



## REPORTING CONCERNS OF HARM AND ABUSE POLICY

### PURPOSE

The purpose of this policy is to provide written processes about –

- a. how Matthew Flinders Anglican College (**‘College’**) will respond to harm, or allegations of harm, to students under 18 years; and
- b. the appropriate conduct of the College’s Staff and students to comply with accreditation requirements.

### SCOPE

Students and employees, including full-time, part-time, permanent, fixed-term and casual employees, as well as contractors, volunteers and people undertaking work experience or vocational placements at Matthew Flinders Anglican College.

### REFERENCES

- [Child Protection Act 1999 \(Qld\)](#)
- [Child Protection Regulation 2023 \(Qld\)](#)
- [Education \(General Provisions\) Act 2006 \(Qld\)](#)
- [Education \(General Provisions\) Regulation 2017 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Act 2017 \(Qld\)](#)
- [Education \(Accreditation of Non-State Schools\) Regulation 2017 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Act 2000 \(Qld\)](#)
- [Working with Children \(Risk Management and Screening\) Regulations 2020 \(Qld\)](#)
- [Criminal Code Act 1899 \(sections 229BB and 229BC\)](#)
- Matthew Flinders Anglican College Complaints Management Policy
- Matthew Flinders Anglican College Child Risk Management Strategy (for the *Working with Children (Risk Management and Screening) Act 2000 (Qld)*)
- Matthew Flinders Anglican College Work Health and Safety Policy (for the *Work Health and Safety Act 2011 (Qld)*)
- Matthew Flinders Anglican College Child Protection Reporting Form

### DEFINITIONS

- **‘Staff’** is a reference to employees who are employed by the College.
- **Section 8 of the Child Protection Act 1999 - ‘Child’**, is an individual under the age of 18.
- **Section 9 of the Child Protection Act 1999 - ‘Harm’**, to a child, is any detrimental effect of a significant nature on the child’s physical, psychological or emotional wellbeing.
  1. It is immaterial how the harm is caused.
  2. Harm can be caused by—
    - a) physical, psychological or emotional abuse or neglect; or
    - b) sexual abuse or exploitation.
  3. Harm can be caused by—
    - a) a single act, omission or circumstance; or
    - b) a series or combination of acts, omissions or circumstances.

- **Section 10 of the *Child Protection Act 1999*** - 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.
  
- **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.

## HEALTH AND SAFETY

The College has written processes in place to enable it to comply with the requirements of the *Work Health and Safety Act 2011* (Qld) and the *Working with Children (Risk Management and Screening) Act 2000* (Qld).

## RESPONDING TO REPORTS OF HARM

When the College receives any information alleging 'harm'<sup>1</sup> to a student (other than harm arising from physical or sexual abuse) it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can - refer to the Matthew Flinders Anglican College Student Safety and Wellbeing Policy. Information relating to physical or sexual abuse is handled under obligations to report set out in this policy<sup>2</sup>.

## CONDUCT OF STAFF AND STUDENTS

All Staff, contractors and volunteers must ensure that their behaviour towards and relationships with students reflect proper standards of care for students. Staff, contractors and volunteers must not cause harm to students<sup>3</sup>.

## REPORTING INAPPROPRIATE BEHAVIOUR

If a student considers the behaviour of a Staff member, contractor, volunteer or visitor to be inappropriate, the student should report the behaviour to:

- Child Safe Advocates
  - Primary School Counsellor - Mrs Yvette Rouse
  - Secondary School Counsellor - Mrs Jacqui Vos
  - Secondary School Counsellor - Mrs Debbie Campbell; or
- Principal
  - Ms Michelle Carroll<sup>4</sup>.

## DEALING WITH REPORT OF INAPPROPRIATE BEHAVIOUR

A Staff member, contractor or volunteer who receives a report of inappropriate behaviour must report it to the Principal. Where the Principal is the subject of the report of inappropriate behaviour, the Staff member, contractor or volunteer must inform a member of the College's Board of Directors<sup>5</sup>. Reports will be dealt with under the College's Complaints Management Policy.

