

# Child Protection Policy

*(This policy should be read in conjunction  
with the Child Risk Management Strategy)*

**SILVER LINING FOUNDATION AUSTRALIA LTD ('SLFA')**  
**SILVER LINING SCHOOL (MOOROOBOL): VERSION 3, JUNE 2023**

# Child Protection Policy

<b>Purpose:</b>	The purpose of this policy is to provide written processes about – (a) how the School will respond to harm, or allegations of harm, to students under 18 years of age; and (b) the appropriate conduct of the School's staff and students,  so as to comply with accreditation requirements.	
<b>Scope (policy applies to):</b>	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 SLFA and its Silver Lining School (the School).	
<b>Accreditation and Governance Requirements of the School:</b>	To attain and maintain accreditation, a School must implement written student welfare processes about the appropriate conduct of staff and students, how a student or person can submit a report of harm or inappropriate conduct by a staff member and how a School will respond to harm or allegations of harm to students. Processes for reporting must comply with sections 366 and 366A of the <a href="#">Education (General Provisions) Act 2006 (Qld)</a> and section 13E of the <a href="#">Child Protection Act 1999 (Qld)</a> . <sup>1</sup>  The Child Protection Policy is a <u>mandatory</u> policy required for School accreditation and legal purposes. Mandatory policies are those that the board is responsible for overseeing as part of their governance responsibilities; the policy should be reviewed annually.	
<b>Policy Status:</b>	Version 3 - Approved	Supersedes: Version 2
<b>Authorised by:</b>	SLFA School Governing Body	Date of Authorisation: June 2023
<b>References and Related Policies:</b>	<ul style="list-style-type: none"> <li>• <a href="#">Child Protection Act 1999 (Qld)</a></li> <li>• <a href="#">Child Protection Regulation 2011 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Act 2006 (Qld)</a></li> <li>• <a href="#">Education (General Provisions) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Act 2017 (Qld)</a></li> <li>• <a href="#">Education (Accreditation of Non-State Schools) Regulation 2017 (Qld)</a></li> <li>• <a href="#">Education (Queensland College of Teachers) Act 2005 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Act 2000 (Qld)</a></li> <li>• <a href="#">Working with Children (Risk Management and Screening) Regulations 2020 (Qld)</a></li> <li>• <a href="#">Criminal Code Act 1899 (Qld)</a></li> <li>• SLFA Complaints Handling Policy (and Procedure)</li> <li>• SLFA Child Risk Management Strategy (for the <i>Working with Children (Risk Management and Screening) Act 2000</i>)</li> <li>• Queensland College of Teachers ('QCT') <a href="#">Professional Boundaries: A Guideline for Queensland Teachers</a></li> <li>• QCT <a href="#">Code of Ethics for Teachers in Queensland</a></li> <li>• SLFA WHS Policy (for the <a href="#">Work Health and Safety Act 2011 (Qld)</a>)</li> <li>• Child Protection Report Form</li> </ul>	
<b>Review Date:</b>	Annually (or more often if required or in response to legislative changes).	Next Review Date: June 2024
<b>Policy Owner:</b>	SLFA School Governing Body (the Board of Directors).	

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

## Policy Review Records

Version Number	Date of Authorisation	Next Review Date	Date Reviewed	Review Outcome (if any)
1	April 2022	April 2023	January 2023	n/a
2	January 2023	January 2024	June 2023	n/a
3	June 2023	June 2024		Some amendments to text relating to Criminal Code reporting obligations; addition of ISQ Reporting Table Factsheet.

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## Policy Statement

SLFA and its School seeks to create a positive and supportive environment where staff, students, parents and carers are encouraged and feel they are able to raise concerns and make reports under this policy. The immediate and future wellbeing and welfare of children and young people must be the forefront for all concerns, enquiries and reports of harm. The policy does not intend to create a culture of suspicion or endorse the making of vexatious complaints.

SLFA and the School is dedicated to educating staff, students, parents and carers and ensuring that School policies are appropriately and practically implemented. SLFA and the School will ensure this policy and its procedures are reviewed on a regular basis to ensure that SLFA and the School effectively addresses and endorses the safety and wellbeing of students.

## Definitions

- **Section 9** of the *Child Protection Act 1999* (Qld) – **What is harm?**
  - (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.
  
- **Section 10** of the *Child Protection Act 1999* (Qld) – **Who is a child in need of protection?**

**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* (Qld) – **Definitions for the reporting of sexual abuse –**
  - ⇒ **Relevant Person** – see below in this policy at ‘Obligation to Report Sexual Abuse’ and ‘Obligation to Report Likely Sexual Abuse’ as to who is a relevant person.<sup>2</sup>
  
  - ⇒ **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

SLFA and the School 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 \(Qld\)](#).

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<sup>2</sup> ‘relevant person’ means a person mentioned in sections [366\(1\)\(a\) to \(c\)](#) or [366A\(1\)\(a\) to \(c\)](#) of the *Education (General Provisions) Act 2006* (Qld) (‘EGPA’).

## Responding to Reports of Harm

When the School receives any information alleging 'harm'<sup>3</sup> to a student (other than harm arising from physical or sexual abuse which must be reported immediately to Child Safety and/or police), it will deal with the situation compassionately and fairly so as to minimise any likely harm to the extent it reasonably can. This is set out in the School's *Child Risk Management Strategy*.

