

## Annexure "O"



CATHOLIC EDUCATION OFFICE  
DIOCESE OF TOOWOOMBA

Phone	(07) 4637 1400	PO Box 756
Fax	(07) 4637 1499	73 Margaret Street
ABN	88 934 244 646	TOOWOOMBA Q 4350

...et iustitiam, lova iustitiam, walk humbly with your God. Micah 6:8

JB:KS:716.1

27 May 2009

Dear Staff Member,

The purpose of my letter to you today is to ensure that you are fully informed about your rights and responsibilities in relation to Student Protection. The safety and wellbeing of all students in our schools is of paramount importance and I support and affirm all your efforts to ensure that the school environment contributes to successful learning experiences for everyone in the school community.

The contents enclosed are drawn from the "Student Protection and Risk Management Kit" which is available in all schools, both as a hardcopy and electronic version. I draw your attention particularly to Section 1.5 Rights and Responsibility of Staff Members (page 6 and 7 of 16).

Your attention to matters of student safety is mandatory and thus I write to reiterate the requirements to:

- be alert to the signs which could indicate that a student is being harmed in some way,
- develop basic skills in knowing how to respond to a disclosure by a student of some form of harm,
- be familiar with the procedures in the Student Protection Manual, in particular those contained in Part 1 and Part 2 of section 2.

If you require further professional development to understand your responsibilities then please request it through your Principal. Should you have queries that your Principal or Student Protection Contact cannot answer then forward your questions or concerns to the Senior Education Officer for your school. The Assistant Director: Staff and School Development and myself would also welcome your questions should none of the above personnel be available. Feel free to print off extra copies of the manual should you require them.

Thank you for your participation in the Student Protection Inservice being offered this year and also for your commitment to the safety and well being of your school community.

Yours sincerely

John Borserio  
Director

QCEC Manual – Student Protection  
Section 1 of 6 - Framework

### 1.5 Rights and Responsibility of Staff Members

All staff members have a responsibility to make either their own concerns re harm caused to a student or to refer the complaint of a student to a person who can take the appropriate action. See Section 2 Part 1. In the case of awareness of or reasonable suspicion of another school-based employee having sexually abused a child attending the school, there is a mandatory reporting requirement under 146B of the *Education (General Provisions) Act 1989*. Ignoring obligations under this requirement can carry a legal penalty. While this Manual sets out procedures (Section 2) that will assist staff in fulfilling their obligations, nothing that is contained in the Manual should prevent any member of staff taking immediate action to notify the Police or Department of Child Safety if they believe it is essential to act without even minimal delay. They have every right to act in the way that they believe will be in the best interests of the student concerned. However, they will promote justice to all concerned if they also fulfil the requirements of the procedures in this Manual.

The staff member may also need to respond appropriately to a disclosure made by a student, especially when the student specifically states that they do not want any action to be taken. In these instances the staff member is advised to consult the Student Protection Officer directly or through the Principal or other Student Protection Contact before registering the concern, but must act quickly so that a delay does not further endanger the student. If the concern requires mandatory reporting there is no justification for delay, and this might also be the case where real or alleged criminal behavior is involved. Similarly, any staff member could become aware of behavior of another staff member (or volunteer) that breaches professional standards or a relevant code of conduct even if it is not known to be criminal or that actual harm has been done. This too should be reported according to the procedures.

The Manual provides for students to have avenues for making known their concerns regarding what they see as inappropriate behavior by member of staff or volunteer.<sup>7</sup> The school will take steps to ensure students know what to do in these circumstances (see Section 5 of this Manual), but any member of staff to whom they make known concerns of this type must also accept responsibility for making sure that appropriate action is taken.

The *Education (Accreditation of Non-State Schools) Regulation 2001 (10.4)* requires that in each educational facility there are two persons named by the Catholic School Authority to whom a student may report behavior of a staff member that the student considers is inappropriate.

---

<sup>7</sup>Schools must provide specific avenues and see that students are aware of them. See article 10(3) and (4) of the *Education (Accreditation of Non-State Schools) Regulation 2001*. And 1.7 of this Manual.

QCEC Manual – Student Protection  
Section 1 of 6 - Framework

In this document these persons are referred to as Student Protection Contacts<sup>8</sup> and their role is extended so that they can receive and act upon most concerns regarding harm to a student or the professional conduct of a staff member<sup>9</sup>. The persons named as Student Protection Contacts will most often be the Principal and one other such as a member of the leadership team or Counsellor. See Section 1.8 of this manual for arrangements in a specific facility. The assumption will be made throughout this manual that the Principal is one of the Contact Persons named. It is the responsibility of Student Protection Contacts to ensure that any allegation or concern is dealt with according to these procedures. However, it is the responsibility of all staff, and teachers in particular to:

- be alert to the signs which could indicate that a student is being harmed in some way;
- develop basic skills in knowing how to respond to a disclosure by a student of some form of harm;
- be familiar with the procedures in this Manual, in particular those contained in Part 1 and Part 2 of Section 2.

It follows that staff have the right to expect that provision will be made for them to be inserviced in their rights and responsibilities where knowledge or reasonable suspicion of harm to students is involved. See sections 4 and 5 of this manual for information and in-service arrangements.

The *Education (General Provisions) Act 1989 Sub-section 146B (5)* outlines protection for a person fulfilling their obligation to report sexual abuse of a student under 18 years attending a non-State school. It states that the person "is not liable, civilly, criminally or under an administrative process, for giving the information contained in the report to someone else." Similarly, in cases of allegations of harm caused by parents/caregivers the *Child Protection Act 1999* (Sections 22, 186) provides for both protection of citizens who make voluntary notifications, and the confidentiality of information supplied by the person making the notification. (It is the responsibility of the Principal and Catholic School Authority to respect the wish of a person making a report to maintain anonymity and confidentiality). Where a teacher attends court, anonymity cannot be preserved.

---

<sup>8</sup>See article 10 (4) of the Regulation. If the Principal is not a Student Protection Contact, he or she should be kept informed by the Contacts of any allegation and the progress being made in addressing it. The only exception is where the allegation is made against the Principal or the Principal is implicated in some way. In this instance the Student Protection Contact immediately notifies a Director of the School's Governing Body.

<sup>9</sup>The exception to this is that the *Education and Other Legislation (Student Protection) Amendment Act 2003 Part B, 146B* requires mandatory reporting of knowledge or reasonable suspicion of sexual abuse of a student under 18 years where the abuse is by an employee of the school. In this case the law requires that the report be made directly to either the Principal or a Director of the School's Governing Body.