



Policy Name	CHILD RISK MANAGEMENT STRATEGY		
Purpose	The purpose of this strategy is to eliminate and minimise risk to student safety to ensure the safety and wellbeing of all students.		
Scope	Young people 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 the AITC.		
Strategic Area	Education		
References	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i> <i>Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</i> <i>Child Protection Act 1999 (Qld)</i> <i>Education (Accreditation of Non-State Schools) Act 2017 (Qld)</i> <i>Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</i> <i>Education (General Provisions) Act 2006 (Qld)</i> <i>Education (General Provisions) Regulation 2017 (Qld)</i> <i>Education (Queensland College of Teachers) Act 2005 (Qld)</i> <i>Criminal Code Act 1899 (Qld)</i> Education and Care Services National Law (Queensland) Education and Care Services National Regulations Blue Card Services Child and Youth Risk Management Strategy Toolkit		
Status	Approved	Supersedes	All previous versions
Authorised by	AITC Board	Date of Authorisation	14 Sep 2022
Review Period	Annually	Next Review Date	Term 3, 2023
Policy Owner	CEO	Version	6.0

CHILD RISK MANAGEMENT STRATEGY

Definitions

child	Is a person under 18 years of age.
Young person (young people)	Is any person regardless of age who is enrolled as a student at the AITC. May also appear as 'student' or 'Team Member'.
harm	Section 9 of the Child Protection Act 1999 – <ol style="list-style-type: none"> 1) <i>Harm</i>, 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— <ol style="list-style-type: none"> a) physical, psychological or emotional abuse or neglect; or b) sexual abuse or exploitation. 4) Harm can be caused by— <ol style="list-style-type: none"> a) a single act, omission or circumstance; or b) a series or combination of acts, omissions or circumstances.
child in need of protection	Section 10 of the Child Protection Act 1999 - A "child in need of protection" is a child who— <ol style="list-style-type: none"> 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.

Executive Principal	The AITC Executive Principal role is held by the CEO. In periods of extended absence, the delegation of the Executive Principal role (Acting) is at the discretion of the CEO and can be separate from the CEO role responsibilities.
Principal	<p>For the purposes of this policy, and in accordance with the AITC organisational structure, the Principal refers to any individual who holds the position of:</p> <ul style="list-style-type: none"> - Deputy Head of Industry Education (Region) <p>In carrying out their responsibilities outlined in this policy, any Deputy Head of Industry Education (Region) is the Principal only for AITC campuses within their allocated region. In their absence, the matter must be directed to the Head of Industry Education or the Executive Principal.</p> <p>Employees raising a matter or submitting a report to the Principal must submit this to the Principal of the AITC campus of the young person involved.</p>
sexual abuse	<p>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 –</p> <ol style="list-style-type: none"> 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.

Policy Statement and a Statement about Commitment

AITC is committed to taking all reasonable steps to promote the safety and wellbeing of students enrolled at the school and their protection from foreseeable harm.

Implementation

In practice, the AITC is committed to acting in accordance to the *Working with Children (Risk Management and Screening) Act 2000 (Qld)* ("the Act") to promote the safety and wellbeing of students. This means that it will implement the measures outlined below.

Code of Conduct

At the AITC we expect our employees to conduct themselves as follows:

School employees are expected to always behave in ways that promote the safety, welfare and wellbeing of our students. Employees must actively seek to prevent harm to students, and to support those who have been harmed.

Specific responsibilities include:

- Employees should avoid situations where they are alone in an enclosed space with a student.
- When physical contact with a student is a necessary part of the teaching/learning experience, employees must exercise caution to ensure that the contact is appropriate and acceptable. Employees must always advise the student of what they intend doing and seek their consent.

- Employees must not develop a relationship with any student that is, or that can be interpreted as having a personal rather than a professional interest in a student.
- Employees must not have a romantic or sexual relationship with a student.

This commitment is evidence of the AITC's fulfilment of the requirements of Schedule 1 s.2(2).

Recruitment, Selection, Training and Management Procedures

AITC is committed to recruiting, selecting, training and managing employees in such a way that limits risks to students. The College's Recruitment and Selection Policy, Learning and Development Policy, Performance Review Policy, and Employment Agreements are evidence of fulfilment of the requirements of Schedule 1 s.2(3).

Handling Disclosures or Suspicions of Harm

Any of the types of concerns or reports below should be reported and managed under the *AITC Child Protection Policy and Guidelines*, as follows:

- all staff with concerns about sexual abuse or likely sexual abuse
- teachers with concerns of sexual or physical abuse
- all staff who have received a report of inappropriate behaviour by another staff member.

