

Section 3 Appendix 4



Catholic Education Office Diocese of Toowoomba

Student Protection In-service Overview for Staff

(In-service developed by School Counsellors: Christine Meneely and Shauna Green, with information provided by Bev Patterson, St Francis Xavier Province)

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STUDENT PROTECTION

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WHY WE NEED TO ATTEND THE IN-SERVICE

The purpose of the in-service is to ensure that persons working in Catholic schools:

- Understand the different forms of child and youth related 'harm'
- Know how to recognise 'harm'
- Know what an appropriate adult-student relationship is
- Know the reporting obligations of school staff when child/youth related 'harm' is suspected, alleged or disclosed.
- Know the statutory requirements of the:-
 - Education (Accreditation of Non-State Schools) Act and Regulation 2001
 - Education (General Provisions) Act 1989 Amendment 2003
 - Educators' Teacher Registration Act 1993
 - Commission for Children and Young People and Child Guardian Act 2004

Other obligations: *Towards Healing: Principles and Procedures in response to complaints of abuse against personnel of the Catholic Church of Australia*, December 2000, Amendments May/June 2005.

ACCREDITATION OF NON-STATE SCHOOLS

Part 2 - *Accreditation Criteria of the Education (Accreditation of Non-State Schools) Regulation 2001* prescribes accreditation criteria relevant for a school's accreditation as mentioned in section 9 of the Act.

S 10 (2) the school must have written processes about the appropriate conduct of its staff and students, that accord with legislation applying in the State about the care or protection of children.

(3) The processes must include

- a) a process for the reporting by a student to a stated staff member of behaviour of another staff member that the student considers is inappropriate; and
- b) a process for how the information reported to the stated staff member must be dealt with by the stated staff member.

ACCREDITATION OF NON-STATE SCHOOLS (Cont'd)

S 10 (4) For the process mentioned in subsection (3) (a), there must be stated at least 2 staff members to whom a student may report the behaviour

(5) Also, without limiting subsection (2), the processes must include the following:

- (a) a process for reporting sexual abuse or suspected sexual abuse in compliance with the *Education (General Provisions) Act 1989, section 146B*;
- (b) a process for -
 - (i) the reporting by a staff member, to the school's principal or another person nominated in the process, of harm that

ACCREDITATION OF NON-STATE SCHOOLS (Cont'd)

- (A) the staff member is aware or reasonably suspects has been caused to a student who, when the harm was caused or is suspected to have been caused, was under 18 years; and
- (B) is not harm to which the process mentioned in paragraph (a) applies; and

(ii) The reporting by the principal or other person, to a relevant State Authority, of the harm or suspected harm if the principal or other person also is aware or reasonably suspects the harm has been caused.

(6) The processes must -

- (a) be readily accessible by the staff and students; and
- (b) provide for how the staff and students are to be made aware of the processes.

(7) The school's governing body must be able to demonstrate how the school is implementing the processes.

DEFINITIONS OF CHILD AND YOUTH RELATED 'HARM'

OBLIGATION TO REPORT SEXUAL ABUSE OF STUDENT UNDER 18 years ATTENDING NON-STATE SCHOOL.

s 14.146B - Education (General Provisions) Act 1989.

(1) Subsection (2) applies if a staff member of a non-State school (the "first person") becomes aware, or reasonably suspects, that a student under 18 years attending the school has been sexually abused by someone else who is an employee of the school.

IT IS AN OFFENCE TO FAIL TO COMPLY WITH REPORTING REQUIREMENTS. - \$1500 penalty.


It is important that a written report by the "first person" of suspected sexual abuse or disclosure of harm of a sexual nature to a student by a staff member be immediately made to the Principal who will immediately notify the police and give a copy of the Report to a police officer.

TOWARDS HEALING

The Towards Healing document is a protocol of the Catholic Church in Australia outlining processes to be followed when a complaint of physical, psychological or sexual abuse is made against a person working for the Catholic Church. The process applies to all personnel, including permanent, part-time, casual and volunteer staff in parishes and religious and addresses past and present allegations of abuse.

Queensland Professional Standards Resource Group means a group of men and women of diverse backgrounds, skilled in areas such as child protection, the social sciences, law and Church law and industrial relations whose mandate is to act as adviser to all Church bodies in the State in matters concerning professional standards. Members of the Resource Group are appointed by the bishops and leaders of religious institutes.


Director of Professional Standards means a person appointed by the Bishops and Leaders of religious institutes for each State to manage the process in relation to specific complaints of abuse against personnel of the Catholic Church of Australia.



