or self-harm.

A child is considered to be at unacceptable risk of suffering harm caused by emotional abuse in a number of situations for example the frequent, chronic and entrenched verbal criticisms and hostility directed at the child by another person.

## 2.4 Neglect



*Neglect is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected.*

### What does neglect involve?

Neglect is the persistent failure to provide for a child's basic physical and emotional necessities of life such that the child's health and development are affected. Basic needs include: food, housing, adequate clothing; personal hygiene and hygienic living conditions; health care, including the timely provision of medical treatment and dental care; and adequate supervision and protection needed for the child's optimal growth and development. Neglect may occur during pregnancy as a result of maternal substance abuse.

Neglect can result in a significant impact on a child's physical, emotional and psychological wellbeing. It can result in significant physical harm such as serious injury or death. For example, failure to supervise a child may result in a child ingesting poison, or getting seriously injured or getting burnt. Neglect can also result in serious emotional/ psychological harm such as attachment disorders, failure to thrive in infants and significant developmental delays.

A child is considered to be at unacceptable risk of neglect in situations such as severe or chronic substance misuse, significant mental illness, lack of parenting skills and addiction to gambling by the child's primary parent or care-provider inhibiting their capacity to provide sufficient care.

**More information around understanding child abuse and harm can be found on the Department of Child Safety, Youth and Women [website](#)**

## Significant Harm

Harm can be caused by physical, psychological or emotional abuse, sexual abuse or neglect. Harm refers to the detrimental effect or impact of abuse/neglect on a child. For statutory intervention to occur, there must be information to suggest:

- that the child has suffered, is suffering or is at any unacceptable risk of suffering significant harm; and
- there may not have a parent able and willing to protect the child from harm.

Harm can be caused by a single act, omission or circumstance or a series or combination of acts, omissions or circumstances. This series or combination of acts, omissions or circumstances is often referred to as "cumulative harm".

### 3.1 What is "unacceptable risk" of harm?

A child is considered to be at unacceptable risk of suffering harm if there are grounds to suspect that unless someone intervenes to prevent it, the actions of a person will result in, or is likely to result, in a detrimental effect of a significant nature on the child's physical, emotional and/or psychological well-being.

### 3.2 Relationship between abuse and harm

In essence, abuse is the action towards a student, and harm is the impact of that action on the child. Children can experience multiple types of abuse, which in turn can cause multiple types of harm.

Types of Abuse	Physical abuse	Emotional abuse	Sexual abuse	Neglect
	Hitting	Rejection	Sexual exploitation	Inadequate supervision
	Punching	Persistent hostility	Penetration Exposure to Pornography	Poor hygiene/nutrition



Types of harm (impact on the child)	Physical (refers to body)	Emotional (ability to express emotions)	Psychological (mind & cognitive processes)
	Bruising Fractures Internal injuries	Depression Hypervigilance Self-harm	Learning and developmental delays Impaired self-image

## Recognising Abuse and Harm

### 4.1 Recognising the signs of abuse and harm

There are many signs that might lead staff members to have concerns about a student. It is important to keep an open mind when encountering these signs, as their presence does not necessarily mean that the student is experiencing harm caused by abuse and/or neglect. However, they may identify concerns for a student and indicate that further consideration and monitoring is the appropriate response.

It is important to remember:

- the signs are generally more significant if they are severe, form a pattern, and/or show frequency
- the younger the child involved, the greater the risk
- all factors need to be considered including the child's circumstances and family context.

## 4.2. Identifying the signs of Abuse and Harm

### Observations of student behaviour

In general terms, something may be wrong if you observe student behaviour such as:

- nervousness/withdrawal;
- passivity/excessive compliance;
- evidence of deterioration in peer relationships and/or generally poor peer relationships;
- trouble concentrating at school/unexpected drop in school academic performance;
- frequent absences from school without substantiated or acceptable explanations;
- being extremely aggressive, stealing or running away;
- evidence of extreme or continually aroused emotional states;
- out of character behaviour;
- behaviour that is not age appropriate or typical of peer behaviour;
- in younger students: separation anxiety, changed eating patterns;
- in older students: drug/alcohol use, sexual promiscuity, self-harm or reckless and risk-taking behaviour.