To report any type of harm, all staff members should use the Report of Suspected Harm or Sexual Abuse Form in Appendix 2 of this document.

Furthermore, and in accordance with section 76 of the *Education (Queensland College of Teachers) Act 2005*, the Principal will report to the Queensland College of Teachers any investigations into allegations of harm caused, or likely to be caused, to a student because of the conduct of a relevant teacher at the school.

Any report under this section or the AITC Child Protection Policy will fulfil the reporting obligations of all adults under the *Criminal Code Act 1899*.

This commitment is evidence of AITC's fulfilment of the requirements of Schedule 1 s.2(4).

Managing Breaches of this Child Risk Management Strategy

AITC is committed to appropriately managing breaches of this Child Risk Management Strategy in accordance with its other relevant policies as appropriate in the circumstances, such as its Child Protection Policy, Employee Code of Conduct, Complaints Handling Policy and Procedures and relevant Employment Agreements and this is evidence of fulfilment of the requirements of Schedule 1 s.2(5).

Implementing and Reviewing the Child Risk Management Strategy

This Strategy in its entirety and its related policies and procedures are evidence of fulfilment of the requirements of Schedule 1 s.2(6)(a) relating to implementation.

The introduction to this Child Risk Management Strategy and the "Compliance and Monitoring" section below state AITC's commitment to reviewing the Strategy annually and are evidence of fulfilment of the requirements of Schedule 1 s.2(6)(a) relating to review.

Blue Card Policies and Procedures

AITC's Recruitment and Selection Policy and Blue Card Register and related validation processes for working with children authority are evidence of fulfilment of the requirements of Schedule 1 s.2(6)(b).

High Risk Management Plans

AITC is committed to identifying risks, assessing risks, eliminating and minimising risks and the monitoring of risk to the safety of students on an ongoing basis. The AITC's Risk Management Framework and Risk Management Policy is evidence of fulfilment of the requirements of Schedule 1 s.2(7).

Strategies of Communication and Support

AITC's commitment to making this Child Risk Management Strategy available to young people, parents and employees via its website, in the enrolment package, in the Parent Lounge and Student Café, and to employees through the College Resource Centre (intranet), is evidence of fulfilment of the requirements of Schedule 1 s.2(8)(a).

AITC is committed to training employees in relation to risks to students and will conduct this training regularly via annual formal training events, informal updates at staff meetings and regular discussions between managers and their staff, and this is evidence of fulfilment of the requirements of Schedule 1 s.2(8)(b).

Responsibilities

AITC is responsible for developing and implementing this Child Risk Management Strategy and related policies and procedures to ensure it fulfils its obligations.

All employees at AITC are responsible for acting in compliance with this Child Risk Management Strategy and related policies and procedures.

Compliance and Monitoring

AITC is committed to the annual review of this Strategy. AITC will also record, monitor and report to the AITC Board, the Executive Team and others as appropriate regarding any breaches of the Strategy.

In addition, AITC is committed to other various compliance and monitoring arrangements made under relevant policies and procedures.

Related Documents

- Recruitment and Selection Policy (including Blue Card)
- Blue Card Register
- Child Protection Policy
- Child Protection Procedures
- Complaints Handling Policy
- Complaints Handling Procedures
- Employee Code of Conduct
- Learning and Development Policy
- Performance Review Policy
- Recruitment and Selection Policy



- Risk Management Framework
- Risk Management Policy



Appendix 1 - Summary of Reporting Harm

Who	What abuse	Test	Report to	Legislation
All staff	Sexual	Awareness or a suspicion Sexually abused or likely to be sexually abused	Principal and CEO/Executive Principal, the Board Chair or any director of the College's governing body through to police	EGPA sections 366 and 366A
Teacher	Sexual and physical	Significant harm, and Parent may not be willing and able	Confer with Principal and CEO/Executive Principal, report to Child Safety	CPA sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm, and Parent may not be willing and able	Principal and CEO/Executive Principal, through to Child Safety	Accreditation Regulations section 16
All staff	Any	Not a level that is otherwise reportable to Child Safety, refer with consent	Principal and CEO/Executive Principal, through to Family and Child Connect	CPA Sections 13B and 159M
Principal	Any	Not a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA Sections 13B and 159M
Employing authority (Principal/Board)	Harm or likely harm due to the conduct of a teacher	When you start to deal with an allegation; and When you finish dealing with an allegation	Queensland College of Teachers	QCT sections 76 and 77
Any member of the public	Any	Significant harm, and Parent may not be willing and able	Child Safety	CPA section 13A
Any adult	A child sexual offence against a child by another adult	Applies to an adult if a. the adult gains information that causes the adult to believe on reasonable grounds, or ought reasonably to cause the adult to believe, that a sexual offence is being or has been committed by another adult; and, b. at the relevant time, the child is or was (i) under 16 years; or (ii) a person with an impairment of the mind.	Police	Criminal Code Section 229BC