<sup>1</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(7): the definition of 'harm' for this regulation is the same as in section 9 of the *Child Protection Act 1999* (Qld)

<sup>2</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(1)

<sup>3</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(1)

<sup>4</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(2) and s.16(3)

<sup>5</sup> *Education (Accreditation of Non-State Schools) Regulation 2017* (Qld) s.16(2)

## REPORTING SEXUAL ABUSE<sup>6</sup>

Section 366 of the *Education (General Provisions) Act 2006* states that if a Staff member becomes aware, or reasonably suspects, in the course of their employment at the College, that any of the following has been sexually abused by another person:

- a) a student under 18 years attending the College;
- b) a kindergarten aged child registered in a kindergarten learning program at the College;
- c) a person with a disability who:
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the College; and
  - ii. is not enrolled in the preparatory year at the College.

then the Staff member must give a written report about the abuse or suspected abuse to the Principal or to a Director of the College's governing body (in this case, a member of the College's Board of Directors ('**Director**')) immediately.

The College's Principal or the Director must immediately give a copy of the report to a police officer.

If the first person who becomes aware or reasonably suspects sexual abuse is the College's Principal, the Principal must give a written report about the abuse, or suspected abuse to a police officer immediately and must also give a copy of the report to a Director immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the **first person**);
- b) the student's name and sex;
- c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
- d) details of the abuse or suspected abuse;
- e) any of the following information of which the first person is aware:
  - i. the student's age;
  - ii. the identity of the person who has abused, or is suspected to have abused, the student;
  - iii. the identity of anyone else who may have information about the abuse or suspected abuse<sup>7</sup>.

Staff can access the College Child Protection Reporting form on MyFlinders to complete their written report.

## REPORTING LIKELY SEXUAL ABUSE<sup>8</sup>

Section 366A of the *Education (General Provisions) Act 2006* states that if a Staff member reasonably suspects in the course of their employment at the College, that any of the following is likely to be sexually abused by another person:

- a) a student under 18 years attending the College;
- b) a kindergarten aged child registered in a kindergarten learning program at the College;
- c) a person with a disability who:
  - i. under section 420(2) of the *Education (General Provisions) Act 2006* is being provided with special education at the College; and
  - ii. is not enrolled in the preparatory year at the College.

then the Staff member must give a written report about the suspicion to the Principal or to a Director immediately.

The College's Principal or the Director must immediately give a copy of the report to a police officer.

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<sup>6</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

<sup>7</sup> *Education (General Provisions) Regulation 2017 (Qld) s.68*

<sup>8</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(2)(c)*

If the first person who reasonably suspects likely sexual abuse is the College's Principal, the Principal must give a written report about the suspicion to a police officer immediately and must also give a copy of the report to a Director of the school's governing body immediately.

A report under this section must include the following particulars:

- a) the name of the person giving the report (the first person);
- b) the student's name and sex;
- c) details of the basis for the first person reasonably suspecting that the student is likely to be sexually abused by another person;
- d) any of the following information of which the first person is aware:
  - i. the student's age;
  - ii. the identity of the person who is suspected to be likely to sexually abuse the student;
  - iii. the identity of anyone else who may have information about suspected likelihood of abuse<sup>9</sup>.

Staff can access the College Child Protection Reporting form on MyFlinders to complete their written report.

### **REPORTING PHYSICAL AND SEXUAL ABUSE** <sup>10</sup>

Under Section 13E (3) of the Child Protection Act 1999, if a doctor, a registered nurse, a teacher or an early childhood education and care professional forms a 'reportable suspicion' about a child "in the course of their engagement in their profession", they must make a written report.

A reportable suspicion about a child is a reasonable suspicion that the child:

- a) has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
- b) may not have a parent able and willing to protect the child from the harm.

The doctor, nurse, teacher or early childhood education and care professional must give a written report to the Chief Executive of the department currently responsible for child safety in Queensland (or another department administering the Child Protection Act 1999). The doctor, nurse, teacher or early childhood education and care professional should give a copy of the report to the Principal.

A report under this section must include the following particulars:

- a) the basis on which the person has formed the reportable suspicion<sup>11</sup>;
- b) the child's name and sex descriptor;
- c) the child's age;
- d) details of how to contact the child;
- e) details of the harm to which the reportable suspicion relates;
- f) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
- g) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates<sup>12</sup>.