Information relating to how School staff must manage harm, or allegations of harm, including physical or sexual abuse matters, is set out under this policy under the headings:

- ['Obligation to Report Sexual Abuse'](#)
- ['Obligation to Report Likely Sexual Abuse'](#) and
- ['Mandatory Reporting of Physical and Sexual Abuse'](#).<sup>4</sup>

## Conduct of Staff and Students

All staff, contractors and volunteers (including people undertaking work experience or vocational placement at the School), must ensure that their behaviour towards and relationships with students must not be unlawful and must reflect proper standards of care for students. Staff, contractors, and volunteers (including people on work experience or vocational placements at the School) must not cause harm to students.<sup>5</sup>

All staff, contractors and volunteers must not engage in physical or emotional abuse or sexual conduct of any nature with a student. It is irrelevant whether the conduct is consensual or non-consensual, or whether the conduct is condoned by parents or carers/guardians. The age of the student is also irrelevant.

SLFA's *Code of Conduct (Staff)* sets out principles to be observed by all SLFA and School staff (and this includes volunteers, and people undertaking work experience or vocational placements at the School).

The Queensland College of Teachers (QCT) [Professional Boundaries: A Guideline for Queensland Teachers](#) document and the QCT [Code of Ethics for Teachers in Queensland](#) outlines the professional conduct and behaviour required of approved teachers in Queensland.<sup>6</sup> The QCT guidelines and ethics can be used to inform and guide all SLFA and School staff (i.e. staff who are not registered teachers), about appropriate teacher-student relationships.

Failure of staff (including volunteers, etc.) to behave in an appropriate manner towards students may result in criminal proceedings and/or disciplinary action, including dismissal.

## Reporting of Inappropriate Behaviour – who to tell / report to

If a student considers the behaviour of a staff member, contractor, volunteer, work experience or vocational placement person or another person to be inappropriate, the student should report the behaviour to the –

- School Principal – Nicole Reardon;
- Teacher – Kim Sandford;
- Education Support Worker – Tane Pollock;

<sup>3</sup> Child Protection Act 1999 (Qld) s 9 ('CPA'); Education (Accreditation of Non-State Schools) Regulation 2017 (Qld) reg 16(7) ('EANSSR').

<sup>4</sup> EANSSR reg 16(1), (2).

<sup>5</sup> EANSSR reg 16(1)(b).

<sup>6</sup> <http://www.qct.edu.au/standards-and-conduct/code-of-ethics>

- Indigenous Elder – David Hudson; or
- Another senior staff member<sup>7</sup> - Kristian Wale or Catrina Moller.

## How the School will Deal with a Report of Inappropriate Behaviour

A SLFA or School staff member (including work experience or vocational placement) or contractor, who receives a report of inappropriate behaviour *must* report it to the School Principal. Where the School Principal is the subject of the report of inappropriate behaviour, the staff member must inform a member of the School's governing body (i.e. the SLFA board of directors) by emailing the SLFA Board Chairman at [chairman@slfa.edu.au](mailto:chairman@slfa.edu.au).<sup>8</sup>

## Obligation to Report Sexual Abuse

**Section 366** of the *Education (General Provisions) Act 2006* (Qld) states that if a staff member of a Non-State School (the *first person*) becomes aware, or reasonably suspects, in the course of their employment at the School, that any of the following has been sexually abused by another person –

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

then the staff member must give a written report about the abuse, or suspected abuse, to the School Principal or to a Director of the School's governing body – immediately.<sup>9</sup>

Upon receiving a written report, the School Principal or the Director of the School's governing body must give a copy of the report they receive to a Police Officer – immediately.<sup>10</sup>

If the '*first person*' who becomes aware or reasonably suspects sexual abuse is the School Principal, the School 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 of the School's governing body immediately by emailing a copy of the written report to the Board Chair at [chairman@slfa.edu.au](mailto:chairman@slfa.edu.au)<sup>11</sup>

A report about sexual abuse under section 366 must include the following details:

- 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; and
- e) any of the following information of which the first person is aware of –
  - (i) the student's age;
  - (ii) the identity of the person(s) 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>12</sup>

<sup>7</sup> EANSSR regs 16(2)(a) and 16(3).

<sup>8</sup> EANSSR reg 16(1)(a), (2)(b).

<sup>9</sup> EGPA s 366(1)–(2).

<sup>10</sup> EGPA s 366(4).

<sup>11</sup> EGPA s 366(2A)–(2B).

<sup>12</sup> EGPA s 366(2)(b), (2A)(b), (3); Education (General Provisions) Regulation 2017 (Qld) reg 68(a)–(e) ('EGPR'); EANSSR reg 16(2)(c)(i).

## Obligation to Report *Likely Sexual Abuse*

**Section 366A** of the *Education (General Provisions) Act 2006* (Qld) states that if a staff member of a Non-State School (the *first person*) reasonably suspects, in the course of their employment at the School, that any of the following is likely to be sexually abused by another person –

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

then the staff member must give a written report about their suspicion to the School Principal or to a Director of the School's governing body – immediately.<sup>13</sup>

Upon receiving a written report, the School Principal or the Director of the School's governing body must give a copy of the written report to a Police Officer – immediately.<sup>14</sup>

If the '*first person*' who reasonably suspects likely sexual abuse is the School Principal, the School Principal must give a written report about the suspicion to a Police Officer immediately and must also give a copy of the written report to a Director of the School's governing body immediately by emailing a copy of the written report to the Board Chair at [chairman@slfa.edu.au](mailto:chairman@slfa.edu.au).<sup>15</sup>

A report about *likely sexual abuse* under section 366A must include the following details:

- 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 of –
  - (i) the student's age;
  - (ii) the identity of the person(s) 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>16</sup>

## Mandatory Reporting of Physical and Sexual Abuse

Under **section 13E(3)** of the *Child Protection Act 1999* (Qld), if a doctor, a registered nurse, a teacher or an early education and care professional and other '*relevant persons*'<sup>17</sup> listed under section 13E(1) of the *Child Protection Act 1999* (Qld) forms a '**reportable suspicion**'<sup>18</sup> about a child in the course of their engagement in their profession, they must make a written report and submit it to the Chief Executive of the [Department of Children, Youth Justice and Multicultural Affairs](#) ('CYJMA').<sup>19</sup>

Under section 13E mandatory reporting requirement, a '**reportable suspicion**' about a child is a reasonable suspicion that the child –

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<sup>13</sup> EGPA s 366A(1)–(2).