Appendix 2 – Reporting Form

Private and Confidential

Report of Suspected Harm or Sexual Abuse

Date:
School: AUSTRALIAN INDUSTRY TRADE COLLEGE
Campus:
School Phone:
School Email:

DETAILS OF STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Preferred Name:
DOB:	Gender:
Year Level:	Cultural Background:
Primary language spoken:	
Aboriginal <input type="checkbox"/> Torres Strait Islander <input type="checkbox"/> Aboriginal and Torres Strait Islander <input type="checkbox"/>	
Does the student have a disability verified under EAP: Yes <input type="checkbox"/> No <input type="checkbox"/>	Disability Category:
Student's Residential Address:	Phone:
	Student's Personal Mobile:

FAMILY DETAILS		
Parent/caregiver 1:	Relationship to Student:	
Address (if different from student):		
Phone: (H):	(W):	(M):
Parent/caregiver 2:	Relationship to Student:	
Address (if different from student):		
Phone: (H):	(W):	(M):
Is the student in out of home care? Yes <input type="checkbox"/> No <input type="checkbox"/>		
Are there any Family Court or Domestic Violence orders in place? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>		

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE

- Adult family member
 Child family member
 Other adult
 Student/other child
 Unknown

PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).

Details of any harm and/or sexual abuse to the student – please include: Time and date of the incident; location of the incident, source of information; details of person alleged to have caused the harm or sexual abuse; physical appearance of any injury; immediate and ongoing safety concerns; any disclosures made by student; any previous incidents of harm; behavioural indicators of harm; presence of any medical needs or developmental delays; and if the information relates to an unborn child, the alleged risk to the unborn child.

Please indicate the identity and particulars of anyone else who may have information about the harm or abuse

Additional information provided as an attachment YES NO

Name of staff member making report if not the Principal:

Position:	Signature:	Date:
Principal:	Signature:	Date:

Principal's email address:

Response requested by school:

ACTION TAKEN

Form was emailed to (please tick which agencies the form was sent to):	<input type="checkbox"/>	Queensland Police Services (QPS)
	<input type="checkbox"/>	Department of Children, Youth Justice and Multicultural Affairs (Child Safety Services)
	<input type="checkbox"/>	Family and Child Connect
	<input type="checkbox"/>	Queensland College of Teachers

(Form has been adapted by ISQ from EQ SP-4 Report of Suspected Harm or Risk of Harm)

Confirm receipt of emailed form and ensure original is stored in a secure location along with any other documentation collected for the purpose of this report.

To support their decision making, staff are encouraged to use [Child Safety's Online Child Protection Guide](#)

<https://www.cyjma.qld.gov.au/about-us/partners/child-family/our-government-partners/queensland-child-protection-guide>

Useful Contacts

Campus	Qld College of Teachers	Local Police	Youth Justice
Robina	07 3377 4777	<ul style="list-style-type: none">Broadbeach 07 5581 2800Burleigh Heads 07 5535 1171	<ul style="list-style-type: none">Gold Coast Youth Justice Centre 07 5675 4200
Redlands	07 3377 4777	<ul style="list-style-type: none">Cleveland 07 3824 9333	<ul style="list-style-type: none">Redlands Youth Justice Centre 07 3884 3200
Sunshine Coast	07 3377 4777	<ul style="list-style-type: none">Maroochydore 07 5475 2444Sunshine Plaza Police Beat Shopfront 07 5459 8070	<ul style="list-style-type: none">Sunshine Coast/North Coast Youth Justice Centre 07 5376 9800
Toowoomba	07 3377 4777	<ul style="list-style-type: none">Toowoomba Station 07 4631 6333Toowoomba Police Beat Shopfront 07 4699 4030Toowoomba East Neighbourhood Police Beat 07 4631 6915	<ul style="list-style-type: none">Toowoomba and South West Youth Justice Centre 07 4614 9200
Ipswich	07 3377 4777	<ul style="list-style-type: none">Ipswich Police Station 07 3437 2777	<ul style="list-style-type: none">Ipswich Youth Justice Centre 07 3432 1900
Brisbane	07 3377 4777	<ul style="list-style-type: none">Roma Street Police Station 13 14 44	<ul style="list-style-type: none">Brisbane North Youth Justice Centre 07 3097 1300

I am the Principal or Board Director of a school.