Definition - 'Harm'

Harm to a student is any detrimental effect of a significant nature on the student's physical, psychological or emotional well-being by any person other than a confirmed accidental harm not involving negligence or misconduct. Harm to a student includes minor harm that is a continuing nature that would result in a detrimental effect of a significant nature if the student is allowed to continue. Harm can be caused by among other things:

- physical, psychological or emotional abuse or neglect
- Sexual abuse or exploitation (including internet misuse and pornography)
- Domestic or family violence
- Student bullying
- Self-harm



EMOTIONAL ABUSE


Emotional Abuse is behaviour by a parent or caregiver or another person responsible for the child or youth that can destroy the confidence of the youth resulting in significant emotional deprivation or trauma.

It involves:

- Impairment of a child or youth's social, emotional, cognitive and intellectual development and/or disturbance of a child or youth's behaviour.

Examples of emotional abuse include

- Constant criticism
- Belittling and teasing
- Ignoring or withholding praise and affection
- Public humiliation
- Inappropriate isolation of a student at school
- Scapegoating and
- Constant yelling



NEGLECT

Neglect is the continued failure by the parent or caregiver or another person responsible for a child or youth to provide her or him with adequate nutritious food, clothing, shelter, supervision, and the protection needed for the child or youth's optimal growth and development. An extreme form of neglect is abandonment. Failure to provide access to medical and dental care and educational opportunities may also be deemed as neglect. Child neglect occurs where a child is harmed by the failure to provide the basic physical and emotional necessities of life.

SEXUAL ABUSE

Sexual abuse can take many forms, from sexual jokes, inappropriate conversation, inappropriate unethical use of internet (e.g. pedophilia networks and procuring a child or youth over the internet) and pornography to procuring a child or youth to sexual touching and sexual acts. It includes exposure, fondling, voyeurism and exhibitionism as well as sexual intercourse, incest and child prostitution.

It takes place between a child or youth and a person who is the same age or older, or has power, authority or control over the child or youth. This authority allows the older person to use force, trickery, emotional bribery or blackmail or other emotional pressure. It could also involve seduction, misuse of power and distortion of adult-child relationships.

DEFINITIONS OF CHILD AND YOUTH RELATED 'HARM'

Definition – Physical Abuse

Physical Abuse refers to non-accidental injury to a child or youth by a parent, caregiver or another person responsible for the child or youth.

It includes injuries which are caused by excessive discipline, including bruising, fractures, dislocations, severe beatings or shakings, lacerations or welts, biting or grabbing sufficiently to leave marks, throwing a child, attempted suffocation or strangulation.

It could also include practices such as giving extra tasks to children as 'punishment', especially if they are already tired, since this could be dangerous to their health. The administration of illegal or inappropriate drugs and medications that may affect a child or young person's physical or psychological development is another example.

DUTY TO INFORM THE BOARD OF TEACHER REGISTRATION

Schools have a duty to inform the Board of Teacher Registration if a Teacher is dismissed or resigns as a result of the employer investigating allegations that the teacher's conduct harmed or could have harmed a child or youth (Education and Other Legislation (Student Protection) Amendment Act 2003 s.44A). The Commission for Children and Young People have the power to reassess a non-teaching staff member's suitability to work with children on the basis of fresh information, such as a notice from the Police that the person has been charged with an offence.

DEFINITION OF 'HARM'

'Harm' caused to a child or youth is any detrimental effect of a significant nature on the child or youth's physical, psychological or emotional well-being by any cause, other than confirmed accidental harm not involving negligence or misconduct. 'Harm' to a child or youth includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the child or youth if allowed to continue. 'Harm' can be caused by amongst other things:

physical or emotional abuse or neglect; or
sexual abuse or exploitation.

Based on the *Child Protection Act 1999*,
Department of Education Manual
HS 17 - Student Protection, p. 101

DEFINITION OF 'Student'

'Student' is any person, regardless of age, enrolled in a School.

The term 'child' refers to an individual under 18 years of age.

OBLIGATIONS

Catholic Church Authorities in Queensland are obligated to govern all of their schools in a manner that fulfills legal and church obligations and responsibilities, including:

Child Protection Act 1999
Commission for Children and Young People Act 2000 (new Bill recently passed to take effect in January 2005)
Education Act, regulation of Non-State Schools Act and Regulation 2001
Education and Other Legislation (Student Protection) Amendment Act 2003
Education (General Provisions) Act 1989
Education (General Provisions) Amendment 2003
Education (Teacher Registration) Act 1988
Towards Healing: Principles and Procedures in responding to complaints of abuse against personnel of the Catholic Church of Australia, December 2000
Amendments May-June 2003
The Code of Canon Law
The Constitutions and Statutes of the Congregation

OBLIGATIONS cont'd

Other Obligations arise from:

Relevant Professional Standards and Codes of Ethics
Relevant Catholic Church Documents such as *Integrity in Ministry*
Relevant Policies particularly Privacy and Screening
QCC Manual - Student Protection: Creating Student Safety in Communities of Care
UN Charter of the Rights of the Child.