<sup>14</sup> EGPA s 366A(6).

<sup>15</sup> EGPA s 366A(3)(a), (4).

<sup>16</sup> EGPR reg 69(a)–(d); EGPA s 366A(2)(b), (3)(b), (5); EANSSR reg 16(2)(c)(ii).

<sup>17</sup> CPA s 13E(1).

<sup>18</sup> CPA s 13E(2).

<sup>19</sup> CPA ss 13E (3), 13G; EANSSR reg 16 (2)(d).



- 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.<sup>20</sup>

The relevant person (i.e. a registered School teacher) must give a written report to the Chief Executive of the [Department of Children, Youth Justice and Multicultural Affairs](#) (often referred to as 'Child Safety Services').<sup>21</sup> A copy of the written report must also be given to the School Principal.

(Note: a report may also be provided to another department administering the Child Protection Act 1999).

A report under this section must include the following details:

- a) the basis on which the person has formed the reportable suspicion;<sup>22</sup>
- b) the student's name and sex;
- c) the student's age;
- d) details of how to contact the student;
- e) details of the harm to which the reportable suspicion relates;
- f) particulars of the identity of the person(s) 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>23</sup>

## How to make a Report

See the end of this policy document under the heading '[Contact Details for Reporting](#)' for guidance on and options for submitting a report. Basically, a report can be submitted by using the School's [Child Protection Report](#) form or if you are a 'professional' listed under section 13E(1) of the *Child Protection Act 1999* (Qld) (see above), you can submit a report online to [Child Safety Services](#) at <https://secure.communities.qld.gov.au/cbir/ChildSafety#section-csr>

## Responsibilities under the *Criminal Code Act 1899* (Qld)

The *Criminal Code Act 1899* (Qld) (the 'Code') includes two offences that relate to the failure to report a child sexual offence and the failure to protect a child against a child sexual offence.<sup>24</sup> A child sexual offence is an offence of a sexual nature by an adult against a child under 16 years of age or a person with an impairment of the mind.<sup>25</sup>

### **Failure to Report**

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.<sup>26</sup> Failure to make a report, without reasonable excuse, is a criminal offence.<sup>27</sup> A reasonable excuse not to make a report under the Code includes that a report has already been made under the *Education (General Provisions) Act 2006* (Qld) (reporting of sexual abuse of likely sexual abuse) and the *Child Protection Act 1999* (Qld) (reporting significant harm or risk of significant harm) as per this policy.<sup>28</sup>

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<sup>20</sup> CPA s 13E(2).

<sup>21</sup> CPA s 13E(3), 13G; <https://www.csyw.qld.gov.au/childsafety/child-safety-practice-manual/introduction/department-child-safety-youth-women>

<sup>22</sup> CPA s 13G(2)(a).

<sup>23</sup> CPA s 13G(2); Child Protection Regulation 2011 (Qld) reg 10(a)-(f) ('CPR').

<sup>24</sup> Criminal Code Act 1899 (Qld) ('CCA') ss 229BB, 229BC.

<sup>25</sup> CCA, Schedule 1, [Chapter 22](#), s 207A and [Chapter 32](#).

<sup>26</sup> CCA s 229BC(1).

<sup>27</sup> CCA s 229BC(2).

<sup>28</sup> CCA s 229BC(4).

### **Failure to Protect**

Under section 229BB of the Code, an adult in a position of power or responsibility within an institution (e.g. SLFA and School employees, volunteers, persons undertaking work experience or student placement at the School, contractors or other persons engaging in child related activities with the School, SLFA Board of Directors and any other adult involved in the management or control of the School), will be held to have committed a crime if the adult:

- (a) knows there is a significant risk that another adult (the *alleged offender*) will commit a child sexual offence in relation to a child; and
- (b) the alleged offender is associated with an institution or is a regulated volunteer; and
- (c) the child is under the care, supervision or control of an institution; and
- (d) the child is either – under 16 years of age or a person with an impairment of the mind; and
- (e) the adult has the power or responsibility to reduce or remove the risk (of another adult committing a child sexual offence in relation to a child); and
- (f) the adult wilfully or negligently fails to reduce or remove the risk (of another adult committing a child sexual offence in relation to a child).

A failure to protect is a criminal offence.<sup>29</sup>

### **Types and Examples of Abuse**

(Note: the following is not an exhaustive list of examples. The Department of Children, Youth Justice and Multicultural Affairs provides a more comprehensive list of examples and relevant information in their booklet '[Child Abuse: What you need to know](#)'.<sup>30</sup>

#### **Physical Abuse**

Examples of physical abuse include hitting, shaking, throwing, burning, biting, poisoning, drowning, using a weapon to inflict punishment. Physical abuse does not always leave visible marks or injuries. It is not how bad the mark or injury is, but rather the act itself that causes the injury or trauma to the child.

#### **Neglect**

Neglect occurs when a child's basic necessities of life are not met, and their health and development are affected. Examples of neglect include providing unhygienic or unsafe housing, failing to seek medical treatment when required, insufficient supervision, providing insufficient food, clothing or bedding. It can also include failing to act protectively in response to another person's actions (e.g. allowing a convicted child sex offender to have unsupervised contact with the child).

