EDMUND RICE EDUCATION AUSTRALIA

FLEXIBLE SCHOOLS

Student Protection Processes

for Queensland EREA Flexible Schools Ltd.

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1. Introduction: Governance Framework

These processes have been developed by the Catholic Education Queensland Limited (CEQL), in consultation with Catholic School Authorities (CSAs), to assist CSAs to meet legislative and procedural processes for responding to, and reporting, abuse and harm towards students, conduct under the Reportable Conduct Scheme, inappropriate behaviour of a staff member and the process for a student to report conduct of a staff member that the student considers is inappropriate.

Nothing that is written in these processes below prevents a staff member or any other person from taking immediate action to notify the Queensland Family and Child Commission, Queensland Police Service and/or the Department responsible for Child Safety, particularly if they believe that it is essential to act to ensure a student's safety. If there is any inconsistency between this framework and the relevant legislation, the legislation applies.

Effective date 15 June 2026	Insert date: 15.06.26
These processes shall be reviewed every year, or when necessary, as required by changes to legislation, policy, or procedure.	

The Governing Body

The Governing Body is Edmund Rice Education Australia Flexible Schools Ltd (EREAFSL), as EREA Flexible Schools Ltd.

The Director/s of the Governing Body for the as EREA Flexible Schools Ltd. are The Director/s of the Governing Body for the Edmund Rice Education Australia Flexible Schools Ltd (EREAFSL) is/are Peter Norman Fredrick Pearce, Robert Loring Feeney, Ciaran William Handy, John Patrick O'Connor, Helen Margaret Spain, Debra Maureen Patricia Sayce, Kate Britteny Hands, Suzanne Joy Calicetto, Natasha Christine Roe.

The CEO is Dr Matthew John Hawkins.

Delegation

Pursuant to section 366B of the *Education (General Provisions) Act 2006*, the Directors of the Governing Body have delegated to the person performing the duties of Chief Executive Officer, obligations under section 366 and 366A of the *Education (General Provisions) Act 2006* and more particularly the obligations of , Director/s of a non-State school's governing body of receiving a report and giving a copy of the report to a police officer.

For the purpose of the Reportable Conduct Scheme, established under the *Child Safe Organisation Act 2024*, the Chief Executive Officer, delegated to the person/s performing the duties of **Regional Director** functions of Head of Entity.

Those duties may include receiving reports, conducting investigations. Non-delegable duties include financial responsibility.

There is a **Regional Director for Central and North Queensland**. The schools in this area are Townsville Flexible School, Burdekin Education Program, Bowen Flexible School, Mount Isa Flexible School, and Rockhampton Flexible School.

There is **Regional Director of Southeast Queensland and the Northern Territory**. Schools in this area are Deception Bay Flexible School, Hemmant Flexible School, Gympie Flexible School, Inala Flexible School, Ipswich Flexible School, Noosa Flexible School, Southport Flexible School, and The Centre Education Programme.

Student Protection Officers

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(3)), Albert Park Flexible School ; Deception Bay Flexible School ; Gympie Flexible School ; Hemmant Flexible School ; Inala Flexible School ; Ipswich Flexible School ; Mount Isa Flexible School ; Noosa Flexible School ; Rockhampton Flexible School ; Southport Flexible School ; The Centre Education Programme and Townsville Flexible School, Bowen Flexible School and Burdekin Education Program administered by EREA Flexible Schools Ltd. have at least two nominated staff members to whom a student can report behaviour of another staff member that the student considers inappropriate.

The names of these Child Protection Officers are made known to staff, students and parents/carers and are:

- the names/positions/contact details of stated staff members for the school are published on the school's website and maintained on a central register, updated regularly.
- See **Form C** for more details.

When a Student Protection Officer receives concerns relating to harm to a student or risk of harm to a student, they must inform the Principal (or if the Principal is involved in the allegations, a Director of the Governing Body).

Complaints Procedure

Under the *Education (Accreditation of Non-State Schools) Regulation 2017* (section 16(5)), Albert Park Flexible School ; Deception Bay Flexible School ; Gympie Flexible School ; Hemmant Flexible School ; Inala Flexible School ; Ipswich Flexible School ; Mount Isa Flexible School ; Noosa Flexible School ; Rockhampton Flexible School ; Southport Flexible School ; The Centre Education Programme and Townsville Flexible School, Bowen Flexible School and Burdekin Education Program administered by EREA Flexible Schools Ltd. Have a written complaints procedure to address allegations of non-compliance with student protection processes. Information about the complaints procedure is available from EREA Flexible Schools Ltd. Website Policies and guidelines - Flexible Schools

Awareness and Implementation

If staff members, volunteers, parents/carers, or students require further information in relation to any of the processes described in this document, and/or other student protection compliance requirements, advice should be obtained from the Principal, the School's Student Protection Officers or EREA Flexible Schools Ltd National Director of Educational Strategy and Innovation.

EREA Flexible Schools Ltd.is responsible for ensuring the implementation and dissemination of the Student Protection Processes (SPP) in line with Section 16(4) *Education (Accreditation of Non-State Schools Regulation 2017*. All staff, students, parents/carers, volunteers and contractors are made aware of the SPP, and have access to the SPP.

This is achieved by:

EREA Flexible Schools Ltd, through the school Principal, meet these requirements listed above including:

- This document titled Student Protection Processes for the EREA Flexible Schools Ltd Queensland Region being available online via the school website and in hard copy at the school.
- Staff and volunteers at the point of induction will be made aware of the document Student Protection Processes for the Edmund Rice Education Australia Flexible Schools Ltd Queensland Region.
- Students and parents/carers are informed of the student protection processes at the point of enrolment and via the school website.
- All staff; Board members and volunteers will complete the EREA Flexible Schools Ltd child protection online training within four weeks of employment or engagement.
- All staff and volunteers must complete the EREA online child protection training every year.
- All staff annually are to receive professional development into the student protection processes.
- Schools are to report annually to the EREA Flexible Schools Ltd Board on how the processes are being implemented within the school, monitored and oversighted. The report needs to be minuted in the Board minutes.

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

2. Our Responsibilities

EREA Flexible Schools Ltd. is committed to creating and maintaining safe environments for students. This document sets out the responsibilities and processes for all staff members and the process for a student reporting inappropriate conduct of a staff member. The document also provides guidance and information for volunteers, other personnel, and parents/carers where they have a concern for the protection of a student. This document specifies:

- Processes for reporting sexual abuse or suspected sexual abuse of students in accordance with the *Education (General Provisions) Act* 2006.
- Processes for reporting and responding to harm or risk of harm to students, including physical, psychological, emotional or sexual abuse and neglect in accordance with the *Child Protection Act 1999*.
- Process for notifying, investigating and responding to Reportable allegations or Reportable convictions in accordance with the *Child Safe Organisations Act 2024*.
- Processes for reporting a child sexual offence in accordance with the *Criminal code Act 1899*.
- Processes for responding to allegations of harm to students caused by students themselves or others in accordance with section 16 (1) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.
- Processes for a student to report inappropriate conduct of a staff member in accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.
- Processes for responding to alleged staff inappropriate behaviour (SIB) towards a student in accordance with section 16 (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*.

All Catholic schools are bound by a range of legislation that sets out our responsibilities for the safety and wellbeing of children and young people. Appendix 2 provides more detailed information about the relevant legislation.

Fundamentally, it is the responsibility of each member of staff, other personnel and all workers to prioritise the safety and wellbeing of every student. This includes responding to any reasonable suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering harm caused by abuse and/or neglect including sexual abuse, sexual offences, alleged Reportable allegations and Reportable convictions by a worker and/or alleged inappropriate behaviour by a staff member towards a student. The following defined terms specified in Appendix 2 are used to cover the breadth of harm that is captured in the different legislation and covered by this framework:

- *Child Protection Act 1999* section 9 definition of **harm**
- *Education (General Provisions) Act 2006* section 364 definition of **sexual abuse** (For further information see *Section 4 Student Protection Guidelines*)
- *Child Safe Organisations Act 2024* sections 26, 27 and 28 definitions of **Reportable conduct**, **Reportable allegations** and **Reportable convictions**

All schools should develop processes and systems to support staff and other personnel to ensure all reports are actioned in a timely manner. These processes need to be clearly communicated to all staff.

Failure to report and respond can be both an offence under the relevant legislation and may constitute a breach of the Code of Conduct of EREA Flexible Schools Ltd. Failure to report and act is not acceptable, it is **everyone's** responsibility to prioritise the safety and wellbeing of children and young people.

The reporting processes for any allegations of abuse, harm, reportable conduct or alleged staff inappropriate behaviour towards a student are set out in this document.

The regulatory framework includes the relevant legislation, the National Catholic Safeguarding Standards which have been developed and adopted by the Catholic Church in Australia to support the creation of a child safe environment, and the associated duty of care of staff. This is visualised below:

3. Reporting Framework

This section summarises the actions required if any person who is part of the school community either in a paid or voluntary capacity has concerns or suspicions of:

a) abuse and harm to a student

b) Reportable conduct;

c) misconduct that may involve Reportable conduct;

d) Reportable convictions; and

e) alleged staff inappropriate behaviour towards a student.

School staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The different legislative mandatory reporting obligations and processes are detailed at section 4 of this document.

3.1 Who is responsible for identifying and responding to allegations of abuse, harm, reportable conduct or alleged staff inappropriate behaviour towards a student?

The Student Protection Processes are relevant to any person who is part of the school community either in a paid or voluntary capacity. This includes but is not limited to the following personnel:

- Teachers
- Principals
- All staff, which includes all other personnel employed by Catholic Education, persons engaged under labour hire arrangements and trainees
- Consultants or Contractors who provide services on Catholic Education sites (including subcontractors)
- Volunteers
- Students on practicums
- Visitors to the school community

Staff members have a mandatory responsibility for **reporting**.

Other stakeholders, that is, volunteers, other personnel and parents/carers who identify concerns or suspicions of abuse, harm or and alleged staff inappropriate behaviour towards a student, are responsible for conferring with the appropriate personnel, as outlined in this document.

Definitions of terminology

EREA Flexible Schools Ltd. uses the following descriptors as specified in the relevant legislation.

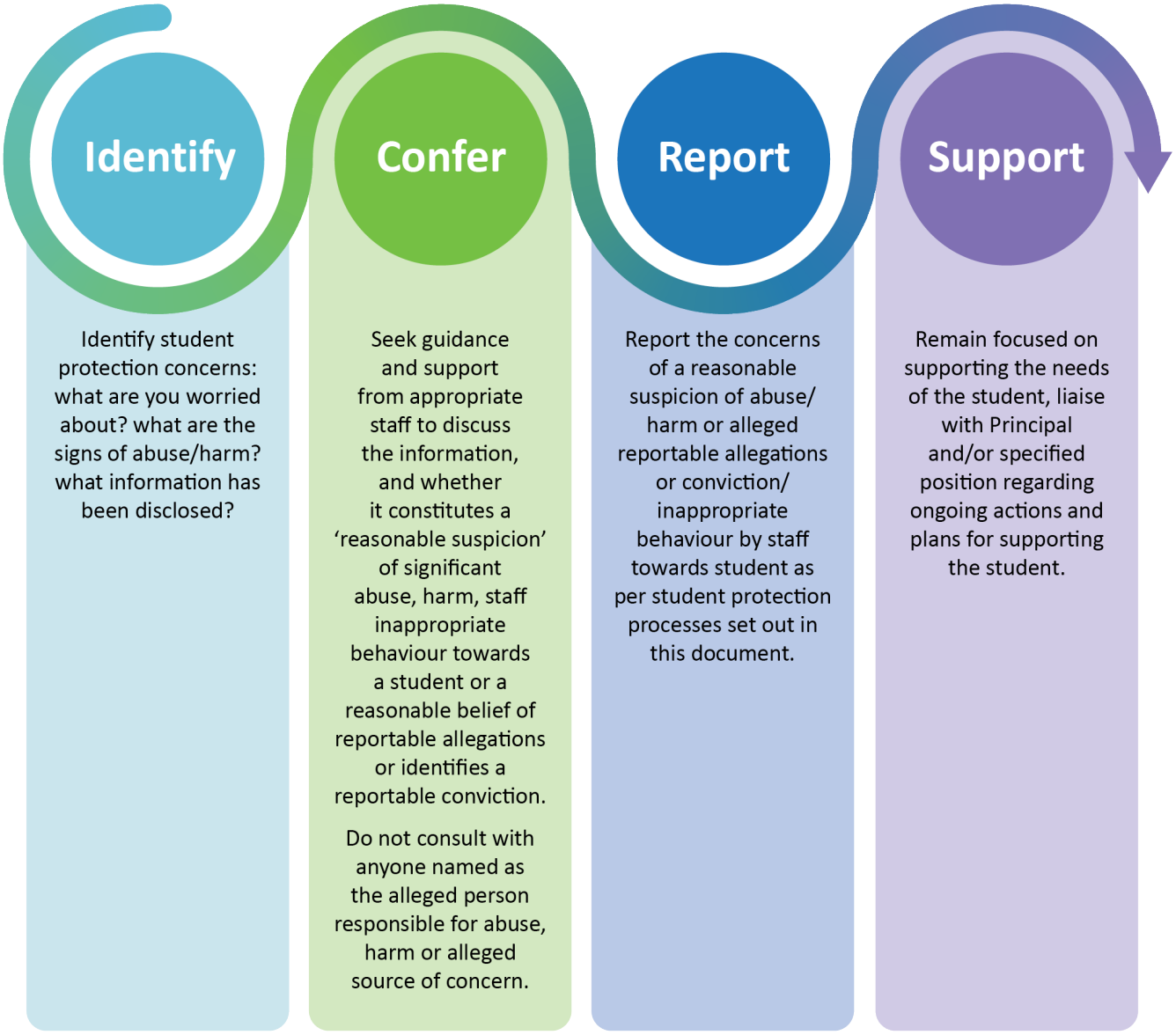
First Person

This document uses the term **First Person** to refer to the staff member who first becomes aware of or reasonably suspects alleged abuse, harm, reportable conduct or alleged staff inappropriate behaviour towards a student, this includes seeing and/or hearing about alleged abuse, harm, reportable conduct or alleged staff inappropriate behaviour towards a student.

3.2 Framework for responding

The Framework for responding to and reporting student protection concerns involves four steps: Identify, Confer, Report, Support (ICRS). This Framework is explained below and is referred to throughout this document.

Flowchart 1: Framework for responding to protection concerns



3.3 Identify

Any person who is part of the school community either in a paid or voluntary capacity is responsible for identifying student protection concerns.

Identifying concerns includes becoming aware of, recognising, seeing, or receiving information. This includes:

- Recognising the signs of abuse, harm, neglect, reportable conduct or alleged staff inappropriate behaviour towards a student.
- Seeing or hearing something concerning.
- Receiving information from students, staff, parents/carers, or other community members about allegations of abuse, harm, reportable conduct, misconduct that may involve reportable conduct or alleged staff inappropriate behaviour towards a student.

When in doubt, always confer with the Principal and Student Protection Officers

Resources to assist you:

- *Section 4 Student Protection Guidelines*
- *See also FAQ*

3.4 Confer

3.4.1 What is conferring?

- Conferring means formally consulting with appropriate colleagues, for example the Principal or Student Protection Officers to discuss and establish whether the information received may constitute a **'reasonable suspicion'** of abuse or harm, or a **'reasonable belief'** of reportable allegations or alleged staff inappropriate behaviour towards a student. For conferral about reportable allegations, it would be appropriate for a worker to confer with [insert role NOTE if the Principal is Head of Entity, a different staff member should be listed].
- Conferral is an opportunity to discuss and seek guidance about the concerns and agree on actions.
- Agreed actions and decisions must always be documented. This includes:
    - whether a 'reasonable suspicion' or 'reasonable belief' is identified resulting in the need to report; or
    - where the information does not constitute a 'reasonable suspicion' or 'reasonable belief', what, if any follow up support is required.