Child Protection Decision Tree

FOR PRINCIPALS AND BOARD DIRECTORS

During the course of my engagement, I have become aware (complete the school report form), or I have received a report from a staff member or volunteer, that there is a reasonable suspicion that a child has been harmed or is likely to be harmed.

A child is being sexually abused or is likely to be sexually abused, or is the victim of a child sexual offence.
EGPA s366 & 366A; Criminal Code s229BC

NO

YES

A child is being harmed due to physical, psychological or emotional abuse or neglect, or that a child is likely to be harmed in such a way.
CPA s13E; and Accreditation Regulation s16(2)(a)



Immediately report to police and give a copy to the school's governing body.

SIGNIFICANT HARM TEST FULFILLED?
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.
Use the Online Child Protection Guide

Check if a report also needs to be made to Child Safety under the CPA.

YES

NO

PARENT TEST FULFILLED?
The child may not have a parent, willing and able, to protect them from harm.
Use the Online Child Protection Guide



Principal may refer to FaCC with or without consent under the CPA.

IS THE HARM BEING CAUSED BY A TEACHER?
If so, you have additional notification obligations under the OCT Act.

YES

NO



Report to Child Safety as soon as reasonably practical.
CPA; and/or school policy

CPA: Child Protection Act 1999
EGPA: Education (General Provisions) Act 2006
FaCC: Family and Child Connect
QCT: Education (Queensland College of Teachers) Act 2005
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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Child Protection

SUMMARY OF REPORTING HARM

WHO	ABUSE TYPE	TEST	REPORT TO	LEGISLATION
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal or Board, through to Police immediately	EGPA, sections 366 and 366A
Teacher	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm; and Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm; and Parent may not be willing and able	Child Safety	CPA, section 13A
Any adult*	A child sexual offence against a child by another adult	Reasonable belief and, at the relevant time, the child is or was: – under 16 years; or – a person with an impairment of the mind	Police	Criminal Code section 229BC
Employing authorities (Principal/Board)	Harm or likely harm due to the conduct of a teacher	When you start dealing with an allegation; and When you finish dealing with an allegation	Queensland College of Teachers	QCT, sections 76 and 77

* This obligation is fulfilled if the adult has already reported the information under any of the previous provisions, or believes on reasonable grounds that another person has done or will do so.

OTHER RESOURCES TO SUPPORT YOUR DECISION MAKING

- [Online Child Protection Guide](#)
- [Traffic Light Resource for sexual behaviour in children and young people](#)
- [eSafety Commissioner – Toolkit for Schools](#)
- [Be You](#)
- [Headspace Schools](#)
- [National Association for Prevention of Child abuse and Neglect \(NAPCAN\)](#)
- [Queensland Family & Child Commission](#)
- [National Principles for Child Safe Organisations](#)

FURTHER INFORMATION

School Services
07 3228 1593 | office@isq.qld.edu.au

I am a teacher* at a school.



Child Protection Decision Tree FOR TEACHERS

During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

Complete the school report form

A child is being sexually abused or is likely to be sexually abused or is the victim of a child sexual offence.
EGPA s366 & 366A; Criminal Code s229BC

NO

YES



A child is being harmed due to physical, psychological or emotional abuse or neglect, or a child is likely to be harmed in such a way.
CPA s13E; and Accreditation Regulation s16(2)(a)

Report to the Principal or a Director of the school's governing body **immediately**.
The Principal or a Director of the school's governing body will report this to the police **immediately**.

SIGNIFICANT HARM TEST FULFILLED?
The child has suffered, is suffering, or is at an unacceptable risk of suffering, significant harm.

Check if a report also needs to be made to Child Safety under the CPA.

YES

NO

PARENT TEST FULFILLED?
The child may not have a parent, willing and able, to protect them from harm.



Principal may refer to FaCC with or without consent under the CPA.

YES

NO

SIGNIFICANT HARM/PARENT TEST
You can confer with your Principal when applying these tests and use the *Online Child Protection Guide*.