#### **Sexual Abuse**

Sexual abuse can be physical, verbal or emotional in nature. It can include non-contact and contact activities. Examples include kissing, holding or otherwise touching a child in a sexual manner, exposing a sexual body part to a child, having sexual relations with a child under 16 years of age, using sexually explicit language which is not age or developmentally appropriate when communicating with a child, penetration of the vagina or anus by penis, finger or any other object, oral sex, rape, incest, having a child pose or perform in a sexual manner, forcing a child to watch a sexual act or pornographic material or child prostitution. Sexual abuse may also be suspected based on a child displaying sexualised behaviour which is considered outside the range of age-appropriate sexualised behaviours.

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<sup>29</sup> CCA s 229BB(1).

<sup>30</sup> <https://secure.communities.qld.gov.au/cbir/PrescribedEntityChildSafetyReport>;  
<https://www.csyw.qld.gov.au/child-family/protecting-children/resources-publications> (as at 16 April 2021)

## ***Emotional/Psychological Abuse***

Examples of emotional/psychological abuse include rejection, hostility, and teasing/bullying, yelling criticism, exposure to domestic and family violence. Emotional abuse occurs when a child's social, emotional, cognitive or intellectual development is impaired or threatened.

## **Signs of Harm or Risk of Harm**

Harm can be physical, emotional and/or psychological. Examples of harm that can have a detrimental effect of a significant nature on a child's physical, psychological or emotional wellbeing may include internal injuries, burns or welts, fractures or broken bones, death, learning and developmental delays, neurological changes in a developing brain, fear, anxiety, depression, suicidal ideations, hyper vigilance, and disorganised attachment. Significant harm can also be in consequence of a pattern of harmful events and experiences that may have occurred in the past or are ongoing. When this occurs, it is considered to be cumulative harm.

There are some presenting behaviours or appearance concerns which may be linked to abuse. Examples include: showing wariness and distrust, rocking, sucking or biting, bedwetting or soiling, demanding or aggressive behaviour, sleeping difficulties including often being tired and falling asleep, withdrawing from normal activities, low self-esteem, self-harming, suicidal thoughts and attempts, having unexplained bruising, being vague about an injury, being overly obedient, being reluctant or fearful to go home, creating stories, poems or artwork about abuse, begging, stealing, hoarding, having matted hair, dirty skin, strong body odour, frequent illness, infections or sores and presenting as underweight or malnourished.<sup>31</sup>

## **Bullying, Discrimination and Sexual Harassment**

SLFA has a responsibility to take reasonable steps to promote a learning environment for students that is free from bullying, discrimination and sexual harassment. Concerns relating to these matters are addressed under each relevant policy and procedure:

- *Behaviour Management and Restorative Justice Procedures*
- *Disability Discrimination (Students) Policy*
- *Staff Code of Conduct Policy*

SLFA and the School recognises that bullying, discrimination and sexual harassment may amount to 'harm' to a student, If harm is reasonably suspected, it must be managed, without exception, in accordance with the School's *Child Protection Policy* and the procedures for reporting harm. Likewise, if sexual abuse or likely sexual abuse is reasonably suspected, it must be managed without exception in accordance with the School's *Child Protection Policy*.

## **Support**

The School has a responsibility to offer a supportive environment for all students. The School will seek to provide appropriate support to a student who has been harmed or is at risk of harm or has been the subject of inappropriate behaviour. Appropriate support will also be provided to the student's parents / carers.

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<sup>31</sup> <https://secure.communities.qld.gov.au/cbir/PrescribedEntityChildSafetyReport>

## Confidentiality

Each person who has access to information covered by this policy must observe appropriate confidentiality. The School is unable to guarantee absolute confidentiality as it is bound by certain legislative requirements and other School policies to disclose, internally and externally, certain details involved in responding to complaints. External authorities such as the Police and Child Safety Services can compel a person to provide information and give evidence about actions taken under this policy and produce any relevant documents.

## Policy Awareness

The School will inform staff, students and parents/carers of its processes relating to the health, safety, child protection and conduct of staff and students in communications to them through avenues such as staff inductions, ongoing training, regular discussions with students and publication of policy and processes on the School website – <http://www.silverlining.org.au/>.<sup>32</sup> A copy of this policy and the *Child Risk Management Strategy* will be made available to new staff and volunteers on commencement and/or induction. Reference to and discussion of the *Child Protection Policy* will occur regularly in staff meetings.

## Training

The School will train staff in processes relating to the health, safety, child protection and conduct of staff and students on their induction and will refresh training annually.<sup>33</sup> Staff will have other training opportunities such as access to Independent Schools Queensland's '[Connect & learn](#)' online Child Protection Training courses. Staff will regularly discuss child protection policy and procedures at staff meetings and records of staff participation will be kept.

## Implementing the Child Protection Policy

The School will ensure it is implementing processes relating to the health, safety, child protection and conduct of staff and students by reviewing compliance with the processes annually.<sup>34</sup>

## Accessibility of Processes

Processes relating to the health, safety, child protection and conduct of staff and students are accessible from the School office and/or staff room (in a policy folder), SLFA's internal SharePoint system, the School's Principal and the SFLA website – <http://www.silverlining.org.au/>.<sup>35</sup>

## Record Keeping

The School will maintain confidential records of all matters raised and dealt with under this policy. The School's *Privacy Policy* sets out how the School manages personal information provided to or collected by the School as required under the *Privacy Act 1988* (Cth).

## Liability and Defamation Protection

A person acting reasonably, honestly and in good faith with by providing or sharing information to a person such as (but not limited to) the School Principal, relevant School staff, SLFA Board Directors, Child Safety Services or Police, will be protected from liability for giving information and will not be held liable for defamation in a report that is made in good faith, when acting in accordance with their

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<sup>32</sup> EANSSR reg 16(4)(a).

<sup>33</sup> EANSSR reg 16(4)(c).

<sup>34</sup> EANSSR reg 16(4)(d).