3.4.2 Why confer?

- Engaging in appropriate consultation to seek more information or guidance can:
  - inform responses and assist with the rigour of the decision making;
  - identify contextual factors/information that may not otherwise be known. For example, the Principal may have relevant information about a family;
  - aid in deciding whether a 'reasonable suspicion' of harm has occurred to support the decision to report;
  - assist in identifying if there is a parent who may be 'willing and able' to protect the student in the case of harm;
  - aid in deciding whether there is a 'reasonable belief' of reportable conduct;
  - support staff in making a decision and help minimise psychosocial risks to staff;
  - facilitate the best possible safety and support response for a student; and
  - provide information if a Reportable allegation or Reportable conviction has already been notified.
- Conferral is not reporting, nor is it investigating, it is a support to aid in deciding whether a 'reasonable suspicion' of harm has occurred under legislative requirements.

3.4.3 Who do I confer with?

- Conferral with the Principal is always recommended. Conferral with Student Protection Officers is also always recommended. The exception is if the Principal or Student Protection Officers is identified as the alleged person responsible for the harm or abuse or reportable conduct or if they are involved in the allegations. Conferral can also include conferral with the Department responsible for Child Safety, Queensland Police Service, Queensland Family and Child Commission or Child and Family Connect. However wherever possible the Principal and Student Protection Officers should be conferred with first. Informal discussions between staff does not amount to conferral.
- Conferral may happen immediately upon becoming aware of, or reasonably suspecting, harm to a student so that reporting is not delayed and there can be an appropriate response to the concerns.
- Conferral must not occur with anyone allegedly involved in the concerns to maintain safety of the student and avoid conflicts of interest and bias.
- The First Persons / reporters must **never notify** the person alleged to have caused the abuse or harm.
- Conferral does not replace the First Person's responsibility to report and respond to the harm.

3.4.4 How do I maintain confidentiality?

- Confidentiality is a crucial element of conferral processes. Information sharing should consider:
  - *The appropriateness of the person* you wish to confer with and their role, i.e., Student Protection Contact and/or Principal. This person must not be involved as a subject of concern.
  - *Limiting what information is shared to the extent necessary*. Consider what information will help respond to the immediate safety and well-being of a student without having to disclose too much personal information.
  - *Focusing on the purpose of the conferral*, i.e., to support decision making about whether there is a reasonable suspicion of abuse, harm, or reasonable belief in reportable conduct or alleged inappropriate staff behaviour that should be reported.

3.4.5 If I confer do I still need to report?

Yes. Conferring does not replace the legal obligations to report. Conferring is a process to support and assist in making a decision if there is a reasonable suspicion of harm or risk of harm, or a reasonable belief of reportable conduct or alleged staff inappropriate behaviour. If the answer is **yes**, you must follow the processes as detailed in these Student Protection Processes.

Resources to assist you:

- *Section 5 of the Student Protection Guidelines*
- *FAQ*

Maintaining the safety of the student is the primary concern

3.5 Report

All school staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The different legislative mandatory reporting obligations and processes are detailed in full at section 4 of this document.

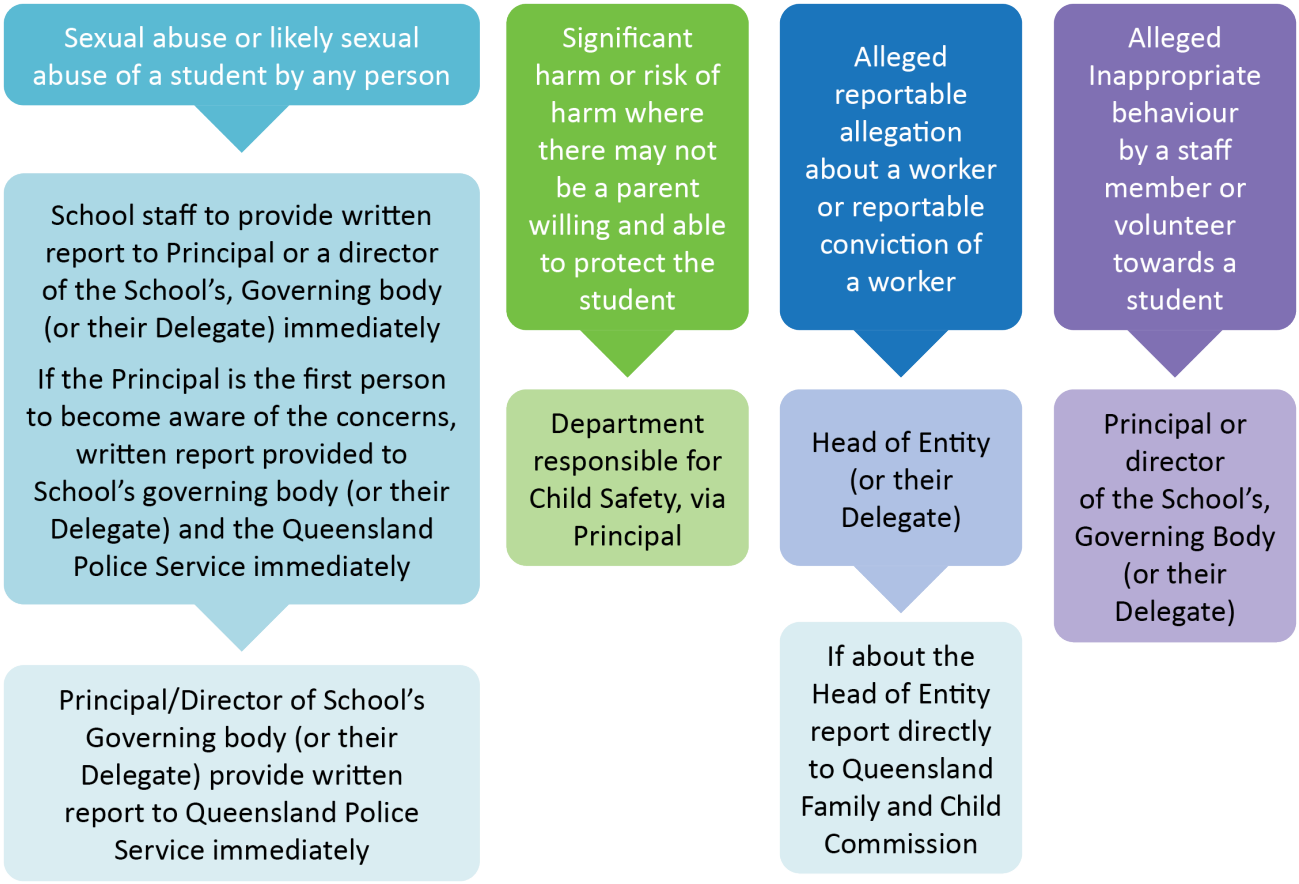
It is the responsibility of **all staff** members employed by Catholic Education and all personnel on Catholic Education sites as identified in this document to report concerns of harm or risk of harm, or reportable conduct or alleged staff inappropriate behaviour towards a student.

For reportable conduct under the *Child Safe Organisations Act 2024*, mandatory reporting obligations apply to **all workers.** A worker includes all employees, volunteers, contractors, subcontractors and consultants, labour hire, executive officers, trainees or persons undertaking work experience and a minister of religion, religious leader or officer of a religious body. These obligations include former workers where reportable allegations involves alleged conduct and convictions during a period when the person was performing work for the entity.

Our obligations include adherence to:

- Section 13E *Child Protection Act 1999*
- Sections 16(1) and (2) of the *Education (Accreditation of Non-State Schools) Regulation 2017*
- Any concerns about sexual abuse or likely sexual abuse are reported to the Queensland Police Service in accordance with Sections 366 and 366A of the *Education (General Provisions) Act 2006*.
- Section 33 *Child Safe Organizations Act 2024* notifying Reportable Allegations or Reportable Convictions.
- Section 229BC of the *Criminal Code Act 1899* requires that any adult report concerns about sexual offending against a child by another adult to the Queensland Police Service and take action to protect a child from a sexual offence.
- A report under the *Criminal Code Act 1899* is only required if a matter has not already been reported under the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse) or the *Child Protection Act 1999* (reporting of significant harm/risk of significant harm where there may not be a parent able and willing to protect).

Flowchart 2: Reporting process for allegations of abuse, harm, reportable conduct or alleged staff inappropriate behaviour towards a student



3.5.1 What does report mean?

- Reporting is the act of providing a report (often in writing) to an appropriate person or authority about concerns of harm to a student or conduct under the Reportable Conduct Scheme.
- School staff have specific mandatory reporting obligations pursuant to different pieces of legislation. The obligations differ with respect to the kind of harm the student may be at risk of or subject to. These obligations are set out at section 4 of this document.
- An allegation of harm may result in more than one reporting obligation being triggered. Where this is the case, multiple reports may need to be made to satisfy mandatory reporting obligations.

Multiple reporting obligations may apply for the same conduct

3.5.2 Who is responsible for reporting?

- All school staff have responsibilities to report. For specific information about when a report is required and by who, refer to section 4 of this document.
- The staff member who becomes aware of or reasonably suspects the alleged abuse, harm, or reportable conduct or inappropriate behaviour is the First Person. The First Person is responsible for immediately reporting concerns to the appropriate person or authority, as per the processes in section 4.
- The First Person may have support in completing the written report from the Principal and/or Student Protection Officer (if available). However, the person who has the legislative responsibility to submit the report must ensure they are personally discharging their legislative obligation by reporting.
- Reporting abuse/harm or conduct under the Reportable Conduct Scheme needs to be prioritised and must not be delayed.
    - To facilitate this, schools will support reporters to ensure all reports are actioned in a timely manner which can include for example, being released from their duties.
- Strict reporting timeframes apply. See Section 4.
- The Principal, Governing Body or delegate must confirm that written reports are being submitted as required by school staff.
- The Governing Body must confirm that written reports are being submitted as required by the Principal.
- Where a school staff member is required to report to the Principal or Governing Body, the Principal or Governing Body should inform the staff member that they have reported the matter to the authorities as required.

Resources to assist you:

- FAQ
- Refer Flowchart 3
- Flowchart 4

3.6 Support

- At all times it is essential to remain focused on the support needs of the student. Key questions to ask include:
    - Have all appropriate steps been taken to secure the student's safety and wellbeing?
    - What support does the student need?
    - Who is best situated to provide this support?
- In the first instance consult with the Principal, and Student Protection Officers to develop a plan for how to best support the student, including who has responsibility for this.
- Support options can include referral to the Student Counsellor/Guidance Officer or organisations such as Kids Helpline and others, depending on the situation. This should be coordinated through the Principal and Student Protection Officers.
- Support also includes support provided to the family/carers of the student as appropriate.
- ***Remember the needs of the student remain of paramount importance.***

Resources to support you:

- FAQ
- Queensland Child Protection Guide
- Queensland College of Teachers resources
- Queensland Family and Child Commission resources

4. Reporting Requirements

This section outlines the legislative reporting requirements and provides guidance on the process for reporting. Multiple reporting requirements may apply to the same conduct.

4.1 Key guiding principles

The following key principles guide the reporting process:

- The safety and wellbeing of every child and young person is the paramount concern. Every child has the right to:
  - be protected from harm, abuse, neglect and inappropriate behaviour by staff or other personnel associated with the school towards a student;
  - to dignity, privacy, respect, and safety.
- All members of EREA Flexible Schools Ltd. and other personnel:
  - have a duty to care for children and young people; and
  - must take necessary action to protect children and young people from harm.
- Mandatory reporting includes:
  - Reporting of sexual abuse or likely sexual abuse, or suspicion of sexual abuse by all school staff **even if** there is a parent willing and able to protect their child from harm, in line with the *Education (General Provisions) Act 2006* obligations – see section 4.2;
  - reporting of a reasonable suspicion that a child has suffered, is suffering or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse and the child may not have a parent able and willing to protect them from the harm, – see section 4.3;
  - reporting of a reasonable belief of a reportable allegation about a worker (see definitions) or reportable conviction about a worker including in relation to former workers – see section 4.4;
  - reporting if adults believe on reasonable grounds, or ought reasonably believe that a child sexual offence is being or has been committed against a child by another adult – see section 4.5; and
  - reporting all concerns about harm to a student or risk of harm to a student to the Principal and / or Student Protection Contacts – see section 4.5.1.
- **All staff** members employed by Catholic Education are obligated to report and follow the processes set out in this document.
- **Urgency** in responding is key.

Reportable conduct intake channels

4.2 Requirement to report sexual abuse or likely sexual abuse to the Queensland Police Service under the *Education (General Provisions) Act 2006*

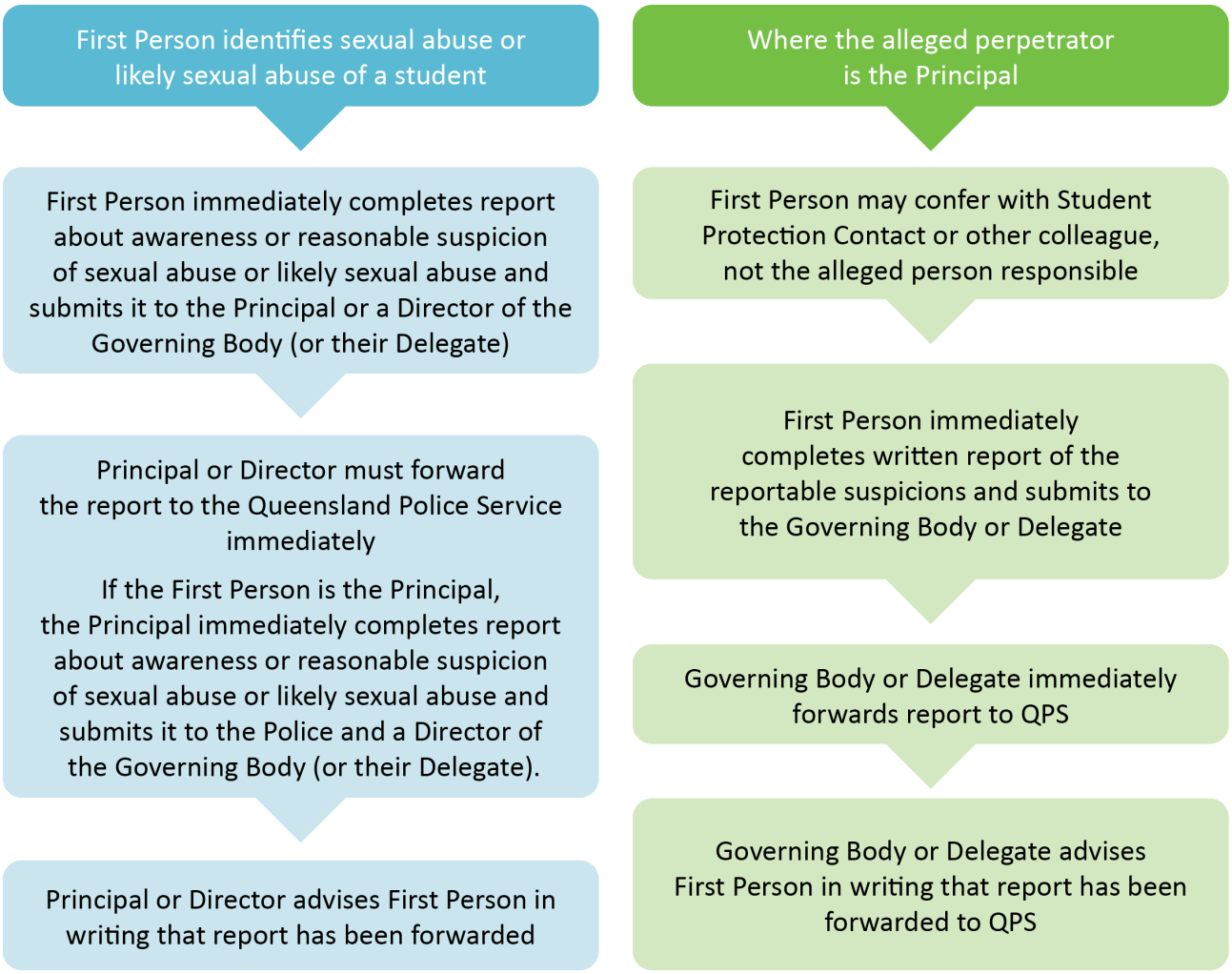
4.2.1 What are our obligations?