Report to Child Safety as soon as reasonably practical.
CPA and/or school policy

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

CPA: *Child Protection Act 1999*
EGPA: *Education (General Provisions) Act 2006*
FaCC: Family and Child Connect
QCT: *Education (Queensland College of Teachers) Act 2005*
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

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Child Protection

SUMMARY OF REPORTING HARM

WHO	ABUSE TYPE	TEST	REPORT TO	LEGISLATION
All staff	Sexual	Awareness or a reasonable suspicion Sexually abused or likely to be sexually abused	Principal or Board, through to Police immediately	EGPA, sections 366 and 366A
Teacher	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm; and Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
Principal	Any	Not of a level that is otherwise reportable to Child Safety, refer without consent	Family and Child Connect	CPA, sections 13B and 159M
Any member of the public	Any	Significant harm; and Parent may not be willing and able	Child Safety	CPA, section 13A
Any adult*	A child sexual offence against a child by another adult	Reasonable belief and, at the relevant time, the child is or was: – under 16 years; or – a person with an impairment of the mind	Police	Criminal Code section 229BC
Employing authorities (Principal/Board)	Harm or likely harm due to the conduct of a teacher	When you start dealing with an allegation; and When you finish dealing with an allegation	Queensland College of Teachers	QCT, sections 76 and 77

* This obligation is fulfilled if the adult has already reported the information under any of the previous provisions, or believes on reasonable grounds that another person has done or will do so.

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FURTHER INFORMATION

School Services
07 3228 1593 | office@isq.qld.edu.au

I am a staff member at a school, other than a teacher*.



During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

A student is being harmed, or is likely to be harmed due to:

- Sexual abuse
- Physical abuse
- Psychological/emotional abuse
- Neglect.

Or is the victim of a child sexual offence.

EGPA s366 & 366A; Criminal Code s229BC; CPA s13E; and Accreditation Regulation s16(2)(a)

Complete the school report form



Immediately give the report to the Principal or a Director of the school's governing body.

If the report relates to sexual abuse or likely sexual abuse the Principal or a Director of the school's governing body will report this to the police immediately under the EGPA

They will also assess if a report to Child Safety or a referral to FaCC is required, as soon as is reasonably practicable, under the CPA and/or School Policy

Child Protection Decision Tree

FOR
NON-TEACHING
STAFF

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

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EGPA: *Education (General Provisions) Act 2006*
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INDEPENDENT SCHOOLS QUEENSLAND

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Child Protection

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Teacher	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
All staff	Physical, psychological, emotional, neglect, exploitation	Significant harm; and Parent may not be willing and able	Principal, through to Child Safety	Accreditation Regulations, section 16
All staff	Any	Not of a level that is otherwise reportable to Child Safety, refer with consent	Principal, through to Family and Child Connect	CPA, sections 13B and 159M
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Any member of the public	Any	Significant harm; and Parent may not be willing and able	Child Safety	CPA, section 13A
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- [National Principles for Child Safe Organisations](#)

FURTHER INFORMATION

School Services
07 3228 1593 | office@isq.qld.edu.au

I am a volunteer at a school.



During the course of my engagement I have become aware or formed a reasonable suspicion that a child has been harmed or is likely to be harmed.

A child is being harmed, or is likely to be harmed due to:

Sexual abuse
Physical abuse
Psychological/emotional abuse
Neglect.

Or is the victim of a child sexual offence.

*EGPA s366 & 366A; Criminal Code s229BC;
CPA s13E; and Accreditation Regulation s16(2)(a)*

Complete the school report form



Immediately give the report to the Principal, a Director of the school's governing body or another school staff member.

If the report relates to sexual abuse or likely sexual abuse the Principal or a Director of the school's governing body will report this to the police immediately under the EGPA.

They will also assess if a report to Child Safety or a referral to a support service is required, as soon as is reasonably practicable, under the CPA and/or School Policy.

Child Protection Decision Tree FOR VOLUNTEERS

CPA: *Child Protection Act 1999*
EGPA: *Education (General Provisions) Act 2006*
FaCC: Family and Child Connect
QCT: *Education (Queensland College of Teachers) Act 2005*
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Teacher	Sexual and physical	Significant harm; and Parent may not be willing and able	Confer with Principal, report to Child Safety	CPA, sections 13E and 13G
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FURTHER INFORMATION

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Child Protection – Reporting by Legislation