In relation to possible harm or risk of harm to a student that may be a result of sexual, physical or emotional abuse and/or neglect you may observe the following:

### Physical

- bruises or lacerations, especially on face, head and neck;
- burns/scalds;
- multiple injuries or bruises, especially over time;
- fractures, dislocations, twisting injuries;
- explanations offered by the child not consistent with the injury or the injury is unable to be explained by the child;
- A child hiding injuries
- repeated injuries with a recurring or similar explanation.

### Neglect

- delay in achieving developmental milestones;
- medical or therapeutic needs not attended to;
- poor personal hygiene leading to social isolation;
- scavenging for/stealing food; lack of adequate school lunches;
- extreme seeking of adult affection;
- flat and superficial way of relating.

### Domestic violence

- difficulties in eating and sleeping;
- hyper vigilance;
- regression to age-inappropriate behaviours;
- developmental delays;
- child is over-protective of a parent;
- excessively controlling or aggressive/violent behaviour;
- abuse of siblings/parent.

## Emotional/psychological

- inability to value self and others;
- lack of trust in people;
- statements from the child e.g. “I’m bad; I was born bad”;
- extreme attention-seeking behaviours.

## Sexual

- direct or indirect disclosures of abuse;
- concerning sexual behaviour and/or age-inappropriate sexual knowledge;
- use of threats, coercion or bribery to force other children into sexual acts;
- sexual themes/fears expressed in artwork, written work or play;
- repeated urinary tract infections, especially in younger girls;
- physical trauma to buttocks, breasts, genitals, lower abdomen, thighs;
- unexplained accumulation of money/gifts;
- presence of sexually-transmitted infections, especially in younger children

**More information around recognising the signs of abuse can be found on the Department of Child Safety, Youth and Women [Website](#).**

## Forming a reasonable suspicion

A reasonable suspicion of abuse or harm is a suspicion that would be formed by a reasonable person based on a reasonable view of the evidence available to them. In other words, a reasonable suspicion is an objectively justifiable suspicion that is based on specific facts or circumstances. When a reasonable suspicion is formed, a staff member must act in accordance with the processes outlined in this document.

Generally, the ways in which a staff member may form a reasonable suspicion are as follows:



- A student makes a direct disclosure about another person's behaviour (see Section 5.1)
- A parent or any person reports information of concern about a student and/or another person's behaviour (this information may come from another student, relative, friend, acquaintance of the student, or sometimes could be anonymous)



- Direct observation of abusive or inappropriate behaviour towards a student
- Relevant observations (appearance, behaviours, and situations) are witnessed, or other relevant firsthand knowledge is gained.

Additionally, section 13C of the *Child Protection Act 1999* offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm:

- Whether there are detrimental effects on a child's body or psychological/emotional state, or are likely to become so the future
- The nature and severity of the detrimental effects and the likelihood that they will continue
- The age of the child

A staff member may **confer** with an appropriate colleague, being the Principal, Deputy Principal or another Student Protection Contact as part of the decision making process as to whether they have formed a reasonable suspicion – further detail around [conferral](#) processes can be found in the Student Protection Processes. The staff member must never confer with the person who is or potentially is the source of the concern.

It should be noted that at times information may come to a staff member's attention indirectly (e.g. perhaps third hand). In these cases, the following should be considered:

- it is not the role of the staff member or of the school to investigate, confirm or substantiate the validity of the information;
- in some cases, it may be appropriate to seek additional information to clarify the situation, to the extent necessary to determine any action that may be required under these processes;
- if the information received gives rise to a staff member forming a reasonable suspicion of harm to a student resulting from abuse or neglect, from any source, the staff member must follow the relevant [reporting requirements](#) described in the Student Protection Guidelines;
- if the information received by the staff member suggests inappropriate behaviour by a staff member towards a student, then the staff member must follow the relevant [reporting requirements](#) described in the Student Protection Processes for Queensland Catholic School Authorities.

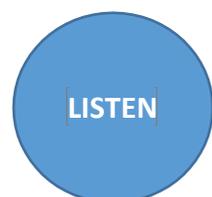


**NOTE: Staff members must not photograph student injuries or audio/ video record the discussion with the student – this is the role of Police.**

Details about how the information came to the staff member's attention should be included in any report made under these processes.