- In accordance with sections 366 and 366A of the *Education (General Provisions) Act 2006*, if the First Person becomes aware or reasonably suspects that a student has been sexually abused or is likely to be sexually abused by another person, the first person must immediately give a written report to the principal or director of the governing body who will then report the matter to the Queensland Police Service.
- The First Person has a responsibility to safeguard the child.
- The First Person must follow the reporting requirements set out in this process. This may include conferral with the Principal and or Student Protection Officers (only if doing so does not result in a report being delayed) and immediate completion of a report.
- Where the First Person is the Principal, the Principal must immediately make a written report to the Queensland Police Service and to the Governing Body (or delegate).

The First Person **cannot** delegate or transfer the reporting requirements to another person. It is the responsibility of the First Person to make the report as per legal requirements. **Remembe**r the First Person may first confer and seek guidance from appropriate personnel, so long as doing so does not prevent a report from being made immediately as required by legislation.

In relation to awareness or reasonable suspicion of **sexual abuse/reasonable suspicion of likely sexual abuse,** the process for reporting involves:

Flowchart 3: Key steps for reporting awareness or reasonable suspicion of sexual abuse/ reasonable suspicion of likely sexual abuse



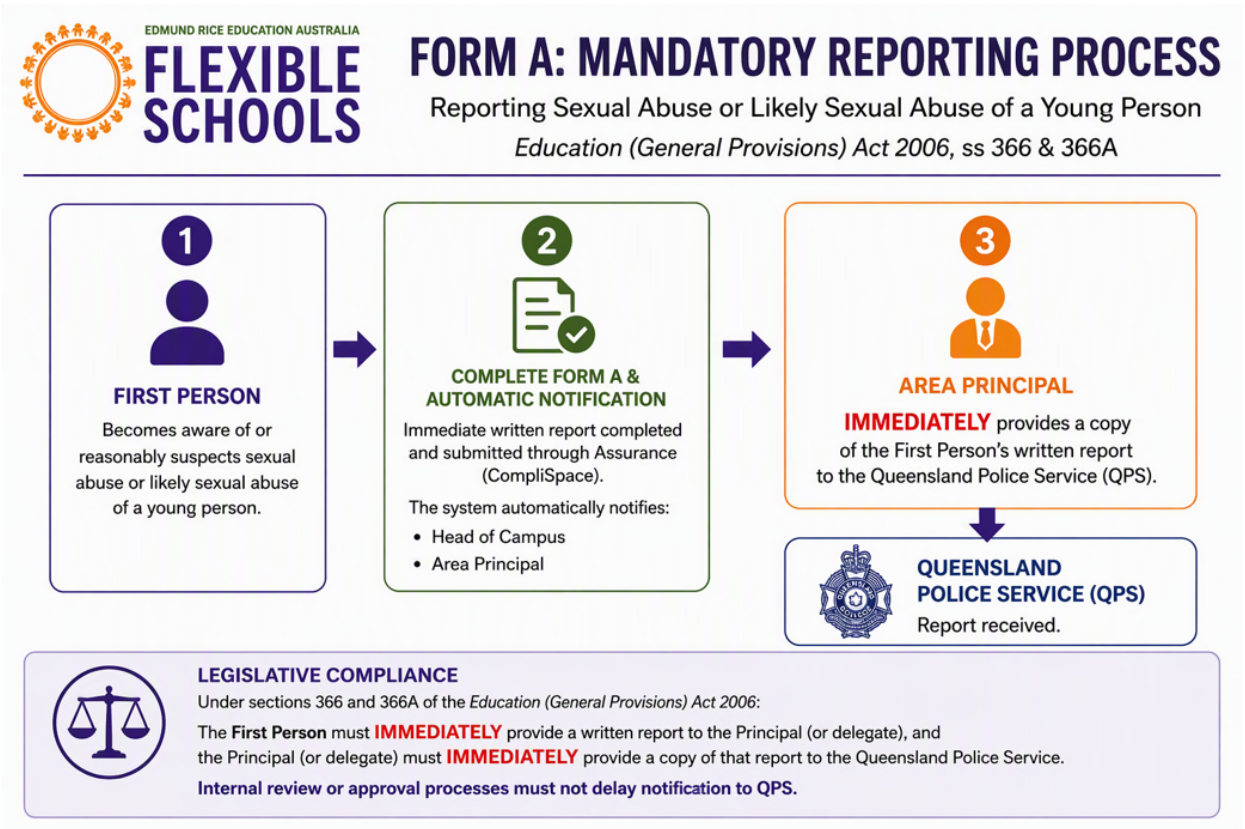
Important Note

For the purposes of EREA Flexible Schools Ltd. mandatory reporting of sexual abuse and likely sexual abuse relates to all students irrespective of their age, (i.e., aged 18 and over).

It is the policy of EREA Flexible Schools Ltd. **that all** reasonable suspicion that a student has experienced sexual abuse or likely sexual abuse are reported to the Queensland Police in accordance with these processes. This is irrespective of the context, i.e., during the course of the staff member's employment at the school, or in their private capacity outside the school.

4.2.2 EREA FSL Processes for Mandatory Reporting of Sexual Abuse or Likely Sexual Abuse

- All staff have a legal responsibility to act immediately if they become aware of, or reasonably suspect, that a student has been sexually abused or is likely to be sexually abused by another person.
- The staff member who first becomes aware of the concern (the First Person) must complete a written report (Form A) without delay and submit it through Assurance/CompliSpace.
- The report is automatically provided to relevant leaders, and the Principal (or delegate) must immediately provide a copy of the report to the Queensland Police Service (QPS).
- Internal consultation, review, or approval processes must not delay notification to QPS.
- Staff should continue to prioritise the safety and wellbeing of the student and follow the school's safeguarding and support processes.



Staff Action Required: If you become aware of, or reasonably suspect, sexual abuse or likely sexual abuse of a student, you must immediately complete and submit Form A. The Principal (or delegate) is then required to immediately provide the report to the Queensland Police Service. Internal processes must not delay reporting.

Resources to assist you:

- Refer also FAQ
- Section 2.1 and Section 5 Sexual abuse and likely sexual abuse Student Protection Guidelines
- Refer Flowchart 3
- Flowchart A
- Flowchart B

4.3 Requirement to report to the Department responsible for Child Safety under the *Child Protection Act 1999*

4.3.1 What are our obligations?

- Section 13E (1) of the *Child Protection Act 1999* identifies teachers, registered nurses, doctors, child advocates under the *Public Guardian Act 2014* and early childhood education and care professionals as **mandatory** reporters. These staff are mandated to submit a report to the Department responsible for Child Safety when they have a reasonable suspicion that a child:
    - Has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and
    - the child may not have a parent able and willing to protect the child from the harm.
- This brings with it consequences for not fulfilling these obligations. These obligations cannot be delegated or transferred to another person.
- Although the *Child Protection Act 1999* only identifies certain staff as mandatory reporters, EREA Flexible Schools Ltd. requires all school staff (including those who are not mandatory reporters under this legislation) to report reasonable suspicions of harm or risk of harm to a student, child or young person to the Principal and or Student Protection Officers
- Further, all school staff have other mandatory reporting responsibilities, as outlined in this document.
- The First Person has a responsibility to safeguard the child and must follow the reporting requirements set out in this document. This may include conferral with the Principal and or Student Protection Officers and completion of a report.
- It is recommended that the First Person confer with the Principal and or Student Protection Officers unless the Principal is involved in the allegations, to help determine if there is a reasonable suspicion that a child may not have a parent able and willing to protect them from the harm or abuse.
- It is recommended that the First Person not make a determination that the child has a parent able and willing to protect them from the harm without consulting the Principal.

Remember: Reporting occurs after the process of identification and conferral

The process for reporting is outlined in flowchart 4 below:

Flowchart 4: Reporting process to Child Safety for significant harm or risk of harm

First person* identifes significant harm or risk of harm

Following conferral, First Person immediately completes written report of the concerns and submits to the Principal

Principal **must** forward the written report to the Department responsible for Child Safety Regional Intake Service without delay
If the First Person is the Principal the steps remain the same - the Principal reports directly

Principal advises First Person that report has been submitted to Department responsible for Child Safety in writing as soon as possible

Where the alleged person responsible for the abuse or harm is the Principal

Following conferral, First Person immediately completes written report of the harm and submits to the Governing Body or Delegate

Governing Body or Delegate provides written report to the Department responsible for Child Safety Regional Intake Service immediately

Governing Body or Delegate advises First Person that report has been submitted to Department responsible for Child Safety in writing as soon as possible

Multiple reporting obligations may apply for the same conduct

- *First Persons may be mandatory reporters under the legislation or any other school staff, as EREA Flexible Schools Ltd.* requires all school staff to report significant harm or risk of harm
- *First Persons should make mandatory reports to the Department responsible for Child Safety [Child Safety] through their Principal or a director of <Governing Body or Delegate> (as described above).*
- *However, if a person is a mandatory reporter under the Child Protection Act 1999 (as outlined at 4.3.1), the legislative mandatory reporting obligation remains with them. If the First Person is unable to confirm that the Principal or a Director of <Governing Body or Delegate> has provided their report to the*

department responsible for Child Safety, the First Person must fulfil their legislative responsibilities by reporting directly to the department responsible for Child Safety.

- *First Persons are encouraged to confer with EREA Flexible Schools Ltd. S*tudent Protection Officers *for support.*
- The First Person must never make a determination that the child has a parent able and willing to protect them from the harm without consulting the Principal.
- *The process for submitting reports through the Principal or Governing Body or delegate must at all times ensure that the integrity of the information in the report by the First Person is maintained.*

Resources to assist you:

- *Flowchart C*
- *Sections 4, 5 and 6 Student Protection Guidelines*
- *Child Protection Act 1999*
- FAQ

4.4 Requirement to report reportable allegations under the Reportable Conduct Scheme (*Child Safe Organisations Act 2024*)

The Reportable Conduct Scheme is established by the *Child Safe Organisations Act 2024* and administered by the Queensland Family and Child Commission (QFCC).

The ***Guide to Queensland Reportable Conduct Scheme*** published by QFCC sets out the definitions and requirements of the Reportable Conduct Scheme and should be consulted in conjunction with these processes.

Schools and early childhood education and care providers are reporting entities under the Reportable Conduct Scheme. The Reportable Conduct Scheme requires reporting entities to identify, report and respond reportable allegations and reportable convictions involving children by workers (see definitions for **Reportable allegation**, **Reportable conduct** and **Reportable conviction**).

The Reportable Conduct Scheme is not limited to conduct that occurs in the course of a worker performing work for the school. For example, it may occur while the worker is off duty or out of hours and can include a former worker.

Reportable allegations

If a person becomes aware of either a Reportable allegation about a worker, they must, as soon as practicable, report the matter of the Head of Entity (or their Delegate), or if the matter relates to the Head of Entity, report the matter to the QFCC unless they reasonably believe the matter has already been reported by another person.

A Head of Entity (or their delegate) that becomes aware of a Reportable allegation must comply with their Reporting Requirements (see below) to the QFCC. The reporting entity must conduct a risk-based assessment of the worker's current role, duties and level of contact with children.

Reportable convictions

A worker has a Reportable conviction if they have been convicted for an offence against a law of any State or the Commonwealth of Australia that may involve reportable conduct (see definition for Reportable conviction).

If a person becomes aware of a worker of a reporting entity having a Reportable conviction, they must as soon as practicable report the matter to the Head of Entity (or their Delegate), unless the matter relates to the Head

of Entity, in which case it must be reported to the QFCC. A Head of Entity (or their delegate) that becomes aware of a Reportable conviction must comply with their Reporting Requirements (see below) to the QFCC. The reporting entity must conduct a risk-based assessment of the worker's current role, duties and level of contact with children.

Any person may notify the QFCC of a Reportable allegation or Reportable conviction about a person at any time.

Head of Entity

The Head of a reporting entity is responsible for ensuring that all obligations under the Reportable Conduct Scheme are met and ensuring the entity has in place:

a) a system for preventing the commission of Reportable conduct by a worker of the entity in the course of performing work for the entity; and
b) a system for enabling any person, including a worker of the entity, to notify the head of the entity of a Reportable allegation or Reportable conviction relating to a worker of the entity of which the person becomes aware; and
c) a system for enabling any person, including a worker of the entity, to notify the QFCC of a Reportable allegation or Reportable conviction involving the head of the entity of which the person becomes aware; and
d) a system for investigating and responding to a Reportable allegation or Reportable conviction relating to a worker of the entity.

The **Head of Entity** is defined as:

The ***head*** of an entity is—

(i) the chief executive officer of the entity, however described; or
(ii) if there is no chief executive officer—the principal officer of the entity, however described; or
(iii) if there is no chief executive officer or principal officer—a person or holder of a position for the entity approved by the commission.

The Head of Entity may delegate functions under the Reportable Conduct Scheme to an appropriately qualified person.