<sup>35</sup> EANSSR reg 16(4)(b).

reporting obligations under the *Child Protection Act 1999* (Qld) and other interacting laws (such as the *Education (General Provisions) Act 2006* (Qld)).<sup>36</sup>

## Insurer

The SLFA will keep its insurer informed about circumstances which may give rise to a claim under its insurance policies.

## Complaints Procedure

Suggestions of non-compliance with the School's processes in relation to the management of child protection matters which are dealt with under the *Child Protection Policy* may be submitted as a complaint under the School's *Complaints Handling Policy*.<sup>37</sup>

Note: Reporting under this policy fulfils the obligations for reporting a child sexual offence that is being or has been committed against a child by an adult under the *Criminal Code Act 1899* (Qld) section 229BC.<sup>38</sup>

## Guides for Decision Making and a Reporting Table Factsheet

**ISQ 'Decision Support Trees'** - The following pages of this policy provides various 'flowcharts' ('*decision-making trees*') based on someone's role with SLFA and the School. The flowcharts may assist with the decision-making process for reporting. Staff and volunteers should refer to the flowchart applicable to their role.

**Reporting Table Factsheet** - The [Reporting Table Factsheet](#) below in this policy summarises the who, what, when, how, why to report.

**Guides** - The Queensland Government's Department of Children, Youth Justice and Multicultural Affairs provides the [Child protection guide](#), a web-based decision support tool that can assist professionals to report concerns to the appropriate statutory agency or refer children and their families to a family support service. A detailed procedure, cultural notes and glossary is contained in the [Child protection guide procedures manual](#).<sup>39</sup>

School staff with a concern about the welfare of a student that **does not meet the threshold required to report** to Department of Children, Youth Justice and Multicultural Affairs may contact **Family and Child Connect (FaCC)** to facilitate a referral of the family to an external agency for assistance. This is also the case if it is considered that a child is *likely* to become in need of protection and if the School considers preventative support should be provided to the child or the child's family.

Staff should ask the School Principal if they are unsure which 'decision-making tree' applies to them or discuss any other concerns or questions they may have about reporting and child protection except in cases where the concern relates to the Principal, in which case they should speak with the School's governing body or simply contact.

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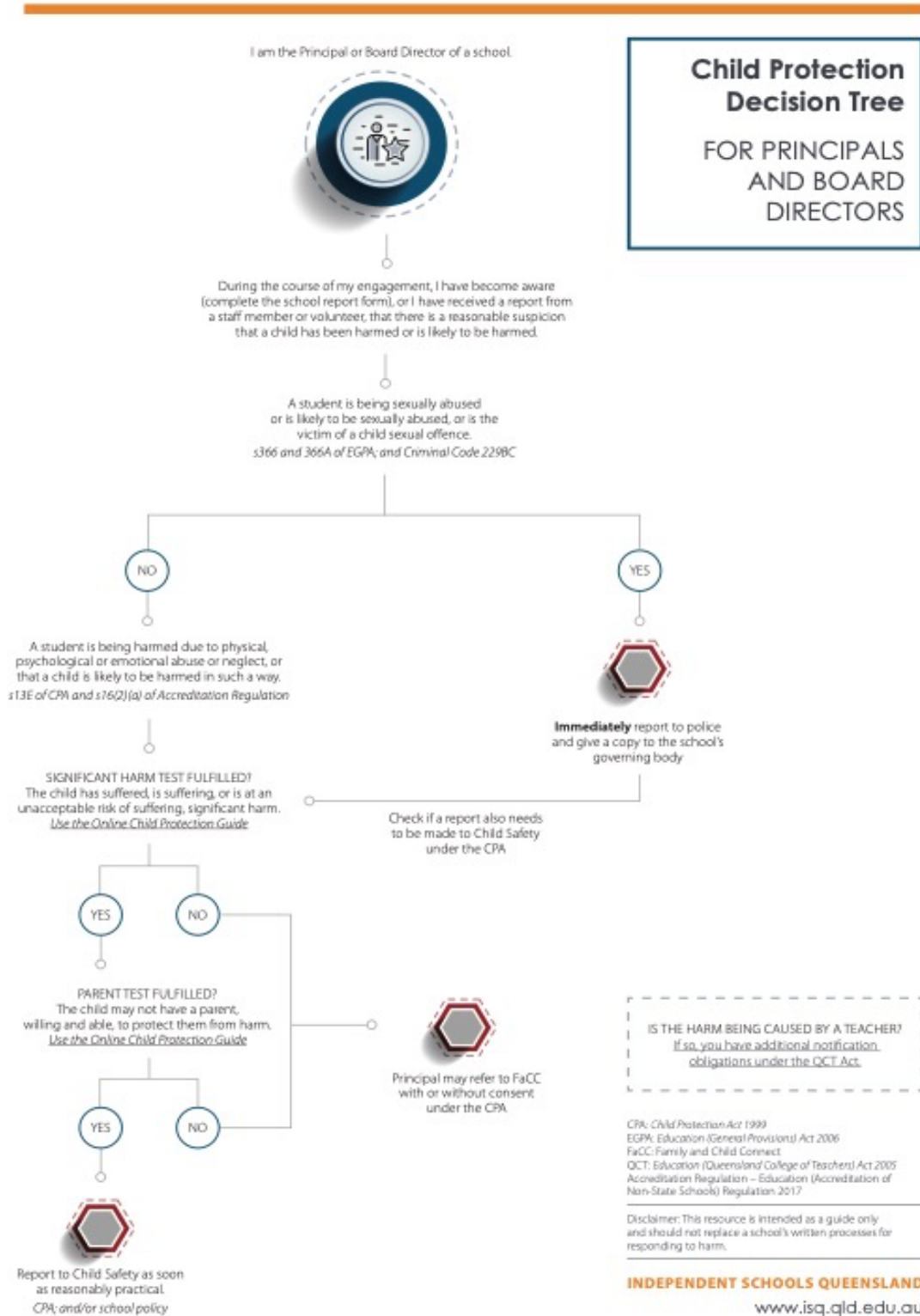
<sup>36</sup> CPA ss 245V, 245W, 159Q, 159R.