## 5.1 Responding to a disclosure

Staff members in schools are often the first people a student may tell when they are feeling unsafe, therefore it is important for staff members to be aware of how children/young people disclose and how to respond in the most appropriate manner. If a student tells a staff member about being abused or harmed:



- **Move to a suitable environment**, free of distractions.
- **Be calm and patient** - allow for the child to be heard.
- **Let the child use their own words** - avoid asking leading questions.
- **Avoid “quizzing” the child about details of the abuse.**
- **Don't be afraid of saying the 'wrong' thing.** Listening supportively is more important than what you say.]



- [Reassure the child that **it is Okay to tell you** what's been happening.
- **Address any concerns about the child's safety.**
- Reassure the child s/he is **not at fault and is not the cause of any distress** you may feel.]



- [
- **Respect that the child may only reveal some details.**
- **Acknowledge the child's bravery and strength.**
- **Avoid making promises you can't keep** - manage the child or young person's expectations.
- **Explain** to the child that in order for them to be safe **you will need to report their experience to someone else**]

*Adapted from an AIFS infographic: [Responding to children and young people's disclosure of abuse](#)*

**Remember - it is not a school staff member's role to investigate** a suspicion of an unacceptable risk of abuse/ harm from any source, rather to report a reasonable suspicion of abuse or harm in accordance with the student protection processes. It is the role of officers of Queensland Police Service and qualified officers of the Department of Child Safety, Youth and Women to investigate and collect evidence in the required circumstances, such as conducting interviews with students.

**Only ask enough questions to help you decide whether you have honest and reasonable grounds to form a suspicion** of harm/abuse or an unacceptable risk of harm/abuse. Be aware that any questioning beyond this could cause distress and confusion and could interfere with the integrity of any subsequent investigation undertaken by relevant authorities.

**As soon as possible after the disclosure, make detailed relevant notes** about any signs, disclosures, injuries, and behaviours that caused you to be concerned for the student's safety or wellbeing.

Any response must be focused on the best interests of the student. As such, the immediate support needs of a student are the priority and staff members must act promptly to raise the concerns with the Principal.

## 6. Considering whether there is a parent able and willing to protect a student

Where there is no parent able and willing to protect a child from significant harm, then the Department of Child Safety, Youth and Women intervenes to ensure the safety of the child. This is therefore an important consideration when determining if a matter should be reported Department of Child Safety, Youth and Women.

**A parent must be able AND willing to protect the child from significant harm.**



In some cases, a **parent may be willing to protect their child from significant harm, but they may not be able to do so**, for example, the parent may be suffering from a severe mental health condition, physical illness or injury; or where existing court orders precludes the parent from taking protective action.



**A parent may be able but not willing to protect their child**, for example, where the parent continues in a relationship with a person who is sexually abusing their child and does not cease contact with the abusive person.



In some circumstances, a **parent may be both unable AND unwilling** to protect their child from significant harm. An example of this is a parent who has significant substance misuse issues and continues a relationship with someone who sexually abuses or is violent to their child.

In some cases, parents will seek to minimise or reduce the significance of harm suffered by a child (or that the child is at risk of suffering) and this may indicate the parent may not be able and willing to protect the child from harm. For example, this includes a parent minimising serious self-harming behaviours exhibited by their child or failing to recognise the serious and/or long term impacts of a child's medical needs or significant developmental delays.

Forming a reasonable suspicion around whether a parent may be able and willing is based on a number of factors, including:

- the observations and knowledge the Principal and staff members may have of the family circumstances;
- disclosures made by a child;
- information provided by another person.

A staff member is not expected to conduct an investigation to ascertain if a parent is able and willing to act protectively, rather must act on the information available to them. Staff members may confer with colleagues to assist in their decision making.

**NOTE: If a reasonable suspicion of sexual abuse or likely sexual abuse is formed a report to the Queensland Police Service is to be made even if there is a parent able and willing to protect the child from harm.**

## Confidentiality, Record Keeping and Information Sharing

It is essential that student protection processes are managed in a confidential manner that both preserves the dignity and privacy of all affected parties, and ensures that any investigative process is not impaired.