Reporting Requirements

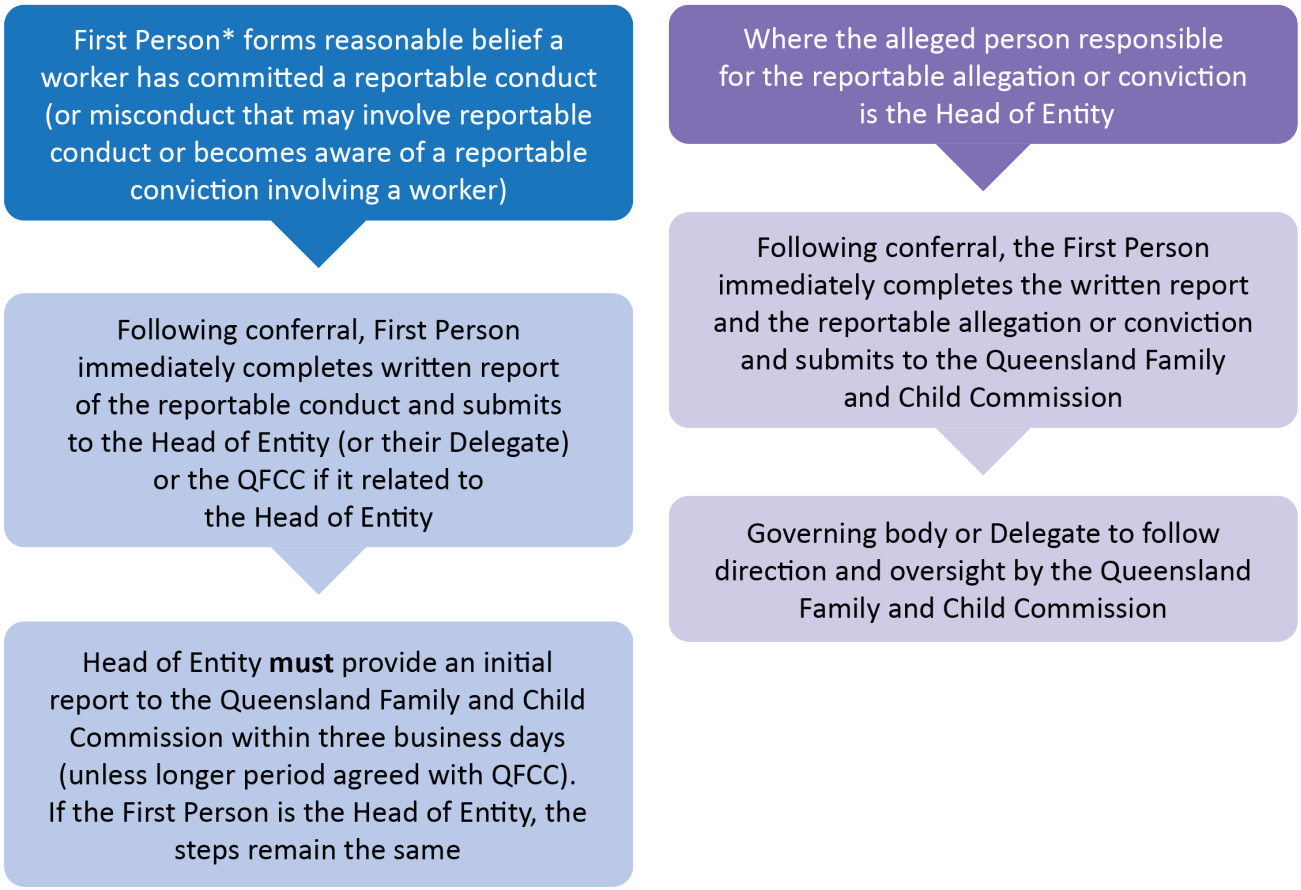
The following information must be reported to QFCC under the Reportable Conduct Scheme by the Head of Entity (or their Delegate).

What	When	Must Include
Written Notification (initial report) (s34 and 35)	Within 3 business days after the Head of Entity (or their delegate) becomes aware of the allegation or conviction	• Details of the reportable allegation or reportable conviction. • The name of the worker, including any former name or alias. • Date of birth of the worker (if known). • Name of the head of the reporting entity. • Whether the QPS or a sector regulator has been contacted. • Reporting entity contact details including name, address and telephone number. • Any action, including risk management action taken if the worker currently performs work for the entity. • Any other information prescribed by regulation.
Investigator contact details (s36)	As soon as practicable*	• Notification to the QFCC that an investigation is being conducted (it is the responsibility of the Head of Entity to ensure an investigation is conducted as soon as practicable).

		• Contact details for a person the QFCC may contact in relation to the investigation.
Not reasonably able to investigate (s36)	As soon as practicable	If the Head of Entity (or their Delegate) is not reasonably able to investigate the Reportable allegation or Reportable conviction, the Head of Entity (or their Delegate) must • Notify the QFCC of the allegation or conviction; and • Give the QFCC reasons why the Head of Entity can not reasonably investigate.
Interim report (s34 and 35)	Within 30 business days	• The facts and circumstances of the Reportable allegation or the Reportable conviction (to the extent available). • Update on action taken, including risk management action. • A copy of the worker's written submissions, if the worker has made them.
Final report with investigation **findings (s37)**	As soon as practicable	• Information about the facts and circumstances of the Reportable allegation or Reportable conviction. • Findings after completing the investigation, including whether or not the worker has engaged in Reportable conduct. • Reasons for the findings. • Copies of documents relied on in making the findings. • Whether the matter has been referred to another entity and associated details. • Action taken including risk management action if the worker currently performs work for the reporting entity. • Action taken or proposed to be taken to improve the reporting entity's ability to identify, report and investigate.
Additional information (s38)	As requested	• The QFCC may ask for further information after receiving the final report in relation to the findings or the reporting entity's response to the findings.

Any person who becomes aware of either a Reportable allegation or Reportable conviction about the Head of Entity must, as soon as practicable, report the matter to the QFCC unless they reasonably believe the matter has already been reported by another person.

Flowchart 5: Reporting process to Report Reportable Conduct



4.5 Requirement to report under the *Criminal Code Act 1899*

- All adults in Queensland (as per s229BC of the *Criminal Code Act 1899*) are required to report a reasonable suspicion of a sexual offence against a child, irrespective of where this occurs. Examples can include but not limited to:
  - A teacher may be coaching netball for a private non-school related team and a disclosure of a sexual offence is made to them.
  - A staff member is made aware through their friendship network of a sexual offence against a child.
- It is a reasonable excuse not to report under s229BC of the Criminal Code Act 1899 if a report has already been made to Child Safety or the Police in accordance with the *Education (General Provisions) Act 2006* or the *Child Protection Act 1999* as set out above.

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

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

A failure to protect offence will be committed if an Accountable Person:

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 the institution (school)

c) the child is under the care, supervision or control of an institution (the school)

d) the child is under 16 years old or has an impairment of the mind;

e) the Accountable Person has the power or responsibility to reduce or remove the risk; and

f) the Accountable Person wilfully or negligently fails to reduce or remove the risk.

Failing to report sexual abuse also breaches *the Education (General Provisions) Act 2006,* and Catholic Education Authorities' policies and procedures.

Position of Authority Offence Explained

From 20 September 2025, Queensland law makes it a criminal offence for an adult to engage in sexual activity with a 16– or 17-year-old if the adult is in a position of care, supervision or authority over that young person. Previously it was only a criminal offence for an adult to maintain an unlawful sexual relationship with a child under the age of 16.

These changes are outlined in section 210A and section 229B(1A) of the *Criminal Code 1899* They were introduced under the *Criminal Justice Legislation (Sexual Violence and Other Matters) Amendment Act 2024*.

An adult is in a position of authority where they hold influence, trust or power over a young person. This includes roles such as teachers, school leaders, coaches, employers, faith leaders, health practitioners, carers, residential care workers, parents/guardians and similar caregivers.

The offence applies solely based on the relationship and the young person's age — it does not require proof of abuse, coercion, or lack of consent.

Penalties for this offence are up to 14 years in prison for a single offence and life in prison for repeated offences.

4.5 Requirement to respond to all harm, abuse or allegations of harm or abuse

In accordance with legislative requirements, Catholic School Authorities have a responsibility to respond to harm or allegations of harm to a student irrespective of the cause. Catholic School Authorities must also report allegations and convictions of reportable conduct by workers. This section outlines our responsibilities.

4.5.1 Reporting all concerns about harm or risk of harm to a student and reportable conduct

A member of EREA Flexible Schools Ltd. (including all personnel) who form a reasonable suspicion that a student has

- suffered or is at risk of harm (that is, sexual, physical, psychological, emotional harm or neglect);
- been subject to reportable conduct by a worker; or

- has been subject to inappropriate behaviour

must report the matter to the Principal and / or Student Protection Contacts, so appropriate action can be taken to ensure the wellbeing of the student.

4.5.2 Allegations of harm/risk of harm or inappropriate behaviour by Principal, staff member or other personnel or volunteer

A member of EREA Flexible Schools Ltd. who forms a reasonable suspicion that a student has suffered or is at risk of harm (that is, sexual, physical, psychological, emotional harm or neglect), or has been subject to inappropriate behaviour caused by the Principal, staff member or other personnel (including volunteers), has responsibility to follow the processes outlined in this document. It is the responsibility of all personnel to safeguard and protect all students.

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

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

Inappropriate behaviour by a staff member or other personnel (including volunteers) may occur where there is a violation of professional boundaries. A description of professional boundaries can be found at Section 10 of the Student Protection Guidelines.

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

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

The following EREA Flexible Schools Ltd. policy documents must also be followed:

- EREAFSL Safeguarding Policy
- Codes of Conduct – Staff, Community, and Young Person
- EREAFSL Enterprise Risk Management Framework

Where a member of EREA Flexible Schools Ltd. forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by the school **Principal** the reporting processes detailed in this document must be followed as appropriate.

Some additional EREA Flexible Schools Ltd. guiding policy documents / considerations include:

- EREAFSL Enterprise Risk Management Framework.
- CEO Notifiable Incident Reporting Procedure.
- Complaint Handling Policy, Guidelines and Procedures.
- Considerations around standing down staff members.
- Consulting with Queensland Police Service around investigation outcomes.

4.5.3 Allegations of reportable conduct by Principal, staff member or other personnel or volunteer

A member of EREA Flexible Schools Ltd. who forms a reasonable belief that a student has been subject to reportable conduct by the Principal, staff member or other personnel (including volunteers), has responsibility to follow the processes outlined in this document. It is the responsibility of all personnel to safeguard and protect all students.

Therefore, if a staff member becomes aware of reportable conduct, the staff member must report this behaviour in accordance with the designated processes without delay.

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

The following EREA Flexible Schools Ltd. documents must also be considered:

- EREAFSL Enterprise Risk Management Framework;
- Considerations around standing down staff members;
- Consulting with Queensland Police Service around investigation outcomes.

Where a member of EREA Flexible Schools Ltd. forms a reasonable suspicion that the school **Principal** has engaged in reportable conduct the reporting processes detailed in this document must be followed as appropriate.

The following procedures must also be followed for dealing with allegations against Principals. These include:

- EREAFSL Enterprise Risk Management Framework;
- Considerations around standing down staff members;
- Consulting with Queensland Police Service around investigation outcomes.

Resources to assist you:

Refer also Flowchart 3 and Flowchart 4

Important Note

Sexual activity between staff members and students

*The involvement of **any** EREA Flexible Schools Ltd. staff member or volunteer in sexual activity with, or sexual exploitation of a student attending the school **is sexual abuse and reportable conduct**.*
This must be immediately reported as per section 4.1

It is a criminal offence to engage in sexual activity with a child aged 16 to 17 years of age if you are an adult who is in a position of care. This includes teachers, teacher aides, sports coaches and religious leaders. Penalties for this offence are up to 14 years in prison for a single offence and life in prison for repeated offences.

4.5.3 Harm or risk of harm to a student caused by self-harm

All EREA Flexible Schools Ltd. staff and other personnel must respond to students who deliberately cause pain or damage to their own body which can be suicidal or non-suicidal in intent. The first priority is the immediate safety of the student. This includes determining if medical attention such as first aid is required and/or an immediate response from emergency services or mental health services is required.

Self-harm can take on different forms and its frequency can vary from student to student. Explanations can be found at 2.5 of the Student Protection Guidelines.

Self-harm is normally a sign that a student is feeling intense emotional pain and distress. Therefore, self-harming behaviour by a student must be reported immediately to the Principal and/or Student Protection Officers at the school.

As with all situations, there is a responsibility to report the harm to the Department responsible for Child Safety as per section 4.3 if the First Person forms a reasonable suspicion that a student:

- has suffered, is suffering or is at unacceptable risk of significant harm, as a result of their self-harming behaviour; **and**
- may not have a parent able and willing to protect the student from harm, (for example refusing to support the student in accessing medical or psychological care or unable to take protective action). The First Person must never make a determination that the child has a parent able and willing to protect them from the harm, without consulting the Principal.

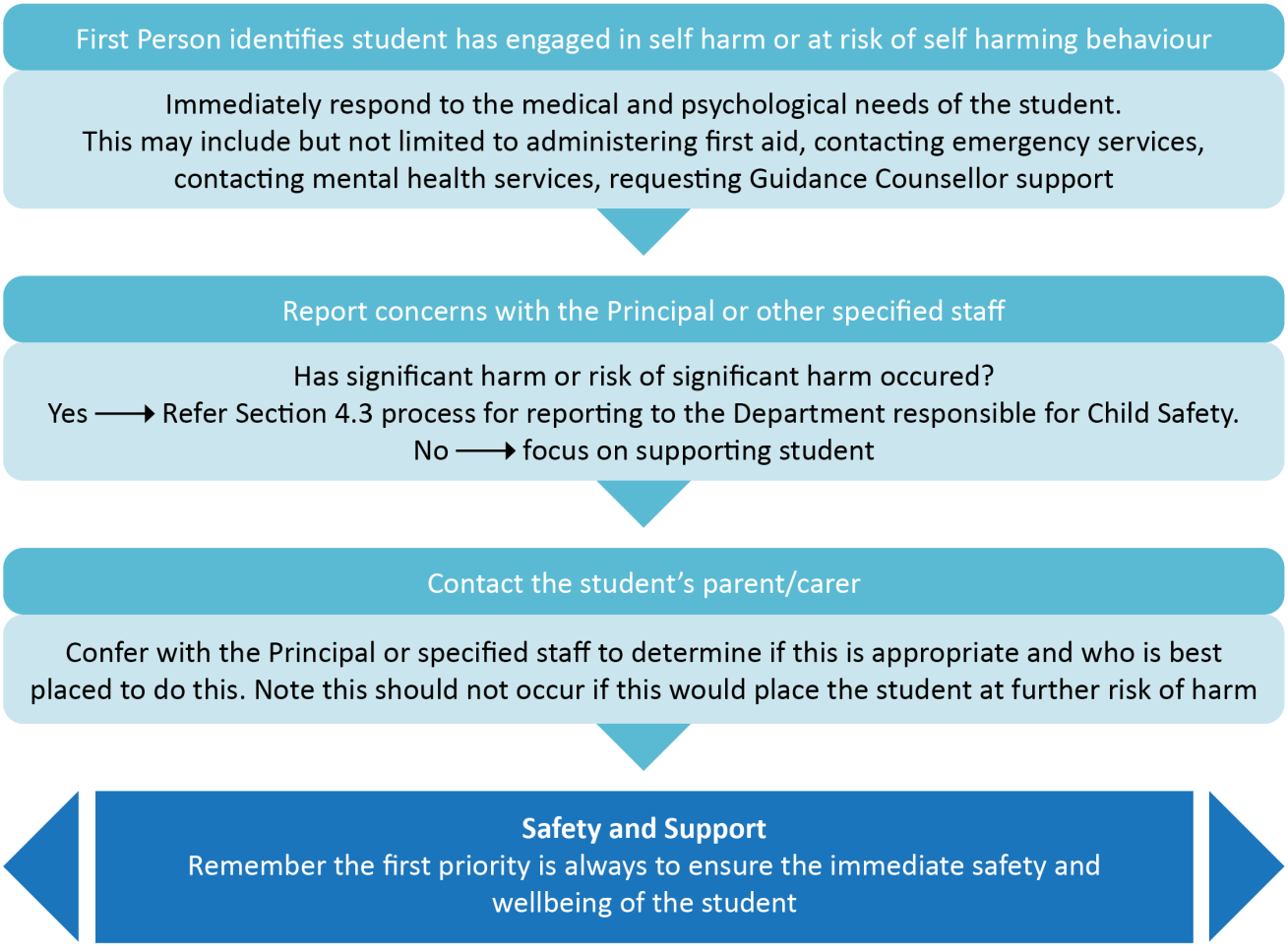
Resources to assist you:

Refer also 2.5 Student Protection Guidelines

Flowchart 3

Flowchart 4

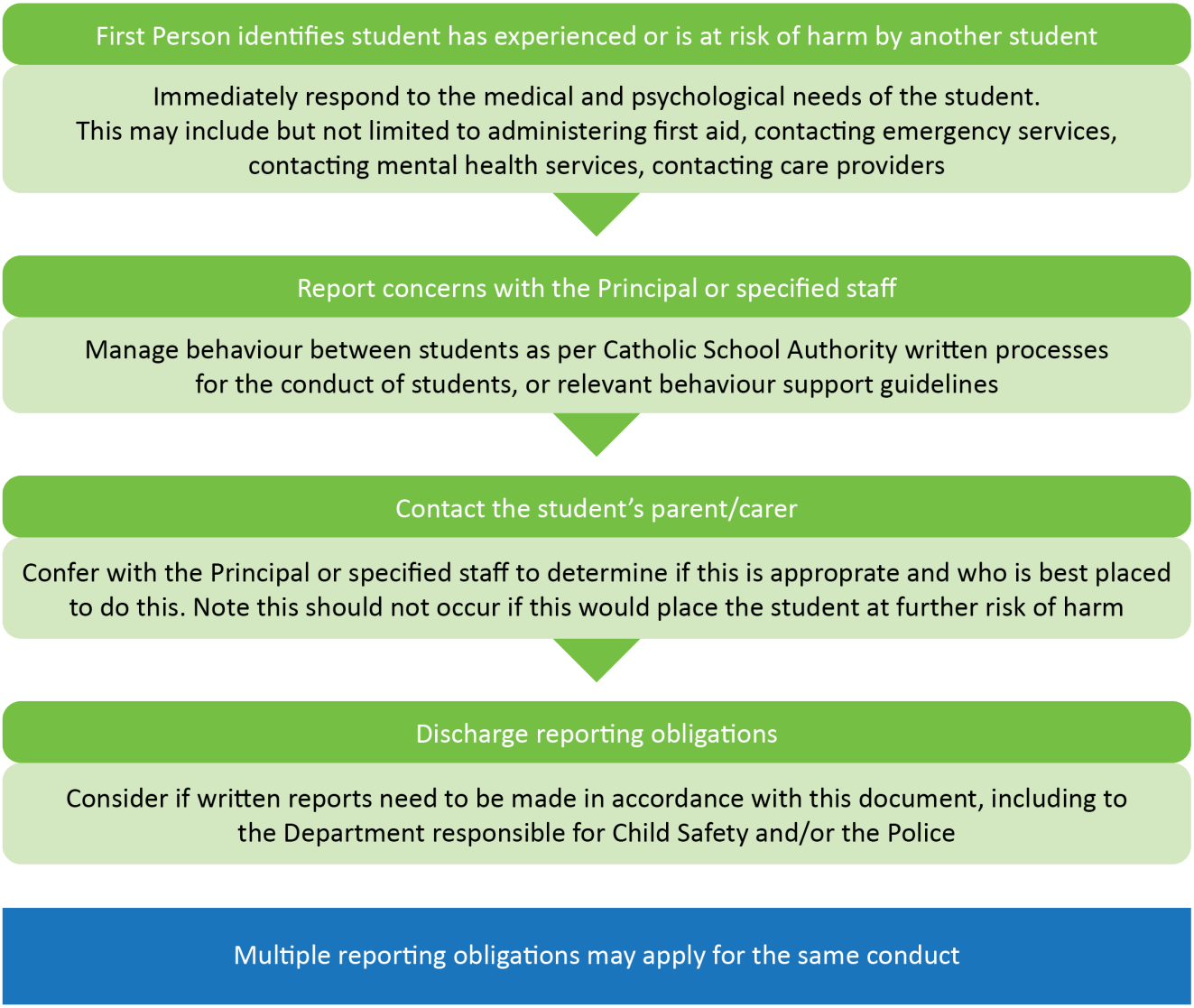
Flowchart 6: Process for responding to harm caused by self-harm



4.5.4 Harm or risk of harm to a student caused by another student

Where a First Person forms a reasonable suspicion that a student has been harmed or is at risk of being harmed by another student, the process involves:

- Prioritising the safety of the student, this includes attention to any medical treatment.
- Managing student's behaviour in accordance with the EREA Flexible Schools Ltd. written processes for the conduct of students, or relevant behaviour support guidelines.
- Where criminal offences have been alleged, for example the serious assault of a student by another student over the age of 10 years, advising parents/carers of the option to pursue action through the Queensland Police Service. EREA Flexible Schools Ltd. will cooperate with any resulting investigation.
- Managing bullying behaviour, (including online bullying) in accordance with EREA Flexible Schools Ltd. bullying procedures.
- Making a written report to the department responsible for Child Safety if a staff member forms a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of significant harm, as a result of student to student behaviours AND may not have a parent able and willing to protect the student from harm, (for example an inability to provide supervision for the student), in accordance with section 4.3.
- make any other reports that may be required, for example a report to the Police under section 4.2 of a reasonable suspicion of sexual abuse or likely sexual abuse.



Flowchart 7: Process for responding to harm caused by another student

4.5.4 Responding to student sexual behaviour

- Sexual behaviours of various kinds may be evident in children, particularly in the early years. Some forms of sexual behaviour may be considered developmentally appropriate for the child's age and stage of development.
- Other behaviours may indicate that the child could have been exposed to inappropriate material or experiences (for example, reports of very young children knowing about and experimenting with oral sex). Resources such as those published by the Department responsible for Child Safety can assist in identifying inappropriate sexual behaviour.
- Suspicion that a student has been sexually abused may also be formed in some circumstances where a student exhibits concerning sexual behaviour. In these circumstances, the First Person must follow the Framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support. This includes:
    - identifying if a reasonable suspicion or significant harm has occurred; and
    - reporting as per this document , which may include a report to the Queensland Police Services, and/or the Department responsible for Child Safety.

Resources to assist you:

- Developmentally appropriate sexual behaviour in children
- Sexual Behaviours in Children & Young People – Traffic Lights Brochure

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

There may be some circumstances where a First Person becomes aware of or reasonably suspects a concern that a student has been harmed, or is at risk of harm, by a person not associated with the school or family. For example, a boyfriend or girlfriend or ex-partner of a student; disclosure of abuse/harm by their dentist or physiotherapist or a stranger. In these circumstances, the First Person must follow the Framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support. This includes:

- identifying if a reasonable suspicion or significant harm has occurred; and
- reporting as per this document, which may include a report to the Queensland Police Service, and/or the Department responsible for Child Safety.

The ***first priority*** is the ***safety*** of the student.

4.6 Responding to concerns that do not meet the threshold for reporting harm

- A First Person may identify concerns regarding a student that do not form a reasonable suspicion of sexual abuse, likely sexual abuse, or significant harm. However, the assessment or professional judgement of the First Person may indicate that without support or intervention, a student and/or their family is at risk of entering the child protection system.
- Concerns must be raised with the Principal and Student Protection Officers who may refer the student/and or their family to the appropriate service. This may include support options through the school, such as the Head of Campus, or to community-based options such as Family and Child Connect.
- A First Person may also identify concerns regarding a student that may not meet reporting thresholds because of the age of the student. A First Person must always report the concerns to the Principal irrespective of the age of the student (or a director of the Governing Body if the allegations involve the Principal), so appropriate next steps can be determined.
- The Student Protection Guidelines Section 9 provide details of options available to support students and families.

- Concerns and decision making must be documented and retained by the Principal and or Head of Campus

Resources to assist you:

Section 9 Student Protection Guidelines

4.7 Reporting by a student

If a student of EREA Flexible Schools Ltd. considers the conduct of a staff member or worker of the school to be inappropriate and/or a Reportable allegation, they may report to the Principal, a Director of EREA Flexible Schools Ltd. or the Student Protection Officers listed on page 5 of this document, or any staff member they feel comfortable speaking with.

Any staff member who receives a report from a student that they consider the conduct of another staff member to be inappropriate and/or a Reportable allegation, must follow the Framework for responding to and reporting student protection concerns of Identify, Confer, Report, Support. This includes:

- identifying if a reasonable suspicion or significant harm has occurred; and
- forming a reasonable belief that a Reportable allegation has or has not occurred by a worker; and
- reporting as per this document, which may include a report to the Head of Entity (or their Delegate), the Queensland Police Service, the Queensland Family and Child Commission and/or the Department responsible for Child Safety; and
- informing the Principal about the concerns (or a director of the Governing Body if the Principal is involved in the allegation).

4.8 Reporting to the Queensland College of Teachers

In accordance with section 76 of the *Education (Queensland College of Teachers) Act 2005* (Qld), when the EREA Flexible Schools Ltd. deals with an allegation of harm caused, or likely to be caused, to a child because of the conduct of a teacher of the School, the School must provide a report to the Queensland College of Teachers as soon as practicable after starting to deal with the allegation.

The report must include:

a) the name of the employing authority and, if the name of the authority is different to the name of the prescribed school, the name of the prescribed school;
b) the name of the relevant teacher;
c) the day the employing authority started dealing with the allegation;
d) the allegation, particulars of the allegation and any other relevant information;
e) details about what actions the employing authority has taken to deal with the allegation.

A report must also be given as soon as practicable after EREA Flexible Schools Ltd. stops dealing with the allegation for any reason, in accordance with section 77 of the Education (Queensland College of Teachers) Act 2005 (Qld).

When a report is made under section 76 of the *Education (Queensland College of Teachers) Act 2005*, it is likely that a parallel report must also be made to the Queensland Family and Child Commission concerning reportable conduct. The relevant regulators may request supplementary information and records to fulfil their own statutory and purpose specific functions in relation to individual workers and reporting entities actions and follow up.

5. Writing an effective report of concern and risk assessment

It is vital to complete a comprehensive report of the concerns using the Form A (accessible via the Assurance platform). This will assist with an efficient and effective process important to ensuring the safety and wellbeing of the student. This is the responsibility of the First Person.

However, the First Person is encouraged to seek assistance from the Student Protection Contact and/or Principal as outlined in this document.

Resources to assist you:

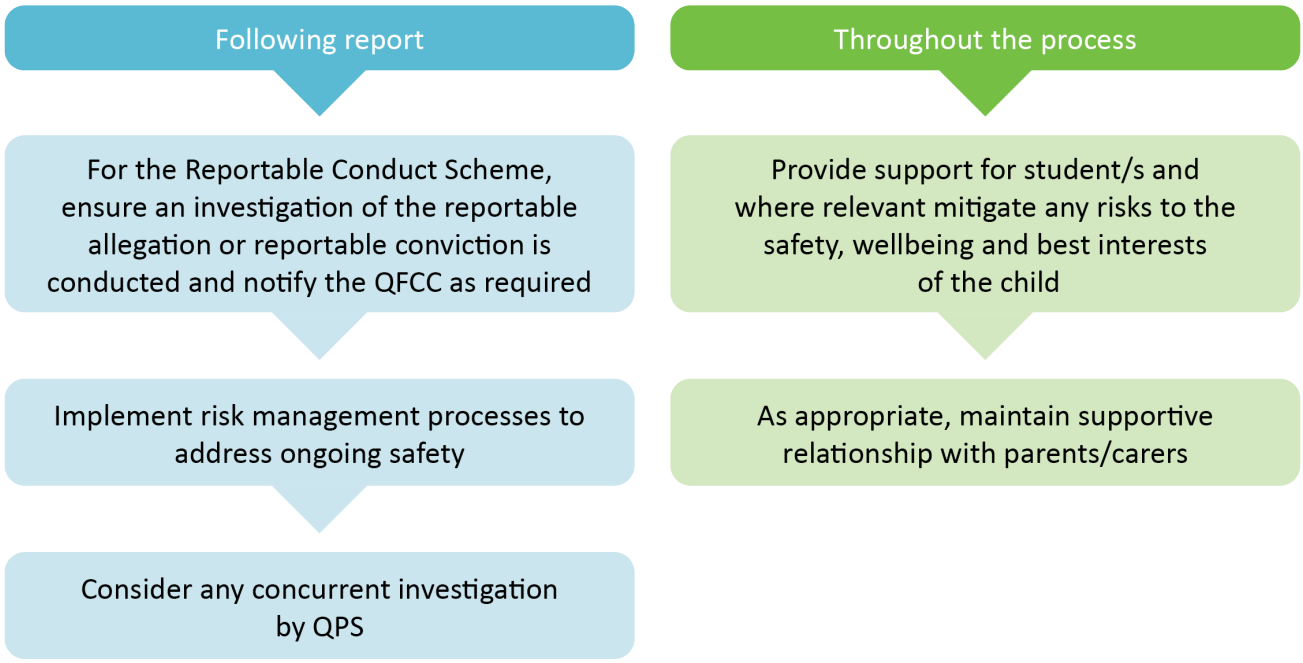
Key tips in completing the report can be found at Appendix 4

Refer also National Safeguarding Portal - Home

6. After the report is made

It is important to remember that there is a parallel process of safeguarding through reporting the concerns **and** providing support to the student and that under the Reportable Conduct Scheme, responsibility shifts to the Head of Entity once notified.

Flowchart 8: Parallel process of safeguarding and supporting



Our responsibility does not end with the report. The report is one step in an ongoing process that focuses on ensuring the safety and wellbeing of our students.

Follow up action includes:

- A reportable allegation may trigger obligations under multiple frameworks (QPS, Child Safety and QFCC). Compliance with one does not discharge obligations under another.
- The Principal confirming receipt of the report and actions with Queensland Police Service, the department responsible for Child Safety and/or the Queensland Family and Child Commission to confirm both receipt of the report, and any action that these agencies may take. Wherever possible ask for written confirmation.
    - Once received, the Principal or Head of Campus will then attach these communications to the Form A in Assurance, and in the young person's profile in TASS (Confidential notes)
- Implementing risk management processes to address safety concerns of the student, this includes between students where harm has occurred. Upon becoming aware, the Head of Entity must ensure a documented risk assessment of the worker is conducted, including:
    - contact with children
    - supervision arrangements
    - interim restrictions or stand-down.
- Providing or organising pastoral support to address the well-being of students. Ensure appropriate follow up is provided with the student.
- Maintaining supportive relationships with parents/carers, and families.
- Ensuring all parties involved respect the confidentiality and privacy of students and families involved.
- The Head of Entity and those conducting risk assessments will also assess any risk to reporters and will take steps to protect against retaliation.
- Where relevant, preparing for child protection interviews by assuring confidentiality, safety, and support. Seek advice from the Head of Campus to support the student and prepare for any interview.

7. Advising parents/carers and the student

When a student protection report to the Queensland Police Service and/or the Department responsible for Child Safety is required, EREA Flexible Schools Ltd. personnel must consider **when** or **if** parents/carers are advised of the report.

It is recognised that in some situations parents/carers should be advised immediately or just prior to the report being submitted, as the primary carers of the student. This acknowledges that we want to work with families/carers to support their children. However, in other circumstances it is recommended that parents/carers are advised after the report is made.

The following guidelines are recommended to support decision making:

- Confer with appropriate personnel as specified in this document which includes assessing the risks of when to advise the parent/carer.
- Conferral may also include seeking guidance from relevant authorities, the Queensland Police Service and/or Child Protection Regional Intake Service.
- Assessing risk of when to advise the parent/carer involves determining what is in the student's best interests. This includes determining whether there is a reasonable belief that:
    - Someone may be charged with a criminal offence for the harm and advising the family would jeopardise the investigation. For example:
        - ✓ The alleged person responsible for the harm/abuse is one of the student's parents/carers;
        - ✓ the alleged person responsible for the harm/abuse may abscond with the student;
        - ✓ risk that the parent/carer may confront a student allegedly responsible for harming their child.

- Advising the parent/carer may expose the student to harm. For example, the parent/carer may blame the student or threaten them which can cause greater harm, impede both the investigation and access to support.
- Advising the parent/carer may expose staff to harm.
- Where the suspected abuse or neglect is by a member of the student's family, the Principal, or Head of Campus will only inform the parent/carer of the protection concern if appropriate and once guidance is sought from the Queensland Police Service or the Department responsible for Child Safety.

It is recommended that the Principal or Head of Campus will seek immediate guidance from the Queensland Police Service and/or the department responsible for Child Safety as to when it is appropriate to discuss the matter with the student's parent/carer.