Staff can use the College Child Protection Reporting Form to record their concerns, and submit to the Principal. Staff should confer with a Child Safe Advocate to complete the CPG (Child Protection Guide) and follow guidelines to make an e-report. If urgent, Staff can make a report to the Sunshine Coast and Central Queensland Regional Intake office on 1300 703 762.

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<sup>9</sup> *Education (General Provisions) Regulation 2017 (Qld) s.69*

<sup>10</sup> *Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16 (2)(d)*

<sup>11</sup> *Child Protection Act 1999 s.13G (2)(a)*

<sup>12</sup> See *Child Protection Regulation 2023 (Qld) s.4 "Information to be included in reports"*

## RESPONSIBILITIES UNDER CRIMINAL CODE ACT 1899 (QLD)

The *Criminal Code Act 1899* includes two offences that pertain to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence. A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years or a person with an impairment of the mind.

### **Failure to Report<sup>13</sup>**

Under section 229BC of the Code, all adults must report sexual offences against a child by another adult to police as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed. Failure to make a report, without a reasonable excuse, is a criminal offence. This offence applies to all adults inclusive of students 18 years or older, as well as parents/guardians and volunteers at the College. A reasonable excuse not to make a report under the *Criminal Code Act 1899* includes, but is not limited to, that a report has already been made under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) and the *Child Protection Act 1999* (reporting significant harm or risk of significant harm) as per this policy.

### **Failure to Protect<sup>14</sup>**

Under section 229BB of the Code, all adults in positions of power or responsibility within institutions to reduce or remove the risk of child sexual offences being committed must take reasonable steps to protect children in their care from a child sexual offence. A failure to protect is an offence.

## RESPONSIBILITIES OF ALL PERSONS

All persons (including students, other children and young people; parents, carers and guardians; and Staff, contractors, volunteers and visitors at the College or Early Learning Centre) have the following responsibilities:

- a. To act in the best interests of students and children and behave in a manner that will not cause harm to a child or young person.
- b. To comply with any required behavioural expectations as directed by the College or Service. This includes, but is not limited to:
  - i. any applicable Code of Conduct or similar policy or document outlining behavioural expectations;
  - ii. any role relevant to the implementation of the College or Early Learning Centre's Policy implementation and responsibilities to provide care and manage risk of harm to students and other children.
- c. Where there is a potential, perceived or actual concern:
  - i. for a student or child associated with the College or Early Learning Centre; or
  - ii. about the conduct or behaviour of a person who has, or had, an association with a student or child through the College or Early Learning Centre;students, children, young people and their families (including carers or guardians) are encouraged; and Staff, contractors, volunteers and visitors must as soon as practicable, share this information with an Appropriate Person associated with the School or Service, as detailed in the below table. This includes sharing information about a 'Concern' regarding a person's own conduct.

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<sup>13</sup> *Criminal Code Act 1899 (Qld) s.229BC*

<sup>14</sup> *Criminal Code Act 1899 (Qld) s.229BB*

- d. The term 'Concern' means information that would lead a reasonable person to have a suspicion that the person may have posed, or continues to pose, a risk to the physical or psychological safety of a student or child. A 'Concern' may include, but is not limited to:
- i. Any situation or incident where the person has been subject to allegations of sexual, physical, or other abuse or inappropriate behaviour towards a student or child (and irrespective of the source of those allegations or the time that has elapsed since the allegations were made);
  - ii. Any circumstance where the person has been the subject of adverse findings in relation to allegations of sexual, physical, or other abuse or inappropriate behaviour towards a student or child (and irrespective of the time that has elapsed since the adverse findings were made);
  - iii. Any complaint made to an industry body (including, but not limited to, the Queensland College of Teachers or Education Queensland) in relation to the person's treatment of, or behaviour towards, a student or child (and irrespective of the source of that complaint or the time that has elapsed since the complaint was made).

To be clear, a Concern should be shared with an Appropriate Person irrespective of whether the allegations / situation arose during (or concurrent with) their relationship with the College, or any time previous to their relationship with the College.