The management of any student protection concern should be well-documented, with clear records of any disclosures made by a student and any actions taken by the school. All information relating to a student protection concerns, including notes, reports and other documents must be stored securely and confidentially.

### Will a student's family know I have made a report?

A person who notifies the Department of Communities, Child Safety and Disabilities around a suspicion that a child has been, or is likely to be harmed (known as the "notifier") cannot be identified unless certain exceptions apply. Where a student protection report results in a criminal court proceeding, the report may form part of the prosecution's evidence, therefore the staff member who made the report may be required to give evidence. Consequently, student protection reports must be completed in an impartial, accurate and factual manner.

### Information Sharing

Within the school, information should not be shared around student protection matters with other staff members unless for a specific purpose under these processes, for example conferring with the Principal to determine whether a matter constitutes a reasonable suspicion of abuse or harm. Information may also be provided to staff members as part of ongoing support or risk management processes for a student.

There are a number of circumstances where a School Principal may be asked to share information, or be required to do so in order to support a student and their family:

- Under Part 4 of the *Child Protection Act 1999*, the Department of Communities, Child Safety and Disability Service may request information around a student who may be in need of protection. Such requests should be in writing, and clearly specify what information is requested. The Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

- A Principal, as a ‘particular prescribed entity’ under the *Child Protection Act 1999* may share information with certain service providers in order to obtain support for a student and their family. As best practice, any referral for support should be with the knowledge and consent of a student’s parents or care-providers, however a Principal may refer to service providers such as **Family and Child Connect** or **Intensive Family Support Services** without the prior consent of a parent or care-provider. These services will then seek the consent of the parent to engage them in providing support.
- Police may seek information from a Principal in relation to a law enforcement activity, for example in the investigation of a criminal offence, or in attempting to locate a missing child. Again, the Principal should keep clear records around what information was provided in response and ensure that any information is accurate and factual.

## Support and Referral Services

When students and families receive support services early, it can avoid the escalation of concerns towards statutory intervention by the Department of Child Safety, Youth and Women or Police. Where a concern is identified that does not meet the threshold for a report to Department of Child Safety, Youth and Women or Police, or indeed where the outcome of a report is that no intervention by the authorities will occur, the Principal should consider any referral to appropriate support services:

### Family and Child Connect

Community-based intake and referral services, known as ‘[Family and Child Connect](#)’ have been established across Queensland to provide an additional pathway for referring concerns about children and their families. Family and Child Connect provides information and advice to people seeking assistance for children and families where there are concerns about their wellbeing, and can connect families to local services. Families can also contact Family and Child Connect themselves for advice and help.

### Intensive Family Support Services

In addition to Family and Child Connect, Intensive family support services are funded services that provide family support delivered under a lead case management model to address multiple and/or complex needs and assist families to build their capacity to care for and protect their children.

Intensive family support services include:

- Intensive Family Support
- Referral for Active Intervention
- Aboriginal and Torres Strait Islander Family Support Services
- Fostering Families.

Information around making a referral to these services can be found via the Department of Child Safety, Youth and Women [website](#). Particular information around information sharing provisions for Principals are detailed in [section 7](#).

## Other referral options

In some cases, it may be desirable to refer a family to a specific local service in the community, particularly where the family's needs are clearly identified. For example, a family may be in need of financial or housing support. The Queensland Family and Child Commission's [One Place](#) website provides useful information about local services.

## School based supports

There are a number of options to support students at risk within the school environment that can be implemented in addition to any external referral, including:

- Referral to the school counsellor
- Engaging specific educational services to meet a student's needs
- Consideration of academic demands and providing flexible alternatives
- Identifying other school support staff, including pastoral care options and peer support
- Implementing risk management plans, particularly involving situations between students
- Providing protective behaviours education to students, including safety planning.

## 9. Understanding behaviour by a staff member a student considers to be inappropriate

For the purposes of these processes, staff inappropriate behaviour includes (though is not limited to) any behaviour, including words, towards a student that is contrary to what is required of staff members under the Villanova College Code of Conduct.