DEFINITIONS OF CHILD AND YOUTH RELATED 'HARM'

LEGISLATIVE OBLIGATIONS ARISING FROM ABUSE ISSUES

Alerted to Issue

Any member of Council who is alerted to an issue of abuse arising from a child or young person must report the issue to the relevant authority.

Mandated Action

Staff members **must** report any alleged or suspected child abuse to the relevant authority. This includes:

- Police
- Police Child Abuse Liaison Officers
- Police Child Protection Officers
- Police Child Welfare Officers

For a complete list of reporting requirements, please refer to the **Code of Practice for Child Protection**.

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LEGISLATIVE OBLIGATIONS

Alerted to Issue

A staff member becomes alerted to a child or young person who has been or who may be the subject of an investigation into alleged child abuse.

Required Action

Staff members **must** report the matter to the relevant authority. This includes:

- Police
- Police Child Abuse Liaison Officers
- Police Child Protection Officers
- Police Child Welfare Officers

For a complete list of reporting requirements, please refer to the **Code of Practice for Child Protection**.

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LEGISLATIVE OBLIGATIONS

Issue

Employing authority becomes alerted to an issue of abuse arising from a child or young person who has been or who may be the subject of an investigation into alleged child abuse.

Required Action

Employing authorities **must** report the matter to the relevant authority. This includes:

- Police
- Police Child Abuse Liaison Officers
- Police Child Protection Officers
- Police Child Welfare Officers

For a complete list of reporting requirements, please refer to the **Code of Practice for Child Protection**.

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LEGISLATIVE OBLIGATIONS

Issue

Non-student employee or volunteer notices employer that they are the subject of an investigation into alleged child abuse.

Required Action


Employer must not continue to employ the person without appropriate notice (three and/or further suitability notice about the person).

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ALLEGED 'HARM'

Alleged 'harm' might be caused by:

- a person working within the school
- a fellow student at the school
- someone external to the school, such as a parent, extended family, or family of danger, and
- the student himself or herself, such as self-harm



Requirements in relation to reporting are set out in Province Policy 2 – Child and Youth Protection Policy, October 2004.

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HISTORICAL ABUSE ALLEGATIONS

Alerted to Issue

Staff member is alerted to a complaint of historical child related abuse against personnel of the Catholic church in Australia.

Required Action

The person receiving the complaint does **not** enter into any discussion concerning the matter with the complainant nor take any further action.

The complainant is referred to the **Local Helpline** 1800 437 928.

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DEFINITIONS OF CHILD AND YOUTH RELATED 'HARM'

CHILD SAFE ENVIRONMENT

Creating a child safe environment is a challenging responsibility that involves participation by everyone working with children and youth.

- R** Risk management strategies are in place
- I** A Child and Youth Protection Policy is not only written but is acted on
- S** Boundaries for staff are made clear - Code of Conduct
- P** Clear recruitment, selection and screening procedures are in place
- O** Staff are supported
- N** There are clear procedures for managing allegations of child abuse and professional misconduct
- T** Education and training is provided for staff and volunteers. Students are educated in protective behaviours



RECEIVING / CONCERN, ALLEGATION OR DISCLOSURE


The person receiving the concern allegation/disclosure of child and youth related 'harm' will:

- LISTEN** not so much to get details as to comfort and support the child or youth
- REASSURE** the child or youth that she/he has done nothing wrong or someone
- PROMISE** only to help, never promise to keep the information a secret
- EXPLAIN** to the child or youth that in order to get help you will need to speak to someone who can give you advice

RECORD KEEPING

DO

- Record the details of an disclosure/allegation that has been made and/or development concern
- Write exactly what has been observed or heard and/or what they said if you said any questions you asked, any comments you made
- Record the name of the child or youth and exactly the words that were said and recorded
- Record the date and time that must be recorded as soon as possible
- Record your actions following the disclosure or concern
- Record the identifying information regarding the alleged perpetrator
- Record the name, age, and address of the child or youth harmed
- Record the location when the child or youth disclosed the information or observation that raised your concerns
- Record who was present when the child or youth made the disclosure or the observation was made




RECORD KEEPING cont'd

DO


- Use plain language that is clear and easy to understand
- Record your own name and initials
- Sign and date all records
- Record the name of the person or entity that contacted. Do not record the name of the person or entity that contacted you if you are not sure of the name of the person or entity that contacted you. Use the name of the person or entity that contacted you.

DO NOT

- Use derogatory terms about what was observed or heard
- Interpret what was observed or heard
- Use emotive terms



EVIDENCE



- If a staff member has knowledge that is considered relevant, they are usually requested to give evidence voluntarily, but normally a subpoena will be used.
- If a subpoena requiring a person to give evidence, stating a time and place, is served, it must be obeyed.
- Any records or reports relating to child related 'harm' can be subpoenaed for evidence and in such incidences must be obeyed.

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DEFINITIONS OF CHILD AND YOUTH RELATED 'HARM'