

Primary and Secondary Principals' Meeting 10 February 2012: Student Protection Updates



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Diocese of Toowoomba



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Session Overview

1. Changes to mandatory harm reporting legislation in 2012
2. Blue Card requirements for schools
3. Child and Youth Risk Management Strategy Review
4. Code of Conduct Review



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Current reporting legislation

- Section 366 of the *Education (General Provisions) Act 2006* mandates the reporting of sexual abuse of a student by an employee
- Section 68 of the *Education (General Provisions) Regulation 2006* mandates the minimum content of these harm reports
- Section 10 of the *Education (Accreditation of Non-State Schools) Regulation 2001* mandates that Non-State Schools must have:
 - A process for reporting inappropriate behaviour by a staff member
 - A process for reporting any harm to a student by any person
 - At least two persons to whom a student can report inappropriate behaviour by a staff member (our School Student Protection Contacts)



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Amendments to reporting legislation

- The recent Education and Training Amendment Act 2011 has introduced new reporting obligations for employees, which will come into effect on 9 July 2012
- The *Education (General Provisions) Act 2006* will mandate that employees must complete a harm report if they reasonably suspect a student is **likely to be sexually abused by another person**
- These changes essentially mandate our existing practices



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Amendments to reporting legislation

The Act will provide the following guidance:

“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.”

Education and Training Legislation Amendment Act 2011, s.7



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Amendments to reporting legislation (contd.)

- A training package for employees around these changes will be developed and distributed **prior** to the new legislation coming into force
- This training will include case scenarios and reporting processes
- Reporting forms will also be amended to reflect the changes



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Blue Card requirements for schools

- Employees and volunteers working with children must have a current Blue Card, unless exemptions apply (for example Registered Teachers and Registered Health Practitioners)
- New employees must either have a current Blue Card, or have **lodged** an application (evidenced by a fax receipt or receipt from the Commission) **before** starting work
- Volunteers must have a Blue Card **before** starting their volunteer work



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Blue Card requirements for schools (contd.)

Renewals:

- Employees and volunteers are sent a renewal notice 16 weeks before the expiry of the Blue Card. **The school may not receive a copy of this renewal notice.** Employees must therefore keep their personal information current with the Commission
- **Employees** must lodge the renewal before their Blue Card expires to continue to work with children whilst waiting for their new card
- **Volunteers** must lodge the renewal **30 days** before their Blue Card expires to continue to work with children whilst waiting for their new card



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Blue Card requirements for schools (contd.)

Blue Card Registers

- Currently, each school must have and maintain their own Blue Card Register
- **CEO** maintains a register of all employees who require a Blue Card, and relies on information from the schools
- Schools will be e-mailed on a monthly basis to advise Principals of employees and volunteers who have expired Blue Cards, or that they are about to expire. It is the **Principals** responsibility to follow this up.



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Blue Card requirements for schools (contd.)

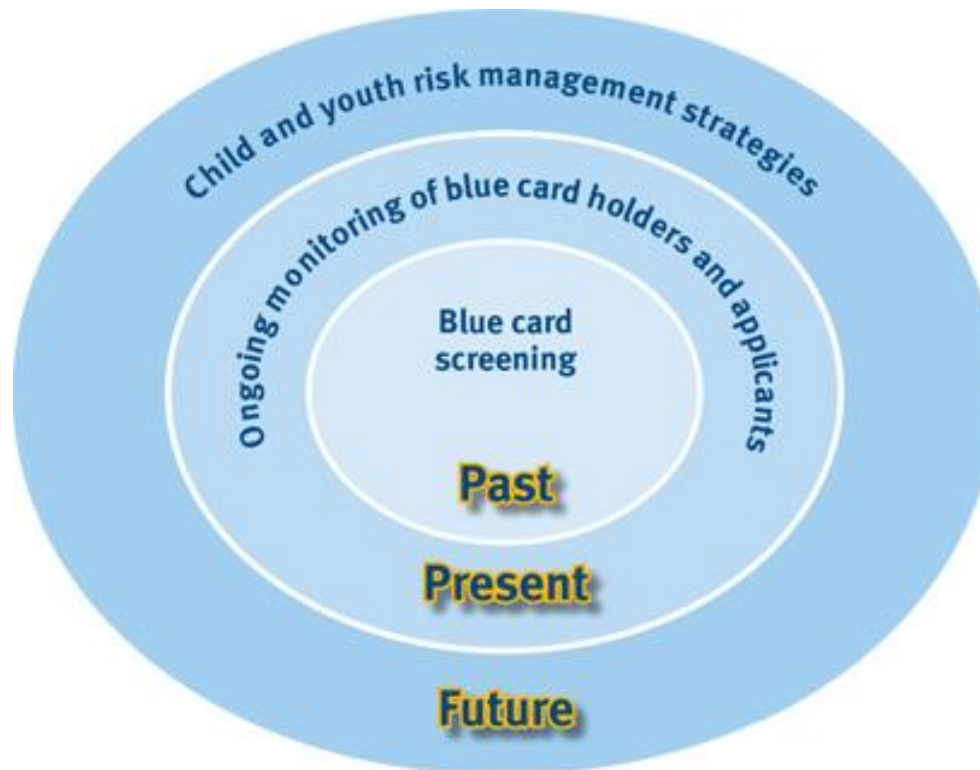
- There are obligations for both the employee/volunteer and the employer around maintaining currency around Blue Cards – eg completing a *change in police information form*
- **Penalties apply to both employees/volunteers and employers if individuals work with children without a current Blue Cards**
- Intermittent volunteers and relief staff should maintain a current Blue Card, to avoid delays and situations where these individuals cannot undertake their duties
- The cost of the application (currently \$72.50) is the responsibility of the **employee**, and Blue Cards are **free for volunteers**



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Review of the Child and Youth Risk Management Strategy





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Review of the Child and Youth Risk Management Strategy

- As part of the Blue Card System, the Commission for Child and Young People and Child Guardian require that organisations carrying out regulated employment have a *Child and Youth Risk Management Strategy*
- The Diocesan Child and Youth Risk Management Strategy was previously part of the Student Protection Manual, however the review of the Student Protection Policy and Procedure separated out the risk management strategy
- The Child and Youth Risk Management Strategy must be reviewed every 12 months



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Review of the Child and Youth Risk Management Strategy

- The goal of the review is to clarify the practical requirements for schools under the Child and Youth Risk Management Strategy, and make it easier to access
- The impact of the review outcomes on schools will be low, and will primarily relate to how planning and risk management occurs for “high risk activities”
- Further updates will be forthcoming



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Code of Conduct Review

- Reminder that the Code of Conduct Review is underway
- All feedback is encouraged, and is requested from schools by **20 February 2012**
- Consultation with external stakeholders, and obtaining legal advice, will be a key component of the review
- The goal is to have a useful, practical resource for schools