Inappropriate behaviour by a staff member towards a student can be described in terms of *violations of professional boundaries*. These boundaries can be described as follows:

### Physical Boundaries

Exist to protect the body. Physical boundaries define appropriate physical contact between staff members and students in appropriate circumstances whilst respecting and responding to the physical needs of students.

### Emotional Boundaries

Exist to protect feelings. Emotional boundaries determine the nature of appropriate professional relationships between staff members and a students in the context of respecting the emotional needs and wellbeing of students.

### Behavioural Boundaries

Exist to protect actions. Behavioural boundaries determine the appropriate behaviours expected of a staff member towards students, including respecting the rules of the Catholic School Authority or School.

**Examples of boundary violations appear on the following page.**

## 9.1 Examples of Boundary Violations\*

\*See also The [Professional Boundaries: A Guideline for Queensland Teachers](#) as published by the QCT

Physical Boundary Violations	Emotional Boundary Violations	Behavioural Boundary Violations
<ul style="list-style-type: none"> <li>• pushing</li> <li>• pulling</li> <li>• grabbing</li> <li>• hitting</li> <li>• poking shoving</li> <li>• shaking</li> <li>• throwing</li> <li>• kicking</li> <li>• pinching</li> <li>• punching</li> <li>• using physical force to ensure a child cooperates</li> <li>• holding or restraining a child (unless in imminent danger of harm)</li> <li>• using an object (ruler, book, whiteboard marker) to manage a student</li> <li>• Refusing biological necessities Applying painful or noxious conditions to a student</li> <li>• Inappropriately touching or massaging a student</li> <li>• Unnecessary or unwanted physical contact</li> </ul>	<p>Making inappropriate comments about a student and/or a student’s family by:</p> <ul style="list-style-type: none"> <li>• shaming,</li> <li>• embarrassing, humiliating</li> <li>• using sarcasm</li> <li>• making derogatory remarks belittling</li> <li>• teasing</li> <li>• unprofessional criticism</li> </ul> <p>Exerting power over a student through the use of:</p> <ul style="list-style-type: none"> <li>• intimidating behaviour</li> <li>• fear</li> <li>• threats</li> <li>• moral pressure</li> </ul> <p>Shouting at a student</p>	<p>Having inappropriate interactions with a student through:</p> <ul style="list-style-type: none"> <li>• inappropriate use of social media in relation to a student</li> <li>• phone calls emails or texts to the student’s personal email or phone</li> <li>• gift giving or showing special favours sharing secrets with a student disclosing inappropriate personal information to a student</li> <li>• inappropriate questioning of a student about personal and private matters engaging in social activities with students (with whom there is not a declared personal relationship) outside school</li> <li>• driving students without appropriate authority</li> <li>• visiting students at home without appropriate authority</li> </ul> <p>Using unprofessional language:</p> <ul style="list-style-type: none"> <li>• swearing at or in the presence of a student</li> <li>• making otherwise inappropriate comments to or in the presence of a student</li> </ul> <p>Failing to follow a school’s behaviour support policy and procedures:</p> <ul style="list-style-type: none"> <li>• unreasonable, unfair and/or unjust disciplinary measures</li> <li>• the imposition of manifestly unreasonable expectations or excessive demands on a student</li> <li>• using inappropriate locations or social isolation outside of the school’s behaviour support guidelines as punishment</li> </ul> <p>Using a personal device or private email address to make contact with a student (with whom there is not a declared personal relationship or appropriate authority)</p> <p>Photographing a student other than for an appropriate professional reason.</p> <p>Supplying substances to a student (e.g. unauthorised medication, tobacco, alcohol, illicit drugs)</p> <p>Exposing students to material that contains adult content or themes that is offensive or inappropriate to the age and/or maturity of the student</p>

## Historical Allegations

When a staff member receives information that a former student has been sexually abused, or has suffered significant harm, by a staff member at the school, the staff member must follow the relevant Villanova College processes.

If the allegation is against a current staff member, then refer to the Villanova College Student Protection Processes document from Section 2.2 as relevant to the allegation.

If the allegation is against a former staff member, then refer to the Villanova College Student Protection Processes document from Section 2.2 as relevant to the allegation.