Includes Criminal Code amendments in force from the 5th July 2021

Legislation	If	Then	Offence
Reporting of sexual abuse or likely sexual abuse under sections 366 and 366A of the <i>Education (General Provisions) Act 2006</i>	<ul style="list-style-type: none"> You are a school staff member, including a teacher; and You are aware or reasonably suspect that a student under 18 has been, or is likely to be, sexually abused by another person 	<ol style="list-style-type: none"> Complete the school’s reporting form Give the report to your principal immediately The principal will make a report to the Police <ul style="list-style-type: none"> ➤ As an alternative, the Act allows for giving your report to a Director of the Governing Body, who will forward it to the Police Keep appropriate records of your decisions and actions 	<p>Maximum penalty— 20 penalty units.</p> <p>(No penalty for likely sexual abuse)</p>
	<ul style="list-style-type: none"> You are a principal or a director of the Governing Body; and A staff member, including a teacher, reports a concern that a student under 18 has been, or is likely to be, sexually abused by another person 	<ol style="list-style-type: none"> Receive the school’s reporting form Make a report to the Police <u>immediately</u> Keep appropriate records of your decisions and actions 	<p>Maximum penalty— 20 penalty units.</p> <p>(No penalty for likely sexual abuse)</p>
	<ul style="list-style-type: none"> You are a principal; and You are the first person to be aware or reasonably suspect a student under 18 has been, or is likely to be, sexually abused by another person 	<ol style="list-style-type: none"> Complete the school’s reporting form Make a report to the Police <u>immediately</u> Give the Governing Body a copy of the report immediately Keep appropriate records of your decisions and actions 	<p>Maximum penalty— 20 penalty units.</p> <p>(No penalty for likely sexual abuse)</p>
Reporting of sexual and physical abuse under sections 13E and 13G of the <i>Child Protection Act 1999</i>	<ul style="list-style-type: none"> You are a teacher, nurse or early childhood education and care professional; and You have a “reportable suspicion”, i.e. a reasonable suspicion that a child— <ol style="list-style-type: none"> has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by sexual or physical abuse; and may not have a parent able and willing to protect the child from the harm 	<ol style="list-style-type: none"> Complete the school’s reporting form Confer with the principal regarding your concerns Work through the online Child Protection Guide with the principal Report to Child Safety Keep appropriate records of your decisions and actions 	<p>Nil</p> <p>s.13G(5) To remove any doubt, it is declared that a person does not commit an offence against this or another Act only because the person omits to do an act required under section 13E(3) or 13F(3) or this section.</p>

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Legislation	If	Then	Offence
	<ul style="list-style-type: none"> You are a principal; and A teacher confers with you regarding a reportable suspicion 	<ol style="list-style-type: none"> Confer with the teacher regarding their concerns Work through the online Child Protection Guide with the teacher Report to Child Safety Keep appropriate records of your decisions and actions 	Nil
Referral of a concern about harm under section 5A of the Child Protection Act 1999	<ul style="list-style-type: none"> You are a school staff member, including a teacher; and You have a concern about harm to a child, caused by any type of abuse, that does not reach the level of reporting to Child Safety 	<ol style="list-style-type: none"> Complete the school's reporting form Discuss your concerns with your principal Work through the online Child Protection Guide with the principal Principal may decide to: <ol style="list-style-type: none"> Offer support at the school level Seek parental consent to refer to Family and Child Connect (FCC) and then make the referral Refer a family to FCC without consent (a principal-only power) Keep appropriate records of your decisions and actions 	Nil
	<ul style="list-style-type: none"> You are a principal; and A staff member, including a teacher, reports a concern about harm to a child, caused by any type of abuse, that does not reach the level of reporting to Child Safety 	<ol style="list-style-type: none"> Receive the school's reporting form Work through the online Child Protection Guide with the staff member Decide to: <ol style="list-style-type: none"> Offer support at the school level Seek parental consent to refer to FCC and then make the referral Refer a family to FCC without consent (a principal-only power) Keep appropriate records of your decisions and actions 	Nil
Reporting of harm (other than sexual abuse) under section 16 of the Education (Accreditation of Non-State Schools) Regulations 2017	<ul style="list-style-type: none"> You are a staff member; and You are aware or reasonably suspect that a student has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by any type of abuse (see below); and You are aware or reasonably suspect that a student may not have a parent able and willing to protect the child from the harm 	<ol style="list-style-type: none"> Complete the school's reporting form Discuss your concerns with your principal Work through the online Child Protection Guide with the principal The principal will make a report to Child Safety Keep appropriate records of your decisions and actions 	Nil