<sup>37</sup> EANSSR regs 16(5), 16(6).

<sup>38</sup> Criminal Code Act 1899 (Qld) s 229BC (4)(b).

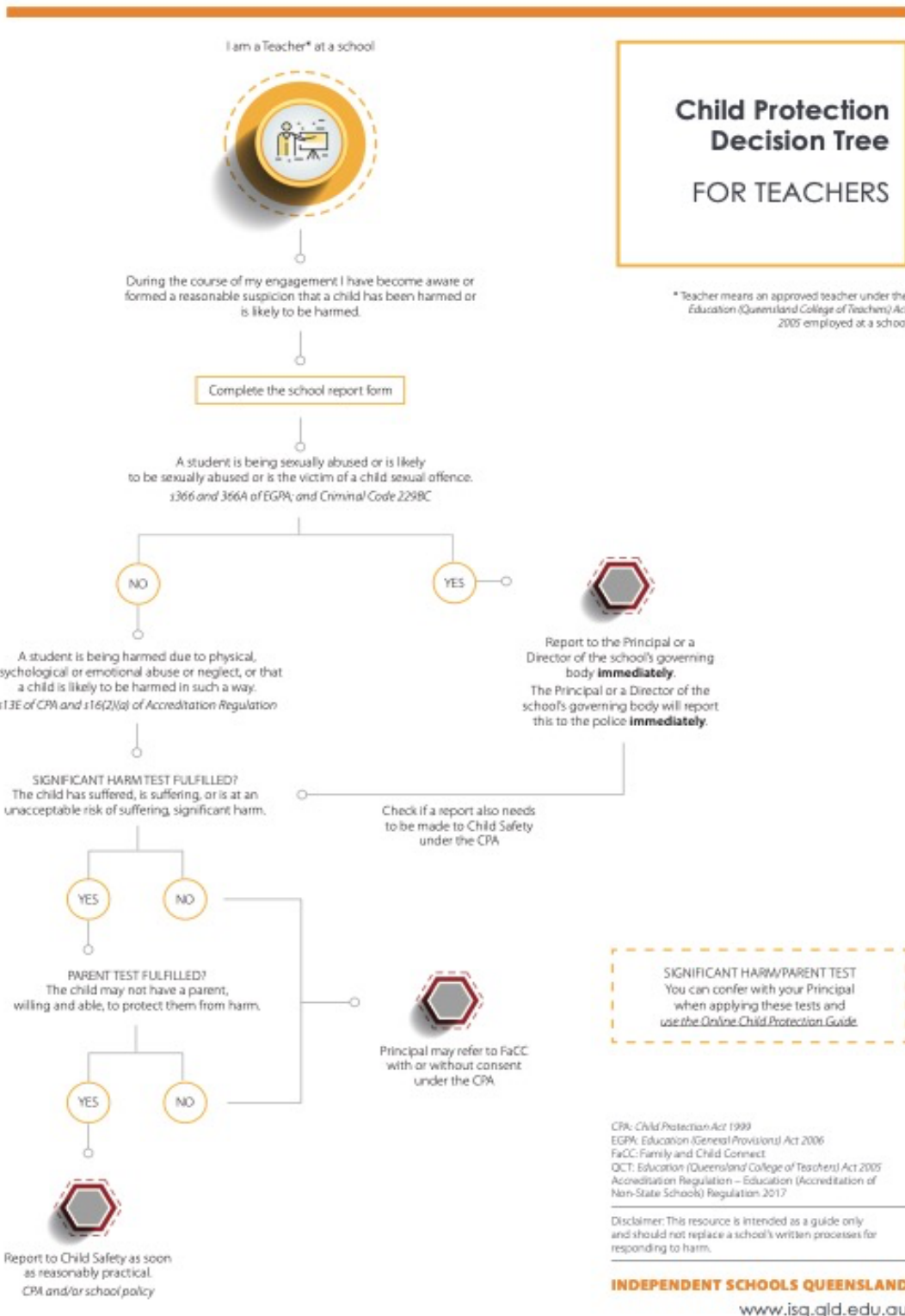
<sup>39</sup> <https://www.csyw.qld.gov.au/about-us/partners/child-family/our-government-partners/queensland-child-protection-guide>

# Child Protection Decision Support Tree for Principals and Board Directors





# Child Protection Decision Support Tree for Teachers



# Child Protection Decision Support Tree for Non-Teaching Staff



## 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

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

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.



# Child Protection Decision Support Tree for Volunteers



**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  
Accreditation Regulation – Education (Accreditation of Non-State Schools) Regulation 2017

Disclaimer: This resource is intended as a guide only and should not replace a school's written processes for responding to harm.

**INDEPENDENT SCHOOLS QUEENSLAND**  
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## Reporting Table Factsheet

A guiding principle for all adults or persons is to contact [Child Safety Services](#) to discuss your concerns or to seek guidance on your reporting obligations if you are unsure.

The following pages of this policy contain a copy of child protection obligations in accordance with various legislation.

To use the following table:

1. Decide on the type of abuse or harm first that you may or have to report – listed in the 'Legislation' column.
2. Follow the other columns across the page which are relevant to the type of harm or abuse you have selected to report.