Reportable Conduct Report

After receiving a notification of an allegation of reportable conduct ,EREA Flexible Schools Ltd. personnel must evaluate all available information for the purpose of assessment and management of risk.

Risk management must prioritise student safety and wellbeing and take into account support for families and carers. The risk management actions may include appropriately informing parents or carers throughout an investigation process, including the actions taken to support the student's immediate safety and wellbeing, unless doing so would place the student or another person at greater risk or compromise an investigation.

The Head of Entity (or their Delegate) may disclose information to a child who is the subject of conduct that forms the basis of an investigation of a Reportable allegation or Reportable conviction or to a parent, person with parental responsibility or guardian of the child unless disclosure would put the safety or wellbeing of the child or any other person at risk or prejudice a proceeding or investigation. Information which may be disclosed is:

- the progress of an investigation of the reportable allegation or reportable conviction; and
- the findings of the investigation; and
- the reasons for the findings; and
- any action that is to be taken in response to the findings.

If a concurrent investigation is underway by the Queensland Police Service, the Head of Entity (or their Delegate) must take into account the following obligations under section 46 of the *Child Safe Organisations Act 2024* before notifying a parent or carer:

- The obligation to take all reasonable steps to mitigate any risks to the safety, wellbeing and best interests of children that may arise as a result of complying with the police commissioner's request; and
- Ensuring an investigation is conducted in a way that does not prejudice the police investigation.

The priority of all EREA Flexible Schools Ltd. personnel must remain on the safety and wellbeing of the student, and ensuring they have access to appropriate support including by parents/carers.

8. Disclosure of information and confidentiality (Reportable Conduct Scheme)

Disclosure of information

Entities must have regard to Part 5, Chapter 4 of the *Child Safe Organisations Act 2024* when considering disclosure of information and confidentiality. The below information provides a guide to the obligations under

the Act. Child safe entities should disclose information in a timely way and to the extent that is appropriate, including having regard to the effect of giving the information on protecting children or a particular child from harm and ensuring the safety, wellbeing and best interests of children or a particular child.

An entity must ensure the identity of a child the subject of the information is protected as far as practicable. Confidential information may be disclosed to another prescribed child safe standards entity for any of the following purposes:

a) to respond to a concern about a failure to implement or comply with the child safe standards or universal principle;
b) to assist the QFCC in performing a function or exercising a power under the child safe standards;
c) to assist the QFCC in performing a function or exercising a power under the Reportable Conduct Scheme by providing information about compliance with a requirement under the child safe standards by a reporting entity.

The Head of Entity may disclose relevant information to another Head of Entity for the following purposes:

a) to lessen or prevent a serious risk or threat to the life, health or safety of a child or class of children;
b) if the receiving entity is the police service or a police force or service of another State or the Commonwealth—to enable the investigation of criminal conduct;
c) if the receiving entity is the QFCC—for the performance of the QFCC's functions under the RCS;
d) for an investigation by the receiving entity of a Reportable allegation or Reportable conviction;
e) for taking appropriate action by a reporting entity or sector regulator for a reporting entity in relation to a finding that Reportable conduct has been engaged in by a worker of the reporting entity; or
f) for a receiving entity other than the QFCC for the performance of a function by the receiving entity under an Act that relates to the protection of children from harm.

Relevant information may be disclosed whether or not the receiving entity has requested the information, being:

a) information about the progress of an investigation of a Reportable allegation or Reportable conviction;
b) the findings and reasons for the findings of an investigation mentioned in (a);
c) any action that is to be taken in response to the findings mentioned in (b);
d) any other information about a Reportable allegation or Reportable conviction that would assist a prescribed RCS entity to comply with the Reportable Conduct Scheme; but
e) does not include evidentiary material or a relevant record or transcript under section 52(9) of the *Child Safe Organisations Act 2024.*

Confidentiality

It is a legislated requirement that if person gains confidential information through involvement in the administration of the Act, the person must not make a record of the information or intentionally disclose the information to anyone unless and to the extent it is a permitted use and/or recklessly disclose the information to anyone. No person is permitted to disclose the identity of a notifier under the *Child Protection Act 1999* unless authorised under that Act.

Appendix 1 Definitions

These definitions apply where the term is used in this document, however they do not substitute or replace the legislative definition and must be read together with the relevant legislation.

Accountable person

In accordance with S229BB of the Criminal Code Act 1899, an "Accountable Person" means an adult who is associated with an institution such as Catholic Education, who becomes aware that there is a significant risk that another adult, that is, the 'alleged offender' will or has committed a child sexual offence to a child.
The Accountable Person is someone who has the power or responsibility to reduce or remove the risk.
An Accountable Person is **responsible** for **safeguarding** students from sexual offences and **must act** to reduce or remove the risk.

It a criminal offence for an Accountable Person to fail to protect a child from a child sexual offence.

Child

A child is a person under 18 years of age.

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.

Harm

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

(1) Harm, to a child, is any detrimental effect of a significant nature on the child's physical, psychological, or emotional well-being.
(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.

(See Student Protection Guidelines for detailed definitions)

Child sexual offence (*Criminal Code 1899 Chapter 22*)

Child sexual offence means an offence of a sexual nature committed in relation to a child.

S229BC identifies child sexual offence as

(a) … 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.

Sexual assault includes
Any person who –

(a) Unlawfully and indecently assaults another person; or
(b) Procures another person, without the person's consent –

i. To commit an act of gross indecency; or
ii. To witness an act of gross indecency by the person or any other person;

is guilty of a crime.

The *Criminal Code* specifies different levels of criminal action towards a child which includes indecent treatment of a children under 16, carnal knowledge with or of children under 16, procuring of a child for carnal knowledge or sexual acts, using internet etc., to procure children under 16, grooming a child under 16.

Child sexual abuse

As defined by section 364 of the *Education (General Provisions) Act 2006*:
Sexual abuse, in relation to a relevant person, includes sexual behaviour involving the relevant person and another person in the following circumstances–

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

Colleague

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

Delegate

As provided by section 27A of the *Acts Interpretation Act 1954*, means a person, specified officer or the holder of a specified office, who has been delegated in writing a function or power either under legislation or by an entities governing documents by a delegator.

Director of the Governing Body

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

Failure to Report and Failure to Protect

See Appendix 2 for definitions under the *Criminal Code 1899*

First Person (S366-366A *Education (General Provisions) Act 2006)*

- The First Person is a staff member who becomes aware of or reasonably suspects that a student attending the school has been sexually abused by another person or is likely to be sexually abused by another person.
- In addition, for the purposes of this document, the First Person is defined as any person who is part of the school community who becomes aware of or reasonably suspects that a student attending the school has experienced, or is at significant risk of experiencing, all harm as a result of abuse, including alleged staff inappropriate behaviour towards a student.
- The First Person has **responsibility** for commencing the reporting processes once they become aware of or reasonably suspect abuse, harm or the risk of significant abuse, harm to a student and/or another child in the community. This responsibility **cannot** be delegated to someone else.

Meaning of head of an entity (*Child Safe Organisations Act 2024*)

The head of an entity is—
(a) for a public sector entity under the Public Sector Act 2022, section 8—the chief executive of the public sector entity; or

(b) for the police service—the police commissioner; or
(c) the person or holder of a position prescribed by regulation as the head of the entity; or
(d) otherwise—
(i) the chief executive officer of the entity, however described; or
(ii) if there is no chief executive officer—the principal officer of the entity, however described; or
(iii) if there is no chief executive officer or principal officer—a person or holder of a position for the entity approved by the commission.

Alleged staff inappropriate behaviour towards a student

Alleged staff inappropriate behaviour towards a student includes but is not limited to any behaviour, including words, towards a student that is contrary to what is required of staff members under the EREA Flexible Schools Ltd. *Code of Conduct*.

Further, any report from a person, including a student, about a staff member's behaviour towards a student that the person making the report considers to be inappropriate is to be taken as an allegation of inappropriate behaviour. This must be responded to in accordance with the processes contained within this document.

Reasonable suspicion

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

Reportable allegation (*Child Safe Organisations Act 2024*)

A reportable allegation is as defined by section 27 of the *Child Safe Organisations Act 2024* and means an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed

a) reportable conduct; or
b) misconduct that may involve reportable conduct.

It is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the reporting entity.

Reportable conduct (*Child Safe Organisations Act 2024*)

Reportable conduct is as defined by section 26 of the *Child Safe Organisations Act 2024* and means:

(a) a child sexual offence (see below)

(b) sexual misconduct committed in relation to, or in the presence of, a child

(c) ill-treatment of a child

(d) significant neglect of a child

(e) physical violence committed in relation to, or in the presence of, a child

(f) behaviour that causes significant emotional or psychological harm to a child.

For the purposes of reportable conduct:

- Conduct listed above is reportable conduct whether or not a criminal proceeding in relation to the conduct has been commenced or concluded.
- Conduct may constitute reportable conduct if it is engaged in as a single act or omission or as a series of acts or omissions, even if each act or omission does not, of itself, amount to reportable conduct.
- Reportable conduct does not include conduct that is reasonable for the discipline, management or care of a child having regard to

    - the characteristics of the child, including the age, developmental stage and health of the child; and
    - any code of conduct or professional standard applying to the conduct.
- child sexual offence means the following
    - a child sexual offence under the Criminal Code, section 207A;
    - an offence of a sexual nature committed in the presence of a child;
    - an act or omission committed outside Queensland that would be an offence mentioned in paragraph (a) or (b) if it were committed in Queensland.
- emotional or psychological harm, to a child, means detriment to the emotional or psychological wellbeing or development of a child.
- ill-treatment, of a child, means conduct towards the child that is unreasonable and seriously inappropriate, improper, inhumane or cruel.
- neglect, of a child, means a failure to meet the basic needs of the child that is deliberate or reckless.
- physical violence
    - means—
        - the intentional or reckless application of physical force to a person without lawful justification or excuse; or
        - an act that intentionally or recklessly causes a person to anticipate immediate and unlawful violence to the person; but
    - does not include the application of trivial, negligible or insignificant physical force to a person.
- sexual misconduct, committed in relation to, or in the presence of, a child means conduct that is sexual in nature, other than conduct that constitutes a child sexual offence.

Reportable conviction (*Child Safe Organisations Act 2024*)

Reportable conviction is as defined by section 28 of the *Child Safe Organisations Act 2024* and means a reportable conviction, of a worker of a reporting entity, is a conviction for an offence committed by the worker against a law of a State or the Commonwealth that may involve reportable conduct.

A conviction includes the following—

a) a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded;
b) a spent conviction, or a conviction that has become spent under a law of another State or the Commonwealth.

Reportable suspicion

As defined by section 13E of the *Child Protection Act 1999,* a reportable suspicion means a reasonable suspicion that a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse; and may not have a parent able and willing to protect the child from the harm.

Relevant person (Child Protection Act 1999)

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

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

Staff member

A staff member is any person who is employed byEREA Flexible Schools Ltd.on a casual, fixed term, or continuing basis, either pursuant to a contract of employment or appointed to a role at the school pursuant to an agreement with a religious order. This includes visiting teachers providing private tuition.

Student

A student is any person enrolled as such at EREA Flexi Schools Ltd. This includes a 'relevant person' for the purposes of mandatory reporting under sections 366 and 366A of the *Education (General Provisions) Act 2006*:

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

Student Protection Officer

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

Meaning of worker of an entity (*Child Safe Organisations Act 2024*)

A worker of a child safe entity or reporting entity is an individual who performs work of any kind for the entity, and includes, for example, the following—
(a) an employee of the entity;
(b) a volunteer;
  Example— an approved carer, and a member of an approved carer's household, under the *Child Protection Act 1999*, schedule 3
(c) a contractor, subcontractor or consultant;
(d) an individual supplied by a provider of labour hire services under the *Labour Hire Licensing Act 2017*;
(e) an executive officer of the entity, or another person who is concerned with, or takes part in, the entity's [s 9] *Child Safe Organisations Act 2024* Chapter 2 Child safe standards Current as at 1 January 2026 Page 13 Authorised by the Parliamentary Counsel management, other than a councillor of a local government;
(f) a trainee or person undertaking work experience for the entity;
(g) if the entity is a religious body—a minister of religion, religious leader or officer of the religious body;
(h) if the entity is a sole trader—the individual operating as sole trader;
(i) if the child safe entity or reporting entity is the department in which the *Child Protection Act 1999* is administered—an honorary officer under schedule 3 of that Act.

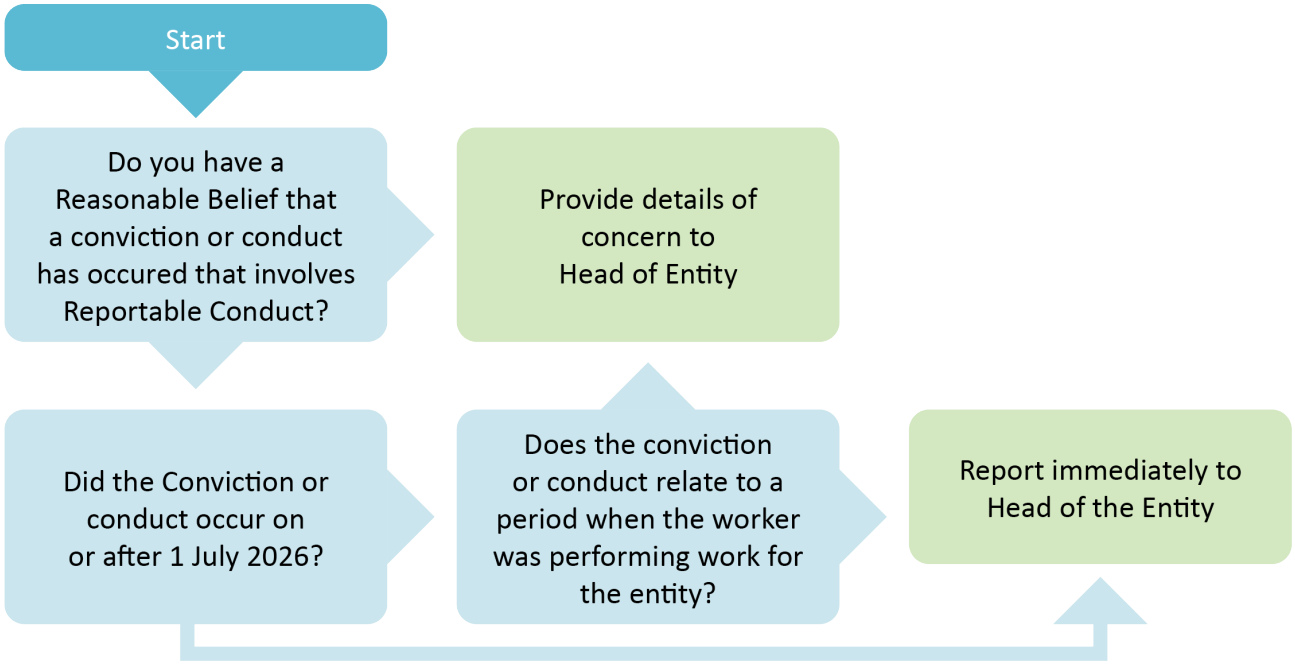
Teacher

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

Volunteer

A volunteer is any person who provides assistance or support at a Queensland Catholic Education site on a voluntary basis. Student teachers are included in this definition.