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Legislation	If	Then	Offence
	<ul style="list-style-type: none"> ➤ Note, if the harm fits the EGPA or CPA processes identified above, follow that process/es as the priority 		
	<ul style="list-style-type: none"> • You are a principal; and • A staff member has reported a concern that a student has suffered, is suffering, or is at unacceptable risk of suffering, significant harm and the student that may not have a parent willing and able to protect them ➤ Note, if the harm fits the EGPA or CPA processes identified above, follow that process/es as the priority 	<ol style="list-style-type: none"> 1. Receive the school's reporting form 2. Work through the online Child Protection Guide with the staff member 3. Make a report to Child Safety 4. Keep appropriate records of your decisions and actions 	Nil
Reporting of inappropriate behaviour under section 16 of the Education (Accreditation of Non-State Schools) Regulations 2017	<ul style="list-style-type: none"> • You are a student; and • A staff member at the school has behaved in a way you consider is inappropriate 	<ol style="list-style-type: none"> 1. Report the behaviour to a stated staff member (in their Child Protection Policy schools must state at least 2 staff members to whom a student may report the behaviour) 	Nil
	<ul style="list-style-type: none"> • You are a staff member; and • A student has reported to you behaviour of another staff member that the student considers is inappropriate ➤ Note, if the inappropriate behaviour fits one of the types of harm identified above, follow that process as the priority 	<ol style="list-style-type: none"> 1. Complete the school's reporting form 2. Discuss the student's report with your principal 3. The principal will take appropriate action in the circumstances 4. Keep appropriate records of your decisions and actions 	Potential penalty under the Criminal Code 1899 s.229BB and 229BC
	<ul style="list-style-type: none"> • You are a principal; and • A staff member has reported to you a student's report of the inappropriate behaviour of another staff member ➤ Note, if the inappropriate behaviour fits one of the types of harm identified above, follow that process as the priority 	<ol style="list-style-type: none"> 1. Receive the school's reporting form 2. Interview the student reporting the behaviour 3. Interview the staff member named in the report as engaging in inappropriate behaviour 4. Interview any other person who may be able to provide useful information 5. Take appropriate action on the basis of your investigation 6. Keep appropriate records of your decisions and actions 	Potential penalty under the Criminal Code 1899 s.229BB and 229BC

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Legislation	If	Then	Offence
Reporting investigation of harm under section 76 and 77 of the Education (Queensland College of Teachers) Act 2005	<ul style="list-style-type: none"> You are a principal; and The school is investigating an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher 	<ol style="list-style-type: none"> As soon as practicable after the investigation starts, give notice to the Queensland College of Teachers The notice must include the following— <ol style="list-style-type: none"> the name of the principal; the name of the school; the name of the relevant teacher; the day the investigation started; and the allegation, particulars of the allegation and any other relevant information <p>➤ See the Employing Authority Guidelines for more information</p>	<p>Section 76</p> <p>Maximum penalty—40 penalty units.</p> <p>Section 77</p> <p>Maximum penalty—40 penalty units.</p>
Reporting belief of child sexual offence under section 229BC of the Criminal Code Act 1899	<ul style="list-style-type: none"> You are an adult; and You gain information that causes you to believe on reasonable grounds, or ought reasonably to cause you to believe, that a child sexual offence is being or has been committed against a child under 16 by an adult 	<p>Disclose the information to a police officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed; OR</p> <p>Report via your Child Protection policy.</p> <p>An adult has a reasonable excuse if— the adult has already reported the information under any of the following provisions, or believes on reasonable grounds that another person has done or will do so—</p> <ol style="list-style-type: none"> the <i>Child Protection Act 1999</i>, chapter 2, part 1AA; the <i>Education (General Provisions) Act 2006</i>, chapter 12, part 10 	<p>Maximum penalty—3 years imprisonment.</p> <p>(5) An adult who, in good faith, discloses information mentioned in subsection (1)(a) to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.</p>
Protecting a child from child sexual offence under section 229BB of the Criminal Code Act 1899	<ul style="list-style-type: none"> You are an accountable person; and you know there is a significant risk that another adult (the alleged offender) will commit a child sexual offence in relation to a child under 16; and The alleged offender is associated with an institution or a regulated volunteer; and the child is under the care, supervision or control of an institution; and You have the power or responsibility to reduce or remove the risk 	<ol style="list-style-type: none"> Take actions to reduce or remove the risk Keep appropriate records of your decisions and actions 	<p>Maximum penalty—5 years imprisonment.</p>

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Changes to the Criminal Code

As of 5th July 2021, the *Criminal Code Act 1899* (Qld) includes two new offences that increase personal liability in relation to child sexual abuse. These amendments are in response to the Royal Commission into Institutional Responses to Child Sexual Abuse and put the onus of protecting children on all members of the community. These changes are not specific to schools but apply to all adults. This factsheet explains the amendments and how they intersect with schools existing obligations.

- section 229BB **Failure to protect** child from child sexual offence
- section 229BC **Failure to report** belief of child sexual offence committed in relation to a child

Definitions

Child – is or was at the relevant time;

- (i) under 16 years; or
- (ii) a person with an impairment of the mind.

Child sexual offence means an offence of a sexual nature committed in relation to a child as outlined in Chapters 22 and 32 of the *Criminal Code Act 1899* (Qld).

Accountable person – means an adult who is associated with an institution, other than a regulated volunteer.

Relevant time, in relation to the child sexual offence, means the time that the adult—

- (a) believes to be the time of commission of the offence; or
- (b) ought reasonably to believe to be the time of commission of the offence.