## Child Protection – Reporting by Legislation

Includes Criminal Code amendments in force from the 5<sup>th</sup> July 2021

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

**Contact Us**

For further information or if you have any questions please contact ISQ PH 32281593

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

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Legislation	If	Then	Offence
	<ul style="list-style-type: none"> <li>➤ <b>Note</b>, if the harm fits the EGPA or CPA processes identified above, follow that process/es as the priority</li> </ul>		
	<ul style="list-style-type: none"> <li>• You are a principal; <b>and</b></li> <li>• 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</li> <li>➤ <b>Note</b>, if the harm fits the EGPA or CPA processes identified above, follow that process/es as the priority</li> </ul>	<ol style="list-style-type: none"> <li>1. Receive the school’s reporting form</li> <li>2. Work through the online <a href="#">Child Protection Guide</a> with the staff member</li> <li>3. Make a report to <a href="#">Child Safety</a></li> <li>4. Keep appropriate records of your decisions and actions</li> </ol>	Nil
Reporting of <b>inappropriate behaviour</b> under section 16 of the <a href="#">Education (Accreditation of Non-State Schools) Regulations 2017</a>	<ul style="list-style-type: none"> <li>• You are a student; <b>and</b></li> <li>• A staff member at the school has behaved in a way you consider is inappropriate</li> </ul>	<ol style="list-style-type: none"> <li>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)</li> </ol>	Nil
	<ul style="list-style-type: none"> <li>• You are a staff member; <b>and</b></li> <li>• A student has reported to you behaviour of another staff member that the student considers is inappropriate</li> <li>➤ <b>Note</b>, if the inappropriate behaviour fits one of the types of harm identified above, follow that process as the priority</li> </ul>	<ol style="list-style-type: none"> <li>1. Complete the school’s reporting form</li> <li>2. Discuss the student’s report with your principal</li> <li>3. The principal will take appropriate action in the circumstances</li> <li>4. Keep appropriate records of your decisions and actions</li> </ol>	Potential penalty under the Criminal Code 1899 s.229BB and 229BC
	<ul style="list-style-type: none"> <li>• You are a principal; <b>and</b></li> <li>• A staff member has reported to you a student’s report of the inappropriate behaviour of another staff member</li> <li>➤ <b>Note</b>, if the inappropriate behaviour fits one of the types of harm identified above, follow that process as the priority</li> </ul>	<ol style="list-style-type: none"> <li>1. Receive the school’s reporting form</li> <li>2. Interview the student reporting the behaviour</li> <li>3. Interview the staff member named in the report as engaging in inappropriate behaviour</li> <li>4. Interview any other person who may be able to provide useful information</li> <li>5. Take appropriate action on the basis of your investigation</li> <li>6. Keep appropriate records of your decisions and actions</li> </ol>	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 <a href="#">Education (Queensland College of Teachers) Act 2005</a>	<ul style="list-style-type: none"> <li>You are a principal; <b>and</b></li> <li>The school is investigating an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher</li> </ul>	<ol style="list-style-type: none"> <li>As soon as practicable after the investigation starts, give notice to the <a href="#">Queensland College of Teachers</a></li> <li>The notice must include the following—                             <ol style="list-style-type: none"> <li>the name of the principal;</li> <li>the name of the school;</li> <li>the name of the relevant teacher;</li> <li>the day the investigation started; and</li> <li>the allegation, particulars of the allegation and any other relevant information</li> </ol> </li> </ol> <p>➤ See the <a href="#">Employing Authority Guidelines</a> for more information</p>	Section 76 Maximum penalty—40 penalty units. Section 77 Maximum penalty—40 penalty units.
Reporting belief of child sexual offence under section 229BC of the <a href="#">Criminal Code Act 1899</a>	<ul style="list-style-type: none"> <li>You are an adult; <b>and</b></li> <li>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</li> </ul>	Disclose the information to a <a href="#">police</a> officer as soon as reasonably practicable after the belief is, or ought reasonably to have been, formed; <b>OR</b> Report via your Child Protection policy. 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— <ol style="list-style-type: none"> <li>the <i>Child Protection Act 1999</i>, chapter 2, part 1AA;</li> <li>the <i>Education (General Provisions) Act 2006</i>, chapter 12, part 10</li> </ol>	Maximum penalty—3 years imprisonment. (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.
Protecting a child from child sexual offence under section 229BB of the <a href="#">Criminal Code Act 1899</a>	<ul style="list-style-type: none"> <li>You are an accountable person; <b>and</b></li> <li>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; <b>and</b></li> <li>The alleged offender is associated with an institution or a regulated volunteer; <b>and</b></li> <li>the child is under the care, supervision or control of an institution; <b>and</b></li> <li>You have the power or responsibility to reduce or remove the risk</li> </ul>	<ol style="list-style-type: none"> <li>Take actions to reduce or remove the risk</li> <li>Keep appropriate records of your decisions and actions</li> </ol>	Maximum penalty—5 years imprisonment.

**Contact Us**

For further information or if you have any questions please contact ISQ PH 32281593

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## Child Protection Report Form

*Private and Confidential*

### Report of Suspected Harm or Sexual Abuse

(Version 4 January 2023)

Date:	School Phone:
School Name:	
School Email:	
School site address:	

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

FAMILY DETAILS		
Parent/Caregiver 1		
Name:	Relationship to Student:	
Address (if different from student):		
Phone: (H)	(W)	(M)
Parent/caregiver 2:		
Name:	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"/>		

STUDENT/CHILD HARMED OR AT RISK OF HARM/ABUSE:	
Legal Name:	Report Date:

PERSON ALLEGED TO HAVE CAUSED THE HARM OR ABUSE			
<input type="checkbox"/> Parent/carer	<input type="checkbox"/> Adult family member	<input type="checkbox"/> Other Adult family member	
<input type="checkbox"/> Child family member	<input type="checkbox"/> Other adult	<input type="checkbox"/> Student/other child	<input type="checkbox"/> Unknown