- e. The term 'Appropriate Person' includes the following:

<b>Person with concern</b>	<b>Appropriate persons to share information with</b>
Students and other children	<p>Students and other children are asked to raise any concerns (impacting either themselves or another child) with an <u>adult they trust</u>, so that the adult can help.</p> <p>Child Safe Advocates (at the College) and Responsible Persons and Nominated Supervisors (in Services) are available to help.</p> <p>It is also recognised that friendship and support from peers is important to help students and children feel safe and less isolated.</p>
Visitors, including parents, guardians and carers	<ol style="list-style-type: none"> <li>i. At the College: A Child Safe Advocate or person with Appropriate Authority</li> <li>ii. In Early Learning Centre: A person with Appropriate Authority</li> </ol>
Volunteers, Contractors and Staff (Staff are also to refer to relevant sections of this policy regarding statutory reporting obligations)	<ol style="list-style-type: none"> <li>i. In the College: A Child Safe Advocate or the Principal</li> <li>ii. In Early Learning Centre: A Nominated Supervisor or the Approved Provider</li> </ol>

- f. All reasonable steps are expected to be taken to prevent abuse and reduce the risk of harm to students and other children. The obligation to share Concerns with an Appropriate Person is essential given the duty of care owed to students and children, and statutory reporting obligations under legislation.
- g. If a person is unsure or in doubt about whether to share the information or a Concern, then the information or Concern must be shared with an Appropriate Person.

- h. Information or a Concern can be shared verbally or in writing. Electing to share the information in writing should not impede the person from informing the Appropriate Person of the concern as soon as reasonably practicable. For Staff, where the Concern relates to physical or sexual abuse, this information must be provided to an Approved Person in writing and by way of completing a Child Protection Reporting Form. Where information is shared with an Appropriate Person verbally, the Appropriate Person may require the person to document the Concern or information they are sharing in writing. To be clear, the Appropriate Person is obligated to respond to the information or Concern as soon as reasonably practicable (and as a matter of priority and with urgency), and irrespective of whether they are waiting for information to be communicated in writing or not.
- i. Participate in relevant induction and education as directed by the College or Service.

## **AWARENESS**

The College will inform Staff, contractors, volunteers, students and parents / guardians of its processes relating to the health, safety and conduct of Staff and students in communications to them and it will publish these processes on its website<sup>15</sup>.

The College Policy and Procedures can be found on MyFlinders and the College website. Awareness of the College's processes and supports will include information displays around the College, student assemblies, student diaries, in enrolment interviews, Staff induction, annual 'Week 0' information session and as needed via Staff professional development sessions.

*Do you need someone to talk to?* posters are available on the MyFlinders student portals and are displayed on electronic signage throughout the campus. These posters direct students to the people to talk to regarding their concerns – Child Safe Advocates and relevant College leaders in their particular sub-School – Junior Primary, Senior Primary, Junior Secondary, Middle Secondary and Senior Secondary.

## **ACCESSIBILITY OF PROCESSES**

Processes relating to the health, safety and conduct of Staff and students are accessible on the College website and will be available on request from the College administration<sup>16</sup>.

## **TRAINING**

The College will train its Staff in processes relating to the health, safety and conduct of Staff and students on their induction and will refresh training annually<sup>17</sup>.

Regular training will be undertaken to ensure Staff remain up to date on issues of child protection. This will include information displays around the College, Staff induction, annual 'Week 0' information session and as needed via Staff professional development sessions. Links will be provided to the Flinders Policy and Procedures on MyFlinders.

## **IMPLEMENTING THE PROCESSES**

The College will ensure it is implementing processes relating to the health, safety and conduct of Staff and students by auditing compliance with the processes annually<sup>18</sup>.

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<sup>15</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(a)

<sup>16</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(b)

<sup>17</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(c)

<sup>18</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(4)(d)

## COMPLAINTS PROCEDURE

Suggestions of non-compliance with the College's processes may be submitted as complaints under the College's Complaints Management Policy<sup>19</sup>.

## LINKS

[Matthew Flinders Anglican College Child Protection Reporting form](#)

[Child Protection Decision Tree for Non-Teaching Staff](#)

[Child Protection Decision Tree for Principal and Board Directors](#)

[Child Protection Decision Tree for Teachers](#)

[Child Protection Decision Tree for Volunteers](#)

[Child Protection Guide QLD](#)

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This policy may be updated or revised from time-to-time. The College will not notify you each time the policy is changed. If you are unsure whether you are reading the most current version, you should contact the Principal's Office.	

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<sup>19</sup> Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) s.16(5) and s.16(6)