Religious confession means a confession made by a person to a member of the clergy in the member's professional capacity according to the ritual of the member's church or religious denomination.

Institution means an entity, other than an individual, that—

- (a) provides services to children; or
- (b) operates a facility for, or engages in activities with, children under the entity's care, supervision or control.

Examples of institutions—schools, early childhood education and care services, religious organisations, sporting clubs, youth organisations.

An adult is **associated** with an institution if the adult—

- (a) owns, or is involved in the management or control of, the institution; or
- (b) is employed or engaged by the institution; or
- (c) works as a volunteer for the institution; or
- (d) engages in an activity in relation to the institution for which a working with children authority (Blue Card) is required; or
- (e) engages in the delivery of a service to a child who is under the care, supervision or control of the institution.

Failure to protect from child sexual offence

An accountable person who knows there is a significant risk that an adult associated with the institution will commit a child sexual offence; and who has the power or responsibility to reduce or remove the risk, is required to do so.

An accountable person must not wilfully or negligently fail to reduce or remove the risk to a child under the care, supervision or control of an institution.

It does not matter if the information was gained by the accountable person during, or in connection with, a religious confession.

Maximum penalty – five years imprisonment for Failure to protect from child sexual offence.

Failure to report child sexual offence

WHO HAS TO REPORT?

Any adult over the age of 18 years. This legislation applies to the whole community and does not apply to adults working in schools differently from any other adult in the community.

WHO DO YOU REPORT TO?

A police officer, as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed.

You can also report via your school Child Protection Policy to the principal, a director of the governing body and/or Child Safety.

WHAT ARE YOU REPORTING?

A child sexual offence.

- (a) the adult gains 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; and
- (b) at the relevant time, the child is or was—
 - (i) under 16 years; or
 - (ii) a person with an impairment of the mind.

It does not matter if the information was gained by the adult during, or in connection with, a religious confession.

Maximum penalty – three years imprisonment for failure to report belief of child sexual offence committed in relation to a child.

REASONS FOR NOT REPORTING

An adult has a reasonable excuse for not reporting if—

- (a) the information has already been disclosed to a police officer; or
- (b) the adult has already reported the information under the *Education (General Provisions) Act 2006*, chapter 12, part 10; or the *Child Protection Act 1999*, chapter 2, part 1AA (both of these reporting processes are covered under the school's Child Protection Policy); or
- (c) the adult gains the information after the child becomes an adult, and the adult reasonably believes the alleged victim does not want the information to be disclosed to a police officer; or
- (d) the adult reasonably believes disclosing the information to a police officer would endanger the safety of the adult or another person.

PROTECTION FROM LIABILITY

An adult who, in good faith, discloses information to a police officer is not liable civilly, criminally or under an administrative process for making the disclosure.

229BC – Differences from existing reporting obligations

The existing reporting obligations under the *Education (General Provisions) Act 2006* (EGPA) require all school staff to report sexual abuse or likely sexual abuse of a child under 18 years old at their school, immediately through the principal (or governing body) to the police.

The existing reporting obligations under the *Child Protection Act 1999* (CPA) requires mandatory reporters (including teachers) to report a child in need of protection as a result of sexual abuse to Child Safety.

These reporting processes are contained within the school's Child Protection Policy.

POINTS OF DIFFERENCE

Definitions

The definition of a child sexual offence under the Criminal Code differs from the definition of sexual abuse provided under section 364 of the EGPA. There is no definition of sexual abuse under the CPA. The EGPA definition is broader than those acts that are a criminal offence.

Age of a child

Unlike the EGPA and CPA, reporting under the Criminal Code only applies when the child is under 16 years. It applies if you believe the child is; or ought reasonably to believe they are under 16 at the time of the offence. It also applies to a person with an impairment of the mind.

Offender

The Criminal Code requires the alleged offender to be an adult to meet the reporting obligation. The EGPA and CPA are both silent on the age of the offender. It is not relevant to the reporting decision.

Who reports?

Reporting obligations under the Criminal Code apply to all adults regardless of their employment or involvement with a child-related institution. This means 18-year-old students and parents have the same reporting obligations as adult staff.

Who you report to?

The Criminal Code requires a report to be made to a police officer. Reporting obligations under the EGPA and CPA allow individuals to use the systems they work in to support them in the reporting process. These processes are outlined in the school's Child Protection Policy. The Criminal Code acknowledges these existing processes and therefore deems any report made under the EGPA or CPA as fulfilling the Criminal Code obligation.

MORE INFORMATION OR ADVICE

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