Student Protection & Reportable Conduct - Decision Map



Appendix 2 Legislative references

Child Protection Act 1999	
Reporting of a child in need of protection	Section 13A states (1) Any person may inform the chief executive if the person reasonably suspects— (a) a child may be in need of protection; or (b) an unborn child may be in need of protection after he or she is born. (2) The information given may include anything the person considers relevant to the person's suspicion.
Forming a reasonable suspicion of significant harm	Section 13C of the Child Protection Act 1999 offers some guidance around forming a reasonable suspicion that a student has suffered, is suffering or is at unacceptable risk of suffering significant harm: (2)(a) whether there are detrimental effects on the child's body or the child's psychological or emotional state— (i) that are evident to the person; or (ii) that the person considers are likely to become evident in the future; and (b) in relation to any detrimental effects mentioned in paragraph (a)— (i) their nature and severity; and (ii) the likelihood that they will continue; and (c) the child's age. (3) The person's consideration may be informed by an observation of the child, other knowledge about the child or any other relevant knowledge, training, or experience that the person may have.
Reportable suspicions	Section 13E of the *Child Protection Act 1999* includes the mandatory reporting requirement for teachers to report a reasonable suspicion to the Department responsible for Child Safety, that a child has suffered, is suffering, or is at unacceptable risk of suffering,

	significant harm caused by physical or sexual abuse where there may not be a parent willing and able to protect the child from the harm (a "reportable suspicion"). Section 13G(5) states that a person does not commit an offence under the *Child Protection Act 1999* or any other act for failing to make a mandatory report under section 13E.
Conferral with colleagues	Section 13H of the *Child Protection Act 1999* - Conferrals with colleague and related information sharing, states that: *(1) A relevant person may give information to a colleague, and a colleague may give information to a relevant person, for any of the following purposes—* *(a)for the relevant person to form a suspicion about whether a child has suffered, is suffering, or is at unacceptable risk of suffering, significant harm caused by physical or sexual abuse;* *(b)in the case of a relevant person under section 13E—for the relevant person to form a suspicion about whether a child has a parent able and willing to protect the child from harm mentioned in paragraph (a);* *(c) for the relevant person to give a report under section 13G or keep a record about giving a report;* *(d)for the relevant person or colleague to take appropriate action to deal with suspected harm or risk of harm to a child.*
Interviews with Children at School	Section 17 of the *Child Protection Act 1999* provides Department responsible for Child Safety and Queensland Police Service officers with the legislative authority to have contact with a child at a school prior to the parents/carers being told of the contact with the child and the reasons for the contact, as part of an investigation and assessment.

Child Protection Regulation 2023

The *Child Protection Regulation 2023* specifies particular information which is required in mandatory reports under the *Child Protection Act 1999* (the Act).

Section 4 Information to be included in reports—for section 13G(2)(b) of the Act, the following information is prescribed—

(a) the child's name, age and sex descriptor;
(b) details of how to contact the child;
Examples of how to contact a child—
- the address at which the child usually lives
- the name and address of the school the child attends

(c) details of the harm to which the reportable suspicion relates;
(d) particulars of the identity of the person suspected of causing the child to have suffered, suffer, or be at risk of suffering, the harm to which the reportable suspicion relates;
(e) particulars of the identity of any other person who may be able to give information about the harm to which the reportable suspicion relates.

Child Safe Organisations Act 2024	
Meaning of reportable conduct	Section 26 (1) The following conduct is reportable conduct— (a) a child sexual offence

	(b) sexual misconduct committed in relation to, or in the presence of, a child (c) ill-treatment of a child (d) significant neglect of a child (e) physical violence committed in relation to, or in the presence of, a child (f) behaviour that causes significant emotional or psychological harm to a child.
Meaning of reportable allegation	Section 27 (1) A reportable allegation is an allegation or other information that leads a person to form a reasonable belief that a worker of a reporting entity has committed— (a) reportable conduct; or (b) misconduct that may involve reportable conduct. Section 27 (2) (2) For subsection (1), it is irrelevant whether or not the conduct or misconduct is alleged to have occurred in the course of the worker performing work for the reporting entity.
Meaning of reportable conviction	Section 28 (1) A reportable conviction, of a worker of a reporting entity, is a conviction for an offence committed by the worker against a law of a State or the Commonwealth that may involve reportable conduct.
Meaning of head of an entity	Section 7 The head of an entity is — (a) for a public sector entity under the *Public Sector Act 2022*, section 8—the chief executive of the public sector entity; or (b) for the police service—the police commissioner; or (c) the person or holder of a position prescribed by regulation as the head of the entity; or (d) otherwise — (i) the chief executive officer of the entity, however described; or (ii) if there is no chief executive officer—the principal officer of the entity, however described; or (iii) if there is no chief executive officer or principal officer—a person or holder of a position for the entity approved by the commission.
Meaning of worker of an entity	Section 8 (1) A worker of a child safe entity or reporting entity is an individual who performs work of any kind for the entity, and includes, for example, the following— (a) an employee of the entity (b) (b) a volunteer Example— an approved carer, and a member of an approved carer's household, under the *Child Protection Act 1999*, schedule 3 (c) a contractor, subcontractor or consultant *(d)* an individual supplied by a provider of labour hire services under the *Labour Hire Licensing Act 2017* (e) an executive officer of the entity, or another person who is concerned with, or takes part in, the entity's management, other than a councillor of a local government (f) a trainee or person undertaking work experience for the entity (g) if the entity is a religious body—a minister of religion, religious leader or officer of the religious body (h) if the entity is a sole trader—the individual operating as sole trader

	(i) if the child safe entity or reporting entity is the department in which the *Child Protection Act 1999* is administered—an honorary officer under schedule 3 of that Act.
Head of reporting entity must notify commission	Section 34 (1) This section applies if the head of a reporting entity becomes aware of either of the following — (a) a reportable allegation about a worker of the entity; (b) a reportable conviction of a worker of the entity. Section 34 (2) Unless the head of the reporting entity has a reasonable excuse, the head of the entity must give the commission written notice about the allegation or conviction mentioned in subsection (1) that complies with section 35(1) (an initial report), within — (a) 3 business days after the head of the entity becomes aware of the allegation or conviction; or (b) if the commission agrees to a longer period—the longer period. Maximum penalty—100 penalty units.

Education (Accreditation of Non-State Schools) Act 2017 and *Education (Accreditation of Non-State Schools) Regulation 2017*
The *Education (Accreditation of Non-State Schools) Act 2017* establishes an accreditation regime for the accreditation of non-state schools. The Act also establishes the penalties for non-compliance with the accreditation criteria. The *Education (Accreditation of Non-State Schools) Regulation 2017* prescribes the accreditation criteria relevant for a non-state school's accreditation as mentioned in section 11 of the Act. Sections 16(1) to 16(7) of the Regulation deal with the accreditation requirements relating to the conduct of staff and students and response to harm.

Education (General Provisions) Act 2006
The *Education (General Provisions) Act 2006* contains mandatory reporting requirements for all non-state school staff who become aware of or who reasonably suspect that a student has been sexually abused or is likely to be sexually abused by another person (sections 366 and 366A). These requirements include sexual abuse, suspected sexual abuse and likely sexual abuse of students by another person. A staff member or Principal who fails to comply with the mandatory reporting requirements in relation to the sexual abuse or suspected sexual abuse of a student commits an offence under section 366 of the *Education (General Provisions) Act 2006* and is liable for a penalty of up to 20 penalty units. However, a person does not commit an offence for failing to report the likely sexual abuse of a student under section 366A of the *Education (General Provisions) Act 2006*. Staff making a report in accordance with the *Education (General Provisions) Act 2006* will be protected from civil or criminal liability e.g., from defamation or breach of confidence. However, staff making a knowingly false, malicious, or vexatious report will not be protected by this immunity and may risk action for defamation, disciplinary action by their employer or disciplinary action by the Queensland College of Teachers.

Education (General Provisions) Regulation 2017

The *Education (General Provisions) Regulation 2017* specifies particular information which is required in mandatory reports under the *Education (General Provisions) Act 2017* (the Act).

Section 68 Report about sexual abuse—Act, ss 365 and 366

A report under section 365(3) or 366(3) of the Act must include the following particulars—
(a) the name of the person giving the report (the first person);
(b) the student's name and sex;
(c) details of the basis for the first person becoming aware, or reasonably suspecting, that the student has been sexually abused by another person;
(d) details of the abuse or suspected abuse;
(e) any of the following information of which the first person is aware—
(i) the student's age;
(ii) the identity of the person who has sexually abused, or is suspected to have sexually abused, the student;
(iii) the identity of anyone else who may have information about the abuse or suspected abuse.

Section 69 Report about suspicion of likely sexual abuse—Act, ss 365A and 366A A report under section 365A(4) or 366A(5) of the Act must include the following particulars—

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

Criminal Code Act 1899

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

At the time of the offending behaviour, the child victim must be under 16 years of age or a person with an impairment of the mind. A 'child sexual offence' means an offence of a sexual nature [whether or not it meets the definition of sexual abuse under the *Education (General Provisions) Act 2006*] committed in relation to a child, including for example, an offence against a provision of chapter 22 and 32 of the *Criminal Code Act 1899*.

Failure to protect child from sexual offence s229BB
(1) An accountable person commits a crime if—
(a) the person 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—
(i) is associated with an institution; or
(ii) is a regulated volunteer; and

(c) the child is under the care, supervision, or control of an institution; and
(d) the child is either—
(i) under 16 years; or
(ii) a person with an impairment of the mind; and
(e) the person has the power or responsibility to reduce or remove the risk; and
(f) the person wilfully or negligently fails to reduce or remove the risk.
Penalty—
Maximum penalty—5 years imprisonment

Failure to make a report s229BC

It is a criminal offence when any adult in Queensland, including students who are 18 years or older, fails to report to the Queensland Police Service a reasonable belief that a child sexual offence is being or has been committed against a child by another adult without a reasonable excuse. A reasonable excuse not to make a report includes that a report has already been made under:

a) the *Education (General Provisions) Act 2006* (reporting sexual abuse or likely sexual abuse)

b) the *Child Protection Act 1999* (reporting significant harm or risk of significant harm).

Education (Queensland College of Teachers) Act 2005

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

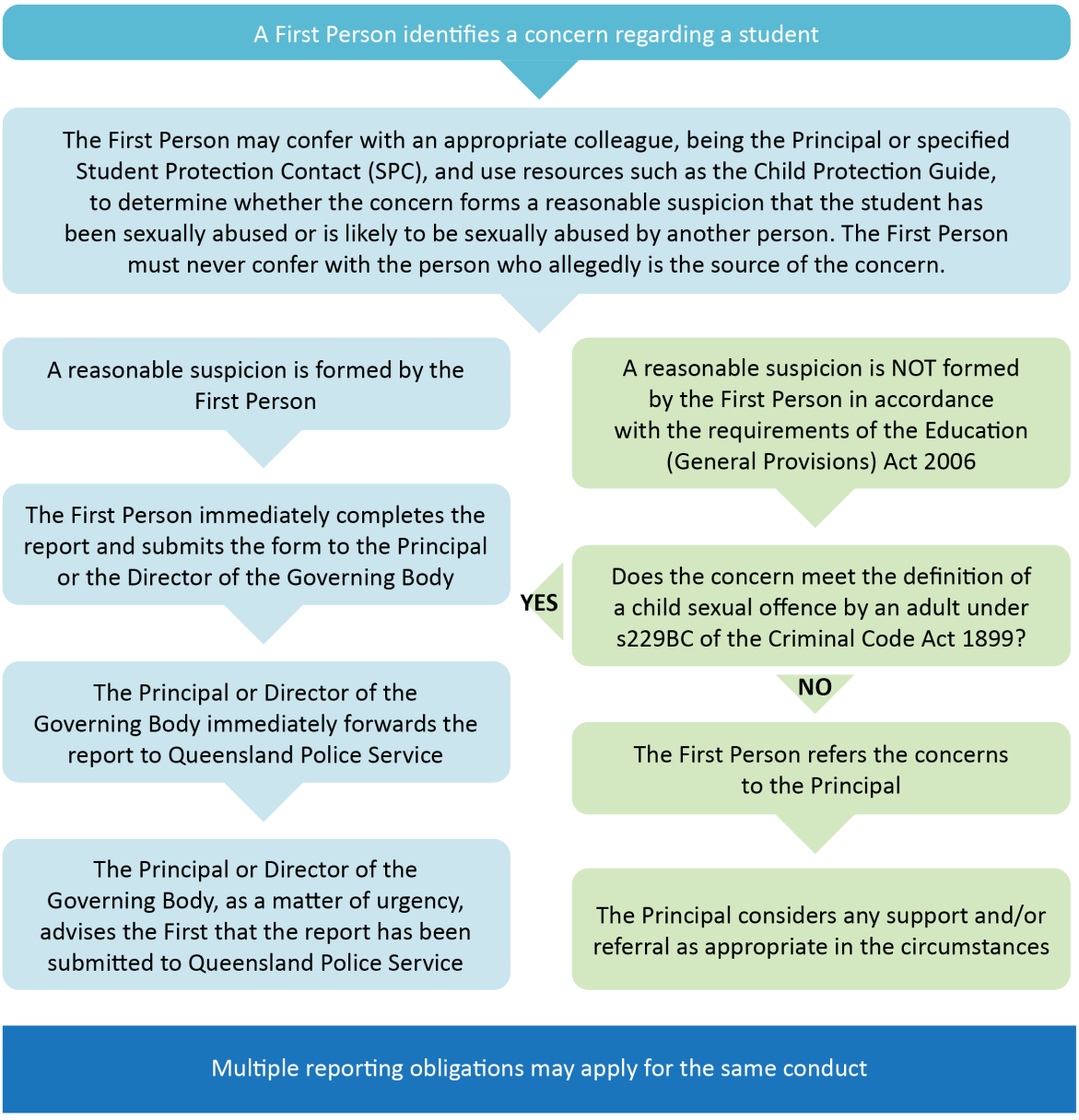
- about allegations of harm to a child because of the conduct of a teacher as soon as practicable, after commencing investigating the allegations (section 76)
- about the outcome of allegations of harm because of the conduct of a teacher where the teacher has been dismissed or resigned within 14 days (section 77)
- if the teacher has been dismissed in circumstances that call into question the teacher's competency as a teacher within 14 days (section 78).