PROVIDE ALL INFORMATION YOU HAVE WHICH LED TO THE SUSPICION OF HARM OR ABUSE (Attach extra pages if necessary).
<p>Details of any harm and/or sexual abuse to the student – please include: Time and date of incident; location of 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.</p>
Please indicate the identity of anyone else who may have information about the harm or abuse:
Additional information provided as an attachment: YES <input type="checkbox"/> NO <input type="checkbox"/>

Name of staff member making report (if not the Principal making the report):		
Position:	Signature:	Date:
Principal:	Signature:	Date:
Principal's email address:		
State any response the School is requesting (if any):		

ACTION TAKEN	
Child Protection Report Form emailed to (tick which agencies form was sent to, date and time emailed and sender's signature)	
Ask in email being sent to recipient for them to confirm in a reply email that the report was received.	
<input type="checkbox"/>	<b>Queensland Police Services (QPS)</b> Date emailed: _____ Time: _____ Signature: _____
<input type="checkbox"/>	<b>Department of Children, Youth Justice and Multicultural Affairs (aka 'Child Safety Services')</b> Date emailed: _____ Time: _____ Signature: _____
<input type="checkbox"/>	<b>Family and Child Connect</b> Date emailed: _____ Time: _____ Signature: _____
Sender to confirm: receipt of form confirmed by recipient? Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>Record keeping:</b> Original report and support documents goes to Principal (if allegation is against Principal, give to board Director). Storage - Principal to store report and supporting documents in secure location and restrict access.	

(Adapted from EQ SP-4 Report of Suspected Harm or Risk of Harm)



## Contact Details for Reporting

**If you believe a child is in immediate danger or a life-threatening situation, call Triple Zero (000).**

### Department of Children, Youth Justice and Multicultural Affairs ('aka Child Safety Services')

If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of harm or is being neglected, contact [Child Safety Services](#) and talk to someone about your concerns.

A Child Safety Services' Regional Intake Service ('RIS') receives information and child protection concerns from community members, government and non-government agencies.

- Normal business hours - 9am to 5pm Monday to Friday - contact the [Regional Intake Service](#) (RIS) – phone [Far North Queensland RIS](#) on [1300 684 062](#)
  - If you have a reason to suspect a child in Queensland is experiencing harm, or is at risk of experiencing harm, you need to contact a Child Safety Services' RIS.
  - Trained child protection workers will talk to you about your concerns for the child. They will record information you provide and gather other information that may be helpful in assessing the situation. The worker will then decide the best way of responding to the information you have provided – but remember there are legal, mandatory reporting obligations under this policy.
  - When you contact a RIS to report your concerns, your details will be confidential and your identity, if provided, will be protected by law.
- After hours - contact the Brisbane [Child Safety After Hours Service Centre](#) ('CSAHSC') on [1800 177 135](#) (free call, Qld only). The service operates 24 hours a day, 7 days/week.
- An [online report](#) form may be used via the following weblink should the report form in this policy be unable to be completed. <https://secure.communities.qld.gov.au/cbir/home/ChildSafety>

### Queensland Police Services

Cairns Police Station (Open 24 Hours 7 Days)

Phone [\(07\) 4030 7000](#)

Address 5 Sheridan Street, Cairns City, Qld, 4870

Cairns West Police Station (Open Monday to Friday 8.00am to 4.00pm)

Phone [\(07\) 4030 8399](#)

Address 3-5 Pease Street, Manoora, Qld, 4870

### Family and Child Connect (FaCC)

Family and Child Connect is a local, community-based service that helps families to care for and protect their children at home, by connecting them to the right services at the right time.

Website <http://familychildconnect.org.au/>

Phone [13-32-64](#) ('13-FAMILY')

### SLFA Director of the School's Governing Body

Email: [chairman@slfa.edu.au](mailto:chairman@slfa.edu.au)

(NB: Label the subject line as 'Private & Confidential Child Protection')

### Not sure who to call?

If you aren't sure who to call, or for assistance to locate your nearest Child Safety Service Centre, contact the Child Safety Services' Enquiries Unit on [1800 811 810](#) (Qld only) or [\(07\) 3224 8045](#). The Queensland Government provides more information about child abuse and reporting at - <https://www.qld.gov.au/community/getting-support-health-social-issue/support-victims-abuse/child-abuse/reporting-child-abuse> or <https://www.health.qld.gov.au/clinical-practice/guidelines-procedures/patient-safety/duty-of-care/child-protection>

**Employee Acknowledgement**

I, (insert full name) ....., acknowledge that I have read the **Child Protection Policy**, that I understand its content and that any questions I may have had about this policy when reading it, were clarified.

I understand it is my responsibility to perform any obligations and responsibilities under this policy to the best of my ability and that I should continue to seek clarification on or ask questions to my about the Child Protection Policy and any of my obligations in the future if I need to.

<b>Employee' Signature:</b>	<b>Date:</b> dd / mm / yyyy
<b>Work Location:</b> (e.g. school name, Central Office, Saddler Springs, etc)	

*(Employee to have Principal/Supervisor sign below)*

<b>Principal's/*Exec. Officer's Name:</b>	
<b>Principal's/*Exec. Officer's Signature:</b>	<b>Date:</b> dd / mm / yyyy

\*Note: Executive Officer's delegate may sign this form on their behalf.

- Process after form is fully signed:**
- Employee: **SCAN** completed form to admin@slfa.edu.au and your supervisor (e.g. Principal, Executive Officer)
  - Supervisor: **FILE** scanned form in employee's hardcopy HR folder.
  - Central Office: **SAVE** scanned form to employee's digital HR folder in 365.
  - Employee: keep a hard or digital copy of the signed form for your own personal records.