Evidence Act 1977

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

Appendix 3 Reporting Sexual Abuse and Likely Sexual Abuse under the *Education (General Provisions) Act 2006*

Flowchart A

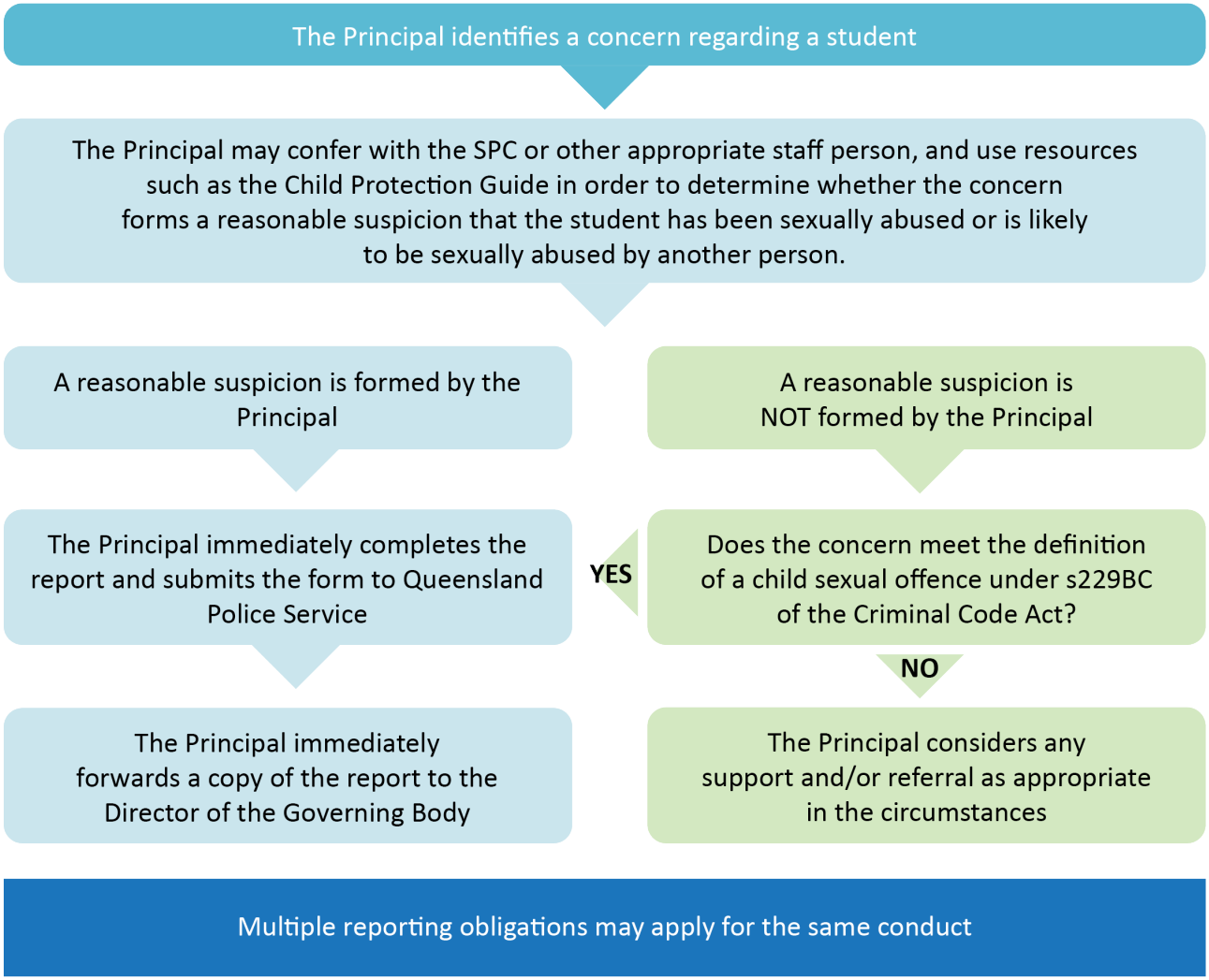


Important Notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused or has been the victim of child sexual offence perpetrated by an adult and may not have a parent able and willing to protect them, reporting to the Department responsible for Child Safety must occur. See Flowchart 3.

Reporting Sexual Abuse & Likely Sexual Abuse Where the First Person is the Principal

Flowchart B



Important Notice

If there is reasonable suspicion that the student has been sexually abused or is likely to be sexually abused and may not have a parent able and willing to protect them, reporting to the Department responsible for Child Safety must occur. See Flowchart C.

Reporting Significant Harm to Department Responsible for Child Safety under the *Child Protection Act 1999*

Flowchart C

A First Person identifies a concern regarding a student

The First Person may confer with an appropriate colleague, being the Principal and/or SPC and/or use resources such as the Child Protection Guide, in order to determine whether the concern forms a reasonable suspicion that the student has suffered, is suffering or is at unacceptable risk of suffering, significant harm and may not have a parent able and willing to protect the student from harm. The First Person must never confer with the person who allegedly is the source of the concern.

A reasonable suspicion is formed by the First Person

The First Person completes the report and submits the form to the Principal (or the Director of the Governing Body if the allegation is against the Principal)

The Principal or Director of the Governing Body immediately forwards the report to the Department responsible for Child Safety

The Principal or Director of the Governing Body advises the First Person as a matter of priority that the report has been submitted to the Department responsible for Child Safety

A reasonable suspicion is NOT formed by the First Person

The First Person refers the concerns to the Principal

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

Multiple reporting obligations may apply for the same conduct

Flowchart D

A First Person becomes aware of either a reportable allegation or reportable conviction

First Person* forms reasonable belief a worker has committed a reportable conduct (or misconduct that may involve reportable conduct or becomes aware of a reportable conviction involving a worker)

Following conferral, First Person immediately completes written report of the reportable conduct and submits to the Head of Entity (or their Delegate) or the QFCC if it related to the Head of Entity

Head of Entity **must** provide an initial report to the Queensland Family and Child Commission within three business days (unless longer period agreed with QFCC). If the First Person is the Head of Entity, the steps remain the same

Where the alleged person responsible for the reportable allegation or conviction is the Head of Entity

Following conferral, the First Person immediately completes the written report and the reportable allegation or conviction and submits to the Queensland Family and Child Commission

Governing body or Delegate to follow direction and oversight by the Queensland Family and Child Commission

Important Notice

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

Mandatory Responsibilities

If the First Person is a mandatory reporter under the *Child Protection Act 1999* (teachers, nurses, doctors, police officers, early childhood professionals, registered child advocates), and the reasonable suspicion is that the student has suffered, is suffering, or is at an unacceptable risk of significant harm caused by physical or sexual abuse and may not have a parent able and willing to protect the student from the harm (a reportable suspicion under section 13E of the *Child Protection Act 1999*), the mandatory reporter is responsible, as a matter of urgency, to ensure that the report has been submitted to the Department responsible for Child Safety, unless they become aware, or reasonably suppose, that the matter has already been brought to the attention of the authorities.

If the mandatory reporter forms a reportable suspicion and is not able to progress a report through the process detailed in the Flowchart above, they are able to meet their mandatory reporting obligation through reporting directly to Department responsible for Child Safety via the online reporting form: Make a Report to Child Safety.

Appendix 4 Reportable Conduct

Step	Stage of Process	Actor and Action
One	Incident	An worker (such as an employee, volunteer or contractor) becomes aware of conduct that might be a reportable allegation and forms a reasonable belief.
Two	Report to nominated person	The first person must report the alleged conduct to the person nominated to receive reports in their situation (e.g. Principal, Deputy Principal, student protection contact) who is the Head of Entity or their delegate.
Three	Assess initial allegation	The Head of Entity or their delegate (e.g. Principal or appropriate person) to identify and respond to any risks.
Four	Immediate action	The Head of Entity or their delegate (e.g Principal or appropriate person) must implement any mitigation strategies identified in the risk assessment that are immediately necessary to reduce risk.
Five	Notify QFCC	The Head of Entity or their delegate must notify the QFCC.
Six	Investigation	The Head of Entity or their delegate through the Catholic School Authority (or an appointed external investigator) will investigate the allegation. The investigator will write a report determining whether there should be a finding that Reportable Conduct occurred.
Seven	Report to QFCC	The outcomes of the investigation are formally reported to QFCC within 30 days of the allegation first being notified or an interim report is provided outlining progress and the reasons the investigation is not completed.
Eight	Corrective actions	The Catholic School Authority will coordinate support to the people affected, to appropriately manage the worker involved, and to eliminate or reduce the risk of further reportable conduct.

Appendix 5 Writing a comprehensive report of the concerns

Report categories	Tips
First Person	Name of person making report
Cause of concern	Refer to the Sections 3 and 4 of Student Protection Guidelines to determine the type of harm that you suspect
Subject children	Refers to the student/s but may also include other siblings you are aware of who may have experienced harm or risk of harm ○ Name of student/s ○ Age of student/s ○ Sex descriptor of the student/s ○ How to contact student/s (address where they usually live and name and address of the school)
School	Refers to the school the student attends
Child risk factors	Be as explicit as you can about what the behaviours or risk are that have been identified (Refer to Section 4 of the Student Protection Guidelines)
Parent/Carer/Household members	Speak with your Principal or the Student Protection Officer for the school to obtain this information
Awareness or suspicion of concerns	Detail how you are aware or how you formed your suspicion. Focus on the factual information you have and be specific. Avoid emotions and assumptions. What do you know?
Description of concerns	Detail the harm to which your suspicion or awareness relates. Focus on the factual information you have and be specific. Avoid emotions and assumptions. What do you know? Be specific.
What happened?	• Keep this factual. Use headings to break this down so it is easy to read and makes sense to you and the reader. • Explain the concerns you have identified and categorise if more than one, for example, physical harm, neglect, psychological harm. • Identify if in your assessment if there is a parent willing or able? This assessment should be made in consultation with the Principal (or a Director of the Governing Body if the Principal is involved in the allegations)
When did it happen?	Be as explicit as you can about when things happened.
Where did it happen?	Provide details about where you believe or know the harm occurred, for example at the family home.
Has the concern (or similar) occurred previously?	Document if you, your Principal or Student Protection Officer are aware of any previous concerns. You can seek this information through conferral and working with the Principal and or Student Protection Officer
Injuries to child	Be as specific as possible, for example “bruising noted all along the left side of the face, around the eye, cheek, and neck. Bruising including to the right forearm, approximately the size of an adults hand. The bruising was purple and black in colour, with a hint of yellow.”

Immediate safety concerns	This asks you to identify immediate safety concerns and involves identifying if the student is currently at an unacceptable risk of harm. This again draws on your professional judgement and the information you have obtained. *For example, Adrian hinted that his father caused his injuries to his face and neck. Adrian stated his mother had told him to say he fell when at the skate park. Adrian's father lives at the family home and will have full access to him. No medical attention was sought by Adrian's father or mother.*
Observations of the child	Describe the student's behaviour, how did they respond when you spoke with them? Have there been any patterns or concerns that you have noticed, for example, a decline in grades or the student becoming more withdrawn. Be specific.
Unborn child	Document if to your knowledge there an unborn child in the home that you know of who may be at unacceptable risk of harm.
Alleged person responsible for the abuse/harm	From your observations or information, who is the alleged person causing the abuse/harm? Provide as many particulars as possible about their identity. For example, *Adrian's father.*
Persons with more information	Include the name of any adults who may have additional information. Do **not** ask parent/carer for information if they are, or you reasonably suspect they are the alleged source of abuse or neglect.
Actions taken by staff member	List what actions you or other staff members have taken in response to the concerns. For example, *Consultation with Guidance Counsellor Ms Smith on 20/6/23 to provide emotional support to Adrian; Consultation with Student Protection Contact Ms Habib and Principal Ms Ying on 20/6/23. Child Protection Concern completed on 20/6/23 and submitted at 4.30 pm.*
Prior discussion with parent/carer(s)	Document any discussions you may have had with the parent/carers about the concerns. Importantly do **not** ask the parent/carers for information if they are the alleged person responsible for the abuse or harm. If this is the case specify this in the ROC.
Parent/carer(s) risk factors	Record any parental/carer risk factors you are aware of. Your Principal or Student Protection Officer may have additional information or provide assistance. Be as specific as you can.

Appendix 6 Frequently Asked Questions

Frequently asked questions: Identifying harm or abuse

What is my responsibility once I have become aware of abuse, harm, or alleged staff inappropriate behaviour by a staff member towards a student?

Your responsibility is to take every concern seriously and gather sufficient information to help you identify if there is a reasonable suspicion of abuse, harm, or alleged staff inappropriate behaviour or a reasonable belief of reportable allegations. From there, follow the Framework set out in this document of Identify, Confer, Report and Support.

What is the difference between gathering information and investigating?

Gathering information is the process of seeking more information to determine if you have reasonable grounds to suspect abuse, harm, or alleged staff inappropriate behaviour towards a student (see definition at Appendix 1). You can do this by speaking to the student and conferring with the Principal and/or the Student Protection Officer sat your school. You do not have to determine if the concerns are true or false.

Who has responsibility for investigating?

Investigation may be undertaken by the appropriate authorities, the Department responsible for Child Safety and the Queensland Police Service. Where appropriate, the Principal or Governing Body may determine to investigate a matter. The Principal, Student Protection Officer can help guide you about the boundaries of responsibilities.

If in doubt, can I talk with the alleged person responsible for the abuse or harm just to confirm?

No, the safety and wellbeing of the student is your priority, this means ensuring your focus is on safeguarding them. Talking with the alleged person responsible can place the student in greater risk, and potentially obstruct the investigation by the relevant authorities.

Conferral regarding harm or abuse or alleged staff inappropriate behaviour towards a student

What happens if during the conferral process, there is disagreement between the First Person and the Principal?

Seek another point of conferral, this should include the Student Protection Officers Director of Governing Body or delegate.

Does conferral involve talking to the alleged person responsible for the abuse or harm?

No, the safety and wellbeing of the student is your priority, this means ensuring your focus is on safeguarding them. Talking with the alleged person responsible for the abuse or harm can place the student at greater risk, and potentially obstruct an investigation by the relevant authorities.

Does conferral involve talking with the student's parent/carer?

It is always advisable to confer with the Principal, and/or Student Protection Officer in the first instance to determine if there is a parent willing and able to safeguard the student.

When can I advise the parents/carers?

Parents/carers are an important support in student's lives, and we acknowledge the importance of working with and supporting them to support their children. However, an assessment must be made about the safety of the student. Therefore, confer with appropriate personnel to determine if and when to advise parents/carers.

Reporting harm or abuse

As a Teacher what is my responsibility?

Teachers are mandatory reporters and have a duty to report any concerns of abuse/harm to a student as per these processes.

As a Principal what is my responsibility?

In addition to being a mandatory reporter, Principals have responsibility for ensuring the processes set out in this document are followed.
Principals are responsible for maintaining a culture of safety and have a duty to report any concerns of harm to a student as per these processes.

As a staff member what is my responsibility?

All staff members are responsible for safeguarding students, this includes identifying and responding to concerns about abuse, harm or alleged staff inappropriate behaviour and ensuring the processes in this document are followed, including reporting.

As a volunteer/other personnel what is my responsibility?

You are still responsible for following the process of identifying and conferral with the Student Protection Officers. The Student Protection Contact at your school will then facilitate reporting the concerns if necessary.

What happens if the online form is not available?

Where there are IT issues, you must still report without delay. This will involve:

- Making a verbal report to the relevant authority as a matter of priority
- Writing out the report using the headings specified in this document
- Following up with completing the report and submitting this.

What happens when the Principal is not available?

Do not delay. Remember the safety and wellbeing of the students is of paramount importance.
Every school has a designated delegate, you must confer with this person and follow the reporting procedures.

What happens if I don't have time to make the report because I am teaching or busy?

Prioritising the safety and wellbeing of the student is the priority.
The First Person can seek support from the Principal and or Student Protection Officers to ensure they have the time to Confer, Report and Support.
The First Person should be provided with support that may include having someone else take over their teaching responsibility or other duties.
Remember it is of paramount important to not delay.

What happens if it is an emergency?

- Immediate safety concerns require immediate attention, do not delay, and Call 000 and speak with the relevant authority, for example The Queensland Police Service or the department responsible for Child Safety.
- In a medical emergency contact 000 and ask for an Ambulance.

What happens if I am worried about a student, it is Friday afternoon, and I cannot find an appropriate person to confer with?

- If you cannot locate any appropriate member of staff as outlined in this document, you can contact the department responsible for Child Safety Regional Intake Service or Child Safety After Hours Service, or Queensland Police Service and confer.
- In the case of any sexual abuse or other related harm where there has been a possible criminal offence, for example domestic and family violence, immediately contact the Queensland Police Service and confer with them.

Supporting students

What is my responsibility in supporting a student?

The wellbeing of our students is our priority. This means making sure that we provide whatever emotional, physical, and medical support is necessary. Confer with the Head of Campus/ Principal about the best way to do this.

Do I need to do anything else after I have reported the harm or abuse?

Yes, your responsibility does not end with the report. Remember we need to ensure the wellbeing of the student; this means considering whether they need to be linked with support services such as counselling or other specialised supports. Always confer with the Head of Campus/ Principal about the best